ROBERT J. ALDRICH, III

SHAREHOLDER

AREAS OF PRACTICE

Health Care Liability
Long-Term Care Liability

CONTACT INFO

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ADMISSIONS

Pennsylvania
2013

U.S. District Court Middle District of Pennsylvania
2013

Supreme Court of Pennsylvania
2013

U.S. District Court Eastern District of Pennsylvania
2018

New York
2020

U.S. District Court Northern District of New York
2021

EDUCATION

Thomas M. Cooley Law School
(J.D., magna cum laude, 2013)

The Pennsylvania State University
(B.S., 2009)

OVERVIEW

As a member of the Health Care Department, Rob devotes his practice to defending healthcare professionals and institutions against malpractice liability claims in both Pennsylvania and New York. Rob also has extensive experience defending trucking and transportation companies in auto liability matters.

Rob's clients appreciate his deep personal investment in each case. He is a persuasive writer, efficient litigator and practical thinker, leading to effective and pragmatic defense strategies. Rob also has extensive knowledge of the judicial system, enabling him to analyze cases from the court's perspective.

Rob is an active member of the legal community and serves as an at-large board member of the Pennsylvania Defense Institute. He is also an active speaker and author on topics including management of health risk and claims, electronic medical records, audit trails and long-term care.

Rob graduated *magna cum laude* from Western Michigan University Thomas M. Cooley Law School. He obtained his undergraduate degree from the Pennsylvania State University and is a diehard Nittany Lion. Prior to beginning his career as a litigator, Rob completed judicial clerkships with the Supreme Court of Pennsylvania and the Monroe County Court of Common Pleas.

HONORS & AWARDS

The Best Lawyers: Ones to Watch®, Health Care Law and Medical Malpractice Law - Defendants
2021-2024

ASSOCIATIONS & MEMBERSHIPS

Pennsylvania Defense Institute, At-Large Board Member

YEAR JOINED

2016

THOUGHT LEADERSHIP

Forum Non Conveniens Motion Prevails Despite Recent Venue Rule Change

Scranton
Health Care Liability
March 13, 2024
On January 1, 2023, the Supreme Court of Pennsylvania unraveled a 20-year venue rule applicable to medical professional liability cases. Legal Updates for Health Care Liability – March 13, 2024, has been prepared for

Attention All Shoppers! There Is a Blue Light Special on Forum Selection in Pennsylvania Medical Malpractice Cases

Scranton
Health Care Liability
Long-Term Care Liability
September 1, 2023
Key Points: Defense Digest, Vol. 29, No.

Marshall Dennehey Announces 2023 Shareholder Class - Largest in Firm's 60-Year History

December 8, 2022
Marshall Dennehey is pleased to announce that 20 attorneys, 12 men and eight women, have been elevated to shareholder effective January 1, 2023.
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Three Marshall Dennehey Attorneys Selected 2022 “Lawyers of the Year” and 67 Attorneys Recognized Overall in the 2022 Editions of The Best Lawyers in America© and Best Lawyers: Ones to Watch©

August 19, 2021
Marshall Dennehey is proud to announce that three of the firm’s attorneys have been selected 2022 “Lawyers of the Year” and 67 attorneys have been recognized overall in the 2022 Editions of The Best Lawyers in America© and Best Lawyers: Ones to Wa
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Marshall Dennehey Trial Attorneys Lead the Way Back Into the Courtroom During COVID-19 Pandemic

Hospitality and Liquor Liability
General Liability
September 8, 2020
Marshall Dennehey trial attorneys Matthew Keris, Robert Aldrich, and
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CLASSES/SEMINARS TAUGHT

It Is Not All About the Virus: Defending "Other COVID-19" Pandemic Claims , ASHRM Annual Conference, Boston, Massachusetts, September 13, 2022

Artificial Intelligence and Dentistry: Protecting Yourself From Liability, client webinar, June 16, 2022

21st Century Cures Act: The Do's and Don'ts and Ways to Ensure Compliance, WVSHRM 2022 Spring Conference, May 20, 2022

21st Century Cures Act: The Do's and Don'ts and Ways to Ensure Compliance, client webinar, January 27, 2022

Legal Marketing on LinkedIn: Learn How Law Firms are Leveraging LinkedIn's Unique Data and Environment to Engage Clients and Prospects to Grow Their Business, Pennsylvania Defense Institute Annual Conference, Bedford Springs, Pennsylvania, July 15, 2021

21st Century Cures Act, webinar, Pennsylvania Association for Health Care Risk Management Spring Conference, April 15, 2021

