

MELISSA A. DZIAK

SHAREHOLDER



AREAS OF PRACTICE

Health Care Liability
Trucking & Transportation Liability
Product Liability
General Liability

CONTACT INFO

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ADMISSIONS

New York
2004

Pennsylvania
2010

U.S. District Court Northern
District of New York
2014

U.S. District Court Southern
District of New York
2011

U.S. District Court Eastern
District of Pennsylvania
2011

U.S. District Court Middle
District of Pennsylvania
2009

OVERVIEW

Melissa is a shareholder in the firm's Health Care Department. For more than a decade, she has defended physicians, nurse practitioners, registered nurses, home health aides, physical therapists, psychologists, hospitals, ambulatory surgery centers, physician practice groups, long-term care facilities, and home health and medical device manufacturers in Pennsylvania and New York. Melissa has successfully defended clients through trial in several state and federal court jurisdictions, as well as negotiating favorable settlements in high-exposure cases. Melissa has also represented health care professionals before various licensing boards in New York State relating to professional licensing matters. She has successfully litigated favorable outcomes for her clients before these boards, including negotiating dismissals of actions without any discipline.

In addition to defending health care professionals, Melissa also represents and advises one of the largest national independent foodservice distributors, providing strategic legal guidance and representation in high exposure litigation.

Melissa is a Certified Mediator for the United States District Court for the Middle District of Pennsylvania. In this role, Melissa acts as a mediator for the Court, providing an alternative means of resolving civil disputes in the areas of personal injury, premises liability, medical malpractice and FELA litigation.

Melissa has more than 15 years of experience in the court room, having worked as an Assistant District Attorney in Westchester County, New York, prior to starting her career as a civil litigator. Before joining Marshall Dennehey, Melissa was the managing partner in a large, multidisciplinary regional law firm in northeastern Pennsylvania and New York State.

EDUCATION

Brooklyn Law School (J.D., 2003)

LeMoyne College (B.S., 1998)

HONORS & AWARDS

Certified Mediator, United States District Court for the Middle District of Pennsylvania

ASSOCIATIONS & MEMBERSHIPS

Association for Health Care Risk Management of New York (AHRMNY)

American Society for Health Care Risk Management (ASHRM)

YEAR JOINED

2019

PRO BONO ACTIVITIES

Lackawanna Pro Bono

CLASSES/SEMINARS TAUGHT

Mergers & Acquisitions in the Health Care Landscape, Michigan Society of Healthcare Risk Management, February 2020

Mergers & Acquisitions in the Health Care Landscape, American Society for Health Care Risk Management, October 2019

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict on behalf of a primary care physician who prescribed medication for the plaintiff to treat insomnia and depression. The plaintiff alleged that the prescription was not indicated and the dosage was over twice the recommended dosage. After taking the medication, the plaintiff suffered a neck injury requiring an anterior cervical decompression and fusion of the C5-C6 for central cord syndrome, which resulted in permanent nerve injury. The defense argued that based on the plaintiff's complaints and presentation, the medication was both indicated and the dosage was within the standard of care despite recommendations by the FDA and PDR.

Represented an OB/GYN and OB/GYN Practice Group obtaining a defense verdict in an alleged failure to properly manage a patient's labor and delivery resulting in a catastrophic injury to her child. The plaintiff's counsel argued that the pregnancy and labor were high risk requiring the use of intermittent auscultation (IA) during the second stage of labor. As a result of this alleged violation of standard of care, the infant-plaintiff suffered a catastrophic brain injury during the second stage of labor causing cerebral palsy and daily intractable seizures. The infant-plaintiff is wheelchair-bound, unable to speak and unable to feed himself requiring lifetime care. Through expert testimony, the defense argued that the pregnancy was not high risk, IA was not required during the second stage of labor, and that the infant-plaintiff's injury occurred at some point in the days prior to labor and delivery.

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.