



EISENBERG ROTHWEILER
WINKLER EISENBERG & JECK PC

TRIAL LAWYERS

E.R. in the News:

- Eisenberg named PTLA President
- Rothweiler appears on "Good Day Philadelphia"
- More accolades for E.R. Partners

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ER Legal

HAPPENINGS

Winter 2009/2010

Recent News:

STEWART EISENBERG IS NAMED PRESIDENT OF THE PHILADELPHIA TRIAL LAWYERS ASSOCIATION.

Stewart Eisenberg was named President of the Philadelphia Trial Lawyers Association (PTLA). PTLA has been in existence for over 45 years and is the oldest trial lawyer organization in Pennsylvania. The Association is made up of lawyers who are dedicated to the preservation of the American legal system and the protection of the right to a jury trial.

KEN ROTHWEILER FEATURED GUEST ON "GOOD DAY PHILADELPHIA"

Kenneth Rothweiler was a featured guest on Fox Philadelphia's morning show, Good Day Philadelphia. Mr. Rothweiler appeared on the program to discuss the effects the new mammography guidelines would have on women. Drawing on his litigation experience, Mr. Rothweiler candidly talked about how women would be affected by the new guidelines.



Welcome!



Welcome to Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C.'s first e-newsletter!



We have a lot of exciting announcements and news to share - including the appointment of our very own Stewart Eisenberg as President of the Philadelphia Trial Lawyers Association and Ken Rothweiler's latest multi-million dollar verdict.



Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C is one of the premier plaintiffs' personal injury firms in the country, with our main office in Philadelphia and offices in Cherry Hill, New Jersey and Boston, Massachusetts. Our attorneys have been Presidents of the Pennsylvania and Philadelphia Trial Lawyers Associations, Board of Governors and Leaders Forum Members of the American Association of Justice, Presidents of Lawyers for Consumer Rights, Citizens for Consumer Justice and the Law Academy of the School District of Philadelphia. We are named Best Lawyers in America, Super Lawyers by Philadelphia and Boston Magazines, Best Plaintiffs' Lawyers by LawDragon Magazine, and have achieved record setting multi-million dollar verdicts and settlements for our clients.



We look forward to your feedback!

Recent News:

NANCY WINKLER HONORED AT PAAJ'S ANNUAL RETREAT

Nancy Winkler received the distinguished Service Award at the 2009 Pennsylvania Association for Justice Annual Retreat. The award is given to attorneys who "make an extraordinary commitment to the organization in terms of time and energy" to help the organization pursue its mission of a fair and effective justice system.

KEN ROTHWEILER AND FRED EISENBERG NAMED MAIN LINE TOP LAWYERS

Ken Rothweiler and Fred Eisenberg appeared in Main Line Today's issue of "Top Lawyer".

STEWART EISENBERG, KEN ROTHWEILER, AND FRED EISENBERG WERE NAMED PENNSYLVANIA SUPERLAWYERS FOR 2009.

Stewart Eisenberg, Ken Rothweiler, and Fred Eisenberg were all named Pennsylvania SuperLawyers for 2009.

NANCY WINKLER NAMED LAW PAC HERO

Nancy Winkler has been named a LAW PAC Hero by the Pennsylvania Association for Justice. Nancy has been active in PaAJ for many years and has served as PaAJ's Fund Developmental Chair.

\$2.5 Million Verdict for Client Injured by Side Effect of Medication Unrecognized by Primary Care Physician

Kenneth Rothweiler, Daniel Jeck and Brian Hall achieved a 2.5 million dollar verdict for a Philadelphia man who sustained devastating injuries while taking the statin medication, Mevacor. After taking the drug for three years, he returned to his primary care doctor complaining of joint pain and trouble walking. The doctor ordered blood tests which showed, among other things, abnormally elevated enzymes indicative of muscle damage but no follow up was ordered. The defendant physician left for vacation and neglected to have anyone from his office follow up on the abnormal lab results.

Three weeks after his doctor's visit, the patient entered a local hospital complaining of general weakness, inability to stand, severe pain and numbness. He was diagnosed with rhabdomyolysis and immediately taken off the Mevacor. Most unfortunately, his symptoms did not improve. He now has permanent muscle weakness and is confined to a wheelchair.

At trial, Rothweiler, Jeck and Hall were able to prove that their client's primary doctor was negligent for failing to address these abnormal lab results. These test results should have pointed to an adverse reaction from the medication. Had appropriate follow up and treatment occurred after the statin reaction was recognized, the man would be able to walk without assistance today.