Jury Trials in the Era of COVID-19, webinar, September 24, 2020

Preparing A Claim for Trial: How Recent Issues, Decisions and Trends Are Impacting Litigation Outcomes, client webinar, June 4, 2020

A Recurring Nightmare: Department of Health Citations and Their Impact on Corporate Liability and Punitive Damages, Marshall Dennehey Health Care and Health Law Seminar, November 7, 2019

2018 Update: The EMR, Audit Trails and Mobile Devices: How to Narrow Your Professional Liability Exposure, 14th Annual Medical Liability Insurance ExecuSummit, Uncasville, Connecticut, October 17, 2018

The Impact of Department of Health Violations on Corporate Liability, PAHCRM Spring Conference, Wilkes Barre, Pennsylvania, April 13, 2018

PUBLISHED WORKS

"Attention All Shoppers! There Is a Blue Light Special on Forum Selection in Pennsylvania Medical Malpractice Cases," *Defense Digest*, Vol. 29, No. 3, September 2023

"Pennsylvania Superior Court Reinforces Evidentiary Issues Commonly Raised in Medical Malpractice Trials," *Defense Digest*, Vol. 26, No. 1, March 2020

"A Civil Jury Trial During the Pandemic: Observations From Those Who Know," *The Legal Intelligencer*, August 7, 2020

"The Whole Is NOT Greater Than Its Parts - Third Circuit Applies Component-Level Analysis To Preemption of Hybrid Medical Devices," *CounterPoint*, April 2018

"Negligent Advice of a Class III Medical Device Sales Rep," *The Legal Intelligencer,* Medical Malpractice Supplement, April 11, 2017

RESULTS

Dismissal of All Claims Obtained in High-Value Medical Malpractice Case

Health Care Liability
June 28, 2023
We obtained complete dismissal of all medical malpractice claims against a hospitalist physician where the plaintiff's demand was $23.9 million. As our client treated the plaintiff, a 53-year-old who had a stroke, promptly and within the standard of care, in addition to her not being on shift at the time of alleged malpractice, the court dismissed our client outright.

Dismissal of claims against optometrist.

Health Care Liability
December 2, 2021
We obtained dismissal of all claims against an optometrist in the United States District Court for the Middle District of Pennsylvania. The plaintiff was incarcerated when the allegations at issue arose. He alleged medical malpractice and civil rights violations against various health care providers for treatment received while he was an inmate at SCI-Dallas.

Partial summary judgment on behalf of a nursing home and its corporate defendants.

Long-Term Care Liability
December 2, 2021
In the complaint and throughout discovery, the plaintiff raised claims of overarching neglect in addition to a fall that occurred during physical therapy. The plaintiff alleged negligence, corporate negligence, and punitive damages premised upon allegations of understaffing, Department of Health violations and putting profits over patient care. The plaintiff sought to hold not only the nursing home, but also its management company and a holdings company, liable for such claims.

Successful defense of urgent care physician.

Health Care Liability
December 2, 2021
We obtained an entry of judgment on behalf of an urgent care physician. The plaintiff filed suit in magisterial district court in Wayne County, PA. She alleged that the physician negligently sutured a hand laceration, leading to dehiscence and the need for subsequent surgery. The plaintiff sought recovery of medical expenses and pain and suffering. At the bench trial, the defense sought dismissal based upon the plaintiff's lack of expert support for her claims, as is required in medical malpractice claims. The court agreed and entered judgment in the defendant's favor.

Summary judgment for car dealership.

Automobile Liability
December 2, 2021
Our attorneys successfully obtained summary judgment on behalf of a car dealership. The dealership rented a vehicle to the co-defendant, who was having his personal vehicle serviced at the dealership. The co-defendant was involved in an auto accident with the plaintiff while operating the dealership's rental. The plaintiff was operating a motorcycle, and significant damages were alleged.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained dismissal of all claims against an optometrist in an alleged medical malpractice and civil rights violation claim brought by an inmate at a state correctional institution. Rob filed a Motion to Dismiss on numerous grounds, including that the plaintiff's claims were timed barred by the statute of limitations, failure to state a viable cause of action, and failure to file a Certificate of Merit pursuant to Pa.R.C.P. 1042.3. The judge ultimately granted the motion and dismissed all claims, finding that plaintiff's claims violated Pa.R.C.P. 1042.3 and the statute of limitations, and that the plaintiff failed to meet his burden that the discovery rule applied.

