

# Angela Y. DeMary

Shareholder

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Certified by the Supreme Court of New Jersey as a workers' compensation attorney, Angela focuses the entirety of her practice on New Jersey workers' compensation, representing the interests of employers, carriers and self-insureds. Throughout her career, Angela has gained significant experience handling claims involving issues of employment, coverage, compensability, causation/liability and permanency. Her cases also include specific issues of total disability (SIF), lack of coverage (UEF) and subcontractor/general contractor issues (Section 79).

Notably, Angela has argued multiple cases before the Appellate Division. She has secured favorable decisions on issues of entitlement to temporary total disability benefits addressed under Section 38 (commonly referred to as the *Cunningham* issue). Her experience also extends to issues involving jurisdiction and liability against a subsequent carrier (most often referred to as a *Peterson* or *Bond*-type issue).

In addition to her legal speaking engagements, Angela is actively involved with youth activities in her community. She participates in career day programs at the elementary and high school levels and devotes time to youth mentoring and motivation.

Prior to her career in law, Angela worked as a probation officer and as an advocate for victims of domestic violence.

## Education

- Widener University Delaware Law School (J.D., 2000)
- Rutgers, The State University of New Jersey (B.A., 1994)

## Admissions

- New Jersey, 2003

## Practices

- Workers' Compensation Defense

## Honors & Awards

- Top Women in Law, The New Jersey Law Journal (2016)
- New Jersey Super Lawyer Rising Star (2010, 2012-2013)  
The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

## Associations & Memberships

- American Bar Association
- Camden County Bar Association
- New Jersey Bar Association

## Classes/Seminars Taught

- *Assessing the Injury and Case*, NBI: New Jersey Workers' Compensation Fundamentals: Attain the Best Possible Results for Your Clients, webinar, November 29, 2023
- *Diversity, Equity, Inclusion & the Elimination of Bias in Workers' Compensation – Why This Matters to You and Your Clients to Achieve the Best Possible Outcome*, New Jersey Workers' Compensation Bench Bar Conference, Edison, New Jersey, December 13, 2022
- *Practicing Workers' Compensation Law Remotely and COVID-19 Type Cases*, Camden County Bar Association CLE program, January 27, 2021
- *Are You Coming or Going – Do You Know Your Course and Scope?*, Marshall Dennehey webinar, October 26, 2020
- *Workers' Compensation: Key Concepts and Issues*, National Business Institute, Atlantic City, New Jersey, June 2019
- *Navigating Workers' Compensation Processes, Procedures and Forms*, National Business Institute, Atlantic City, New Jersey, June 2019
- *Bad Eggs: Defending Injuries Stemming from Violence in the Workplace*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017
- *Human Resource Law from A to Z*, National Business Institute, Cherry Hill, New Jersey, September 20, 2016
- *Anatomy and Physiology 101 for Attorneys*, National Business Institute, Atlantic City, New Jersey, October 28, 2015
- *Advanced Workers' Compensation - Selected Issues in Workers' Compensation Law*, National Business Institute, Atlantic City, New Jersey, April 27, 2015
- Career Day, Cramer College Preparatory Lab School, Camden, New Jersey, June 2014
- *Fourth Annual Workers' Compensation Seminar*, New Jersey Department of Labor-Division of Workers' Compensation, May 2014
- *Your Top Workers' Compensation Questions – Answered*, National Business Institute, Atlantic City, New Jersey, December 12, 2013
- *New Jersey Workers' Compensation Update*, Insurance Society of Philadelphia, Affinity Insurance, Hatboro, Pennsylvania, April 13, 2012
- *Overview of New Jersey Workers' Compensation*, Atlantic City, New Jersey, May 2010
- *New Jersey Workers' Compensation Update*, Council on Education in Management, 2005

- *Introduction to New Jersey Workers' Compensation*, Sheraton Hotel, Atlantic City, New Jersey, 2005