Daniel Jeck Obtains \$1.5 Million Award in Medical Malpractice Action in New Jersey State Court

After a two and a half week trial in Camden County, New Jersey, Daniel Jeck, a partner at Eisenberg, Rothweiler, Winkler, Eisenberg, and Jeck, P.C., obtained a \$1.5 million verdict from a Camden County jury in the matter known as Anderson v. Lennard Gildiner, M.D.

This medical malpractice case arose from claims that Dr. Gildiner, the treating obstetrician, failed to timely consider, recognize, diagnose and treat a spinal epidural abscess for his obstetrical patient following an uncomplicated vaginal delivery. Plaintiffs claimed that Dr. Gildiner, who discharged his patient, negligently failed to consider an epidural infection (and abscess) for two days during the post-partum period after multiple documented complaints of severe back pain and tenderness in and around the epidural site for which his patient was prescribed 22 Percocet, 4 Flexeril and 11 Motrin in a two day time period. Plaintiffs claimed that Dr. Gildiner should have ordered a CAT scan or MRI to rule out the life-threatening condition of the spine due to post-partum back pain.

Recent News:

KEN ROTHWEILER NAMED PAAJ VICE PRESIDENT

Ken Rothweiler was named Vice President of the PaAJ. The mission of PAAJ is to promote a fair and effective justice system – and to support attorneys as they work to ensure that any person who is injured by the misconduct or negligence of others can obtain justice in Pennsylvania’s courtrooms, even when taking on the most powerful interests.

STEWART EISENBERG APPEARS ON 6 ABC TO DISCUSS CHRYSLER BANKRUPTCY

Stewart Eisenberg and his client Terri Cartier were featured on 6 ABC’s Consumer Report regarding the impact the bankruptcy of Chrysler will have on crashworthiness claims involving defects on their vehicles.

The deal between the Federal Government and Chrysler has relieved the company from paying any money from pending lawsuits for any defective vehicle involved in an accident before the bankruptcy filing. As a result of the agreement, innocent and injured victims have lost their right to be compensated for their injuries. Auto makers defend hundreds of death and injury claims each year and many, like Terri Cartier, have severe and permanent injuries that require a lifetime of care.

You Spoke. We Listened.

We feel as though a great weight has been lifted from our lives. During this process we got to meet two great lawyers and people who will forever be a part of our lives. This family thanks you again for giving us back our lives.

- Marvin Harris and Stephanie Jones



After her discharge, Plaintiff returned home whereupon the next morning, she suffered a loss of strength and sensation in her legs. She emergently returned back to the hospital where an MRI revealed an extensive spinal epidural abscess. Emergency laminectomy and laminotomy procedures ensued and, fortunately, Plaintiff regained her strength. However, to this day, Plaintiff continues to suffer a loss of sensation in her entire left leg.

At trial, Daniel Jeck proved that the defendant deviated from the standard of care by failing to consider and rule out a spinal epidural abscess. The delay in diagnosis increased the risk and was a substantial factor in causing her significant permanent harm; specifically, loss of sensation of her entire left leg.

Defendant argued that spinal epidural abscess was a rare condition which only occurs in 1 in 500,000 patients and that this patient did not exhibit those signs and symptoms which would have warranted follow-up testing to rule out an abscess. A jury disagreed and awarded Plaintiff \$1.5 million.

Recovery for Family Involved in a Fatal Tire Failure Accident

Stewart Eisenberg, Fred Eisenberg, and Daniel Sherry reached a settlement with a major tire manufacturer for \$3.5 million. Our attorneys represented three generations of a family that were lost in a fatal car crash because the tire on their vehicle failed.

While traveling down a local highway the tread and the top belt of the right rear tire suddenly and violently tore away from the rest of the tire and wrapped itself around the rear axle of the vehicle. The driver lost control of the vehicle and swerved into opposing traffic. Almost immediately the vehicle was struck by an on coming pick up truck causing significant damage to the passenger side and roof of the vehicle. The driver was ejected from the vehicle and flew down an embankment twenty five feet which resulted in her death. Two young boys were in the back seat of the vehicle, one just starting high school at 14 and the other just starting his life at three months; sadly they were killed immediately upon impact from head injuries. The young woman in the passenger seat was partially ejected from the vehicle and suffered numerous injuries. She survived the horrific crash but will be left without her young son, brother or mother.

