

KEVIN M. MAJERNIK

ASSOCIATE



AREAS OF PRACTICE

Health Care Liability

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ADMISSIONS

Pennsylvania
2021

EDUCATION

Villanova University Charles
Widger School of Law (J.D., 2021)

University of Kentucky (B.A., cum
laude, 2018)

ASSOCIATIONS & MEMBERSHIPS

Montgomery County Bar
Association

YEAR JOINED

2022

OVERVIEW

As an associate in the Health Care Department, Kevin's practice is devoted to representing physicians, physician assistants, hospitals, dentists and other health care providers in liability matters.

Kevin earned his B.A. in Psychology from the University of Kentucky and J.D. from Villanova University Charles Widger School of Law. During law school, Kevin completed a judicial externship for the Honorable Judge Steven C. Tolliver Sr. in the Montgomery County Court of Common Pleas. He also participated in Villanova's Clinic for Law and Entrepreneurship as a student attorney providing pro bono legal assistance to local under-resourced businesses.

After law school graduation, Kevin returned to the chambers of the Honorable Judge Steven C. Tolliver Sr., serving as his law clerk. During this time, Kevin developed a strong understanding of litigation by writing opinions and memoranda, assisting in ruling on motions, and aiding in the disposition of multiple trials.

Outside of work, Kevin enjoys watching football and cycling.

THOUGHT LEADERSHIP

LEGAL ROUNDUP - Pennsylvania

King of Prussia
Health Care Liability
May 1, 2024

Pennsylvania Superior Court holds that trial court correctly entered nonsuit on plaintiff's corporate negligence claim for failing to show actual or constructive knowledge. Pennsylvania Superior Court holds that, under Section 311 of MCARE, matters reviewed do not require a document be specifically reviewed by a patient safety committee. Pennsylvania Supreme Court holds that No Felony Conviction Recovery Rule barred medical malpractice and indemnification claims. *Dinardo v. Kohler*, 304 A.3d 1187 (Pa. 2023) The Quarterly Dose – May 2024, has been prepared for our readers by Marshall Dennehey.

Pennsylvania Superior Court Holds that Trial Court Correctly Entered Nonsuit on Plaintiff's Corporate Negligence Claim for Failing to Show Actual or Constructive Knowledge

King of Prussia
Health Care Liability
April 1, 2024

The trial court entered nonsuit on the plaintiff's corporate negligence claim as the case did not involve any kind of systemic negligence on the part of the hospital.

Pennsylvania Superior Court Holds that, Under Section 311 of MCARE, Matters Reviewed Do Not Require a Document Be Specifically Reviewed by a Patient Safety Committee

King of Prussia
Health Care Liability
April 1, 2024

The trial court had ordered production of patient safety reports which were (i) prepared in accordance with MCARE, (ii) intended to be confidential, and (iii) contained information identical to that conveyed to the Pennsylvania Patient Safety Auth

Pennsylvania Supreme Court Holds that No Felony Conviction Recovery Rule Barred Medical Malpractice and Indemnification Claims

King of Prussia
Health Care Liability
April 1, 2024

Both the trial court and the Superior Court found that the plaintiff's claims were barred by the no felony conviction recovery rule.

SIGNIFICANT REPRESENTATIVE MATTERS

Part of the team that obtained a defense verdict in Montgomery County on behalf of a podiatrist. The plaintiff filed a medical malpractice action alleging that the podiatrist improperly placed a first metatarsophalangeal joint hemi implant, improperly placed bilateral sinus tarsi implants, and improperly utilized bilateral sinus tarsi implants all of which led to continuing foot pain after the removal of the bilateral sinus tarsi implants. The evidence presented to the jury demonstrated the proper placement of the first metatarsophalangeal joint hemi implant and the sinus tarsi implants, as supported by the subsequent treating physician, and the proper utilization of the bilateral sinus tarsi implants in order to treat plaintiff's congenital flat feet resulting in degenerative changes in plaintiff's bilateral first metatarsophalangeal joint. The trial lasted four days and the jury returned a verdict in approximately three hours. (2023)