Received a unanimous defense jury verdict within thirty minutes of deliberation in a five-day fire-loss subrogation trial. This case was one of the first Pennsylvania civil jury trials held during the COVID-19 pandemic. Taking into account safety and social distancing protocols, jury selection took place in a local school auditorium, two witnesses presented testimony via Zoom, and everyone present in the courtroom was subject to temperature screenings and required to wear a face covering. Given the current national health situation, this trial could serve as an example of how the court system

and counsel can adapt to the changing health and legal landscape.

Obtained entry of judgment of non pros based on the plaintiff's failure to timely and properly file a Certificate of Merit (COM) in accordance with Pa.R.C.P. 1042.3 on behalf of a nursing home chain and its consulting company. With the Complaint, plaintiff attached an expert report from a nursing expert but did not attach a COM. Defendants filed a Notice of Intent to Enter Judgment of Non Pros, and judgment was subsequently entered. The plaintiff then filed a Petition to Strike/Open the Entry of Judgment of Non Pros, arguing that the expert report attached to the Complaint constituted a COM. The defense successfully fought the plaintiff's attempts to open the judgment. The Court ultimately found that plaintiff's repeated failures to comply with the applicable rules placed their case "beyond the purview of equitable relief," and therefore reinstated the entry of judgment and dismissed plaintiff's Complaint with prejudice.

Received a defense verdict in less than one hour in a dental malpractice case involving allegations of the use of excessive force and the failure to obtain the patient's informed consent after a patient's jaw was fractured during a molar extraction. It was admitted that jaw fracture was a known risk of the extraction, but that the dentist did not warn the patient of this risk. It was also conceded that the dentist caused the fracture. Lastly, the patient's damages were not contested, which included the pain and suffering associated with the fracture and permanent numbness to the lower jaw. On cross-examination of the patient's seasoned expert, he was confronted with prior inconsistent testimony regarding his experience in extracting molars and his opinion that all risks of a procedure need to be shared with the patient. Further, the expert agreed with the defense's argument that the risk of jaw fracture of an erupted right lower molar was less than .0009% and the patient had a better chance of dying from complications associated with the extraction than suffering a fracture. The jury was persuaded by the defense's arguments early in the case due to the thorough cross-examination of the patient's expert.

Obtained a defense verdict in a nursing negligence claim. The plaintiff alleged to have suffered a fall in a hospital bathroom three days post-operatively that re-injured his surgically repaired knees. The nurses denied the patient fell to the ground and testified, consistent with their charting, that the patient lost balance in the bathroom and sat on a commode. There was a significant economic damage claim in that the plaintiff was a young restaurant owner who suffered two distinct orthopedic injuries that required multiple surgeries and additional future care. The jury returned a defense verdict 50 minutes after deliberation began, finding that the nurses were not negligent.

Obtained a defense verdict on behalf a midwife defendant in an alleged failure to properly manage and care for a patient's labor and delivery, resulting in catastrophic injury to her child. Counsel for the minor-plaintiff argued that the pregnancy and labor were high risk and, therefore, it was below the standard of care to use intermittent auscultation (IA) during the second stage of labor. The plaintiff argued that the fetus suffered a catastrophic brain injury during the second stage of labor, resulting in cerebral palsy and daily intractable seizures. The child, six years of age, wheelchair bound and unable to speak or feed himself, will require lifetime supervision and care. The defense argued that the patient's pregnancy remained low risk, and therefore, IA was within the standard of care; that a sentinel event did not occur during the second stage of labor; and that child's brain injury occurred in the days leading up to the hospital admission for labor.

Obtained an entry of judgment on behalf of an urgent care physician. The plaintiff filed suit in magisterial district court in Wayne County, alleging that the physician negligently sutured a hand laceration, leading to dehiscence and the need for subsequent surgery. The plaintiff sought recovery of medical expenses and pain and suffering. At the bench trial, the defense sought dismissal based upon the plaintiff's lack of expert support for her claims, as is required in medical malpractice claims. The court agreed and entered judgment in the defendant's favor.

Obtained summary judgment in New York on behalf of a car dealership client. The dealership rented a vehicle to co-defendant, who was having his personal vehicle serviced at the dealership. That co-defendant was in an accident with the plaintiff while operating the dealership's rental. The plaintiff was operating a motorcycle and significant damages were alleged. The defense filed a motion for summary judgment pursuant to The Graves Amendment, which states that an owner of a motor vehicle that rents a vehicle to a person shall not be vicariously liable for harm to persons or property that arises out of the use or operation of that vehicle during the period of the rental, so long as certain additional criteria is met. The court agreed with the arguments raised in the motion and dismissed our client with prejudice.