You Spoke. We Listened.

Ken and Dan are at the top of their profession. Not only are they skilled and astute litigators but they are also great people—full of integrity and respect. From start to finish I was impressed with their dedication to our case. I always felt they were on our side, always at the ready with personal attention to detail, always keeping us informed of the status of the case. It's obvious they are guided by extensive experience, skill and expertise. We are very pleased with the outcome of our case. Our family is happy to recommend their services to you

- Jane K.

Regarding firm partner Stewart J. Eisenberg "I was truly amazed at how skillful you were You gave my father a chance to fight for his legal rights Your efforts have saved many patients from having to face the crippling injury that my father suffered. You did a wonderful, generous thing."

- Mark Pelligrini

Thank you so much for your constant caring, support and friendship. We truly appreciate everything you have done for us. You are such a treasure and we are blessed to have you in our life. Thank you.

Love, Fred & Ella (Peg) Hettinger

Recovery for Two Men Injured by a Defective Steel Slitter Machine

Nancy Winkler represented two workers at a New Jersey steel processing plant injured when a 1200 pound roller fell from a machine used to cut and coil steel. One man suffered crush injuries to his hand and leg and the other suffered a fractured ankle and a lacerated wrist. Despite the fact that the machine had been modified by the employer and the workers had little, if any, training on the machine, Ms. Winkler was able to prove that the manufacturer of the machine was responsible. Winkler proved that the machine was defective because it failed to have a retractable steel pin integrated into the machine which would have prevented the roll from falling forward. This New Jersey case successfully resolved for both men through mediation for a total recovery of \$1.45 million.

\$3.6 Million Recovery for the Family of a Mentally Challenged Man who Died While Being Restrained

Eisenberg, Rothweiler Attorneys, Kenneth Rothweiler and Nancy Winkler represented the family of a 41 year old man with Down's syndrome who died while being restrained by employees of the facility where he resided. The employees alleged that he was being aggressive with other residents and that he needed to be physically restrained. Despite signs of distress the defendants continued to restrain the man until he died of asphyxiation.

Rothweiler and Winkler argued at trial that the facility and its employees were negligent and failed to follow their own policies and procedures and were directly responsible for their client's death. After over a week at trial the defendants paid \$3.6 million in settlement.

Recovery for Paralyzed Man due to Failure to Diagnose and Treat Spinal Infection

Eisenberg Rothweiler partners, Kenneth M. Rothweiler and Daniel Jeck, recovered \$4 million for their client for the failure by his doctor to diagnose and treat a spinal infection.

A 55 year old city worker entered a local city hospital to undergo surgery to remove a tumor on his esophagus. An epidural catheter was inserted into the patient's back to deliver pain medication. The surgery was performed successfully and, for the next few days, the patient received medication through the epidural.

Contact Us:

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Four days later, the epidural was removed. At the time of the removal, the nurse notified the surgeon of purulence or pus and the doctor ordered Levaquin, an antibiotic typically used to treat lung infections, for his patient. Over the course of the next several days the patient was noted by hospital staff to have a fever, an elevated white blood cell count, and redness near the area of the epidural, common signs and symptoms of an infection. The surgeon did not order any tests to rule out infection or consult with an infectious disease doctor. The patient's white blood cell count dropped while the fever continued to rise with pus still secreting from the epidural site. Hospital staff contemplated ordering a CT scan or obtaining a culture sample to test for an infection but neither test was performed.

Finally, after four days of elevated temperature, increasing white blood cell count and drainage, the doctor scheduled the patient for an MRI. However, tragically, before the MRI could be performed, the patient began to lose feeling in his lower extremities and was paralyzed from the epidural site down. Two consecutive MRIs finally revealed an abscess on his spine.

A neurosurgeon and other doctors were immediately consulted and came to the conclusion that the untreated infection impeded blood flow to the spine and caused a spinal stroke. Cultures taken from the patient revealed that the patient had been suffering from a MRSA infection. Our client remains paralyzed from the chest down and requires intense supervision, care and assistance with all activities of daily living.

One day into trial, Ken Rothweiler and Daniel Jeck were able to reach a settlement and recover \$4 million for their client. They argued that the negligence of the surgeon and hospital were apparent as they ignored the signs and symptoms of infection and were lackadaisical in their approach to treating their patient. If, at any time before the onset of paralysis appropriate tests were conducted to look for an infection, timely and appropriate treatment would have ensued and this most tragic outcome could have been avoided.