

## KEVIN M. MAJERNIK

ASSOCIATE



### AREAS OF PRACTICE

Health Care Liability

### CONTACT INFO

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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

### **PA Superior Court Reaffirms Need for Expert Testimony in Support of Claim for Corporate Negligence and Provides Further Clarity as to ‘Obvious Negligence.’**

**King of Prussia**  
**Health Care Liability**  
**October 1, 2024**

The Superior Court of Pennsylvania found that expert testimony was still required in a matter involving an alleged defective toilet provided to a patient post surgery that broke and resulted in a fall and injuries to the patient. Case Law Alerts, 4th Quarter, Octo

### **PA Superior Court Reverses Grant of Summary Judgment Based on Gross Negligence Where Expert Opinions Are Sufficiently Supported by the Record.**

**King of Prussia**  
**Health Care Liability**  
**October 1, 2024**

The Superior Court of Pennsylvania found that a grant of summary judgment in favor of the defendant-hospital was improper where the medical records, in the light most favorable to the plaintiff, created genuine issues of material fact regarding wh Case Law Alerts, 4th Quarter, Octo

## **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

## **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)