

## The Legal Intelligencer

### Temple Hospital Faces \$30M Judgment as It Backs Down From Failed Verdict Challenge

By Aleeza Furman

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#### What You Need to Know

- Temple University Hospital has agreed to pay a \$30.3 million judgment against it in a medical malpractice case.
- In doing so, the hospital is backing down from its efforts to advance a rarely used argument for remittitur.
- The judge on the case had soundly rejected Temple’s motions for post-trial relief.

Temple University Hospital has backed down from its attempt to shake off an eight-figure medical malpractice verdict, leaving the hospital on the hook for an over \$30 million judgment.

Strokovsky LLC’s Jordan Strokovsky filed a praecipe to enter judgment on the verdict on behalf of plaintiff ██████ on Sept. 26, adding \$3.7 million in delay damages and about \$647,000 in post-judgment interest to what was already a \$25.9 million verdict against the hospital.

A spokesperson for TUH confirmed the hospital would not be seeking an appeal and would be paying the judgment.

By opting not to appeal, TUH is accepting an August ruling from Judge James Crumlsh III of the Philadelphia Court of Common Pleas that soundly rejected the hospital’s efforts to advance an unusual argument for remittitur.

The hospital had asked the court to reduce the verdict under Section 515 of Pennsylvania’s Medical Care Availability and Reduction of Error Act, a rarely used provision allowing trial courts to consider a verdict’s potential impact on health care access when deciding a defendant’s motion for remittitur on the grounds of excessiveness.

TUH, represented post-trial by Duane Morris and the Tucker Law Group, claimed that paying the full verdict would cut into the hospital’s operating budget and hurt its ability to pay for necessary equipment.

But Crumlsh didn’t buy it.

“MCARE cannot be construed as an incentive or invitation to the court to correct for litigation strategy decisions on the part of a provider or its counsel or to excuse witness performance leaving a provider exposed,” he wrote in a 52-page opinion.

“If such were the case,” he continued, “every verdict in a

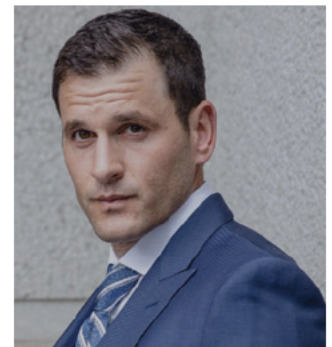
... serious case would give rise to a motion for remittitur under this provision because every self-evaluated substantial verdict will have some impact on a provider’s projected business and pending priorities, and every losing health care provider defendant would invoke this procedure to obtain post-trial litigation and judicial relief from the jury’s verdict.”

The \$30.3 million judgment is slated to be entered in favor of ██████ for his claims that negligence from Temple doctors caused him to lose his leg.

“Looking back,” Strokovsky said, “this was an awesome experience that will help me better serve my catastrophically injured clients for decades to come.”

Strokovsky, a solo practitioner, said he was not too concerned about going head-to-head with a large defendant backed by high-profile firms.

“Getting justice against powerful corporations with large legal teams is the whole reason I became a lawyer in the first place, and I never would’ve started my own catastrophic injury firm if I didn’t believe I could successfully navigate the challenges that important and complex cases like this present.”



Jordan Strokovsky of Strokovsky LLC.

Courtesy photo