## Published Works

- "Celebrating 30 Years of the Defense Digest: A Look at the Last 30 Years in New Jersey Workers' Compensation," *Defense Digest*, Vol. 30, No. 4, December 2024
- "Navigating the Waters of a Motion for Med and Temp," *New Jersey Law Journal*, November 9, 2015
- "Whether Going or Coming, It's Still Not Compensable," *Defense Digest*, Vol. 19, No. 3, September 2013
- "Proof? You Can't Handle The "Proof"!" *Defense Digest*, Vol. 18, No. 2, June 2012
- "Appellate Division Upholds Dismissal of Occupational Heart Attack Claim and Claim of Entitlement to Second Injury Fund Involvement," *Defense Digest*, 2011-09, Vol. 17, No. 3
- "Determining Who's Liable: Analyzing Causation and Liability Issues When There Are Multiple Carriers, Employers and/or Claims," *Defense Digest*, 2010-06, Vol. 16, No. 2
- "Supreme Court Renders Decision Regarding Application of Dependency Rate In Workers' Compensation Matters," *Defense Digest*, 2008-12, Vol. 14, No. 4
- "Applying the Increased Dependency Rate," *New Jersey Law Journal*, 2008-01-07
- "The Pending Issue of How To Address the Increased Dependency Rate," *Defense Digest*, 2007-09, Vol. 13, No. 3

## Certifications

- Certified by the Supreme Court of New Jersey as a Workers' Compensation Law Attorney, 2017

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## Results

### **Medical provider claim petition dismissed, with prejudice.**

The parties were litigating a motion for medical treatment in which a physician was recommending an additional spinal surgery. The physician moved forward without authorization and performed spinal surgery on the petitioner. In order to complete the surgery, the physician brought in several ancillary services, including a vendor to perform diagnostic monitoring during the surgery. Following the surgery, the medical provider submitted its bills to the carrier, which were rejected based upon the lack of authorization. After a medical provider claim petition was filed, the respondent filed a motion to dismiss the matter for failure to obtain the requisite statutory authorization. The medical provider argued that it was only providing ancillary services and, therefore, did not require the authorization of the carrier under the New Jersey Workers' Compensation Statute. The medical provider also argued that they were the "victim" since they were advised by the physician that the procedure was authorized. The judge rejected both arguments, holding that all medical providers including providers that provide ancillary services for surgical procedures, are required to obtain the same authorization for their treatment, or risk not receiving financial reimbursement.

### **Workers' comp claim dismissed for lack of jurisdiction and coverage for an occupational accident policy carrier.**

The petitioner filed a claim petition within the New Jersey Division of Workers' Compensation seeking benefits and alleging employment with a trucking company. However, the petitioner had previously obtained an occupational accident policy in the role of an independent contractor. When filing the workers' compensation petition, counsel for the petitioner erroneously named the occupational accident policy carrier as carrier for the trucking company. Although it would appear clear that jurisdiction and coverage do not exist in such cases, most times it is a lengthy process to have such matters addressed by the court and ultimately dismissed. In this case, we were successful in obtaining the dismissal and ceasing further unnecessary financial costs to the client.

### **Claim dismissed over alleged COVID-19 permanent disability.**

Our attorneys were successful in obtaining an order for dismissal in the Mount Holly, New Jersey Workers' Compensation court. In his claim petition, the petitioner alleged permanent disability as a result of contracting COVID-19 while working for the insured. He alleged that while working as an auto hauler he was exposed to COVID-19, which resulted in a permanent pulmonary disability. The defense argued to the judge that the petitioner's discovery failed to provide sufficient proof and evidence supporting that the petitioner had COVID-19 or that, if he did, it was "related to his job."

### **Workers' compensation defense verdict for a prominent health care system.**

The petitioner filed a motion for additional medical and temporary disability benefits, essentially alleging she was permanently and totally disabled from prior compensable shoulder and leg injuries. After a three-day trial and extensive briefing, the judge dismissed the motion. He determined that, despite the compensable injuries, the petitioner had plateaued medically and was not entitled to any further benefits.

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## Thought Leadership

December 1, 2024

### **Celebrating 30 Years of the Defense Digest: A Look at the Last 30 Years in New Jersey Workers' Compensation**

March 1, 2023

### **The New Jersey Appellate Court affirms finding of compensability under Special Mission exception of Coming and Going Rule even though the petitioner sustained severe injuries as a result of his own actions in violation of company policy.**

December 1, 2022

### **TOP 10 DEVELOPMENTS IN NEW JERSEY WORKERS' COMPENSATION IN 2022**

