

Gabor Ovari

Shareholder

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Gabor focuses his practice on the defense of hospitals, health care systems and medical providers in medical malpractice and health care liability matters. He has second chaired multiple jury trials, and has experience in all aspects of litigation. Gabor is involved in cases from inception until resolution, conducting discovery, preparing witnesses, taking and defending depositions, evaluating and selecting experts, and preparing for trial. He has also first and second chaired several binding arbitrations, resulting in favorable outcomes for his clients.

With a focus on collaboration, Gabor works closely with each client to develop a defense strategy tailored to the individual case and desired result. He draws from his background in defending workers' compensation matters, having conducted hundreds of medical depositions and evaluated claims based on the opinions of medical experts and the analysis of medical/treatment records.

Gabor received his juris doctor from Widener University Commonwealth Law School, where he was elected as a member of the Law Review's Administrative Board and completed an intensive trial advocacy program. Upon graduation, Gabor received the James S. Bowman American Inn of Courts Award, which is awarded to a student excelling in administrative law. During undergrad at Temple University, Gabor was the recipient of the Professor Edward R. and Essie Baron Memorial Award, which is given to an outstanding student majoring in history, theater, music or art.

Education

- Widener University Commonwealth Law School (J.D., *magna cum laude*, 2013)
- Temple University (B.A., *magna cum laude*, 2010)

Admissions

- New Jersey, 2013

Practices

- Medical Malpractice

- Pennsylvania, 2013

Languages

- Hungarian

Associations & Memberships

- Montgomery County Bar Association
- Pennsylvania Bar Association

Classes/Seminars Taught

- *Calculated Change in Strategy: Hospital as the Solo Defendant*, Marshall Dennehey Trends in Health Care and Health Law Seminar, May 9, 2024
- Commonwealth of Pennsylvania Workers' Compensation Seminar, Commonwealth of Pennsylvania, 2016 and 2017

Published Works

- "Pennsylvania Imaging Center v. Commonwealth: The Supreme Court of Pennsylvania 'Trips' Over the Fine Line between Sales and Use Tax in Cases of Property Affixed to Real Estate," *2013 Annual Survey of Pennsylvania Administrative Law* - 22 Widener L.J. 321 (2013)

Significant Representative Matters

- Obtained a defense verdict after a week-long jury trial in a medical malpractice case. The plaintiff alleged she sustained a bowel perforation injury in the course of a robotic-laparoscopic hysterectomy. The procedure was performed by an obstetrician/gynecologist. During the course of the procedure, a general surgeon was called in to evaluate the bowels for injuries. There were no injuries found, so the procedure was completed, and the patient was discharged the following day. Two days later the patient returned in critically ill condition, and a bowel perforation in the sigmoid colon was identified. The plaintiff alleged the providers negligently failed to detect the injury during the hysterectomy. After a week-long trial, the jury returned a verdict in favor of all defendants.
- *Geisinger Health v. Bureau of Workers' Comp. (SWIF)*, 138 A.3d 133 (Pa. Cmwlth. Ct. 2016)

Results

Defense Verdict Secured in Chester County Medical Malpractice Case

We obtained a defense verdict after a week-long jury trial in the Chester County Court of Common Pleas in a medical malpractice case. The plaintiff alleged she sustained a bowel perforation injury in the course of a robotic-laparoscopic hysterectomy. During the course of the procedure, a general surgeon was called in to evaluate the bowels for injuries. There were no injuries found, so the procedure was completed, and the patient was discharged the following day. Two days later, the patient returned in critically ill condition, and a bowel perforation in the sigmoid colon was identified. The plaintiff

alleged the health care providers negligently failed to detect the injury during the hysterectomy. After the trial, the jury returned a verdict in favor of all defendants.

Plaintiff's Claims Barred by Statute of Limitations and Immunity Provisions of the Pennsylvania Mental Health Procedures Act

The defense prevailed on preliminary objections in Philadelphia County as the court found that the case involved a medical malpractice action involving the plaintiff's allegations of an alleged assault by three patients while the plaintiff was a patient at a behavioral health hospital. In the complaint, the plaintiff pleaded ordinary negligence. Preliminary objections in the nature of a demurrer were filed by the defendant, raising immunity under the Pennsylvania Mental Health Procedures Act since there was no claim of gross negligence. After the preliminary objections were filed, the plaintiff attempted to cure the defect in the original pleading by filing an amended complaint, which added allegations of gross negligence and additional facts, in an attempt to support the claim of gross negligence. We again filed preliminary objections, arguing that the allegation of gross negligence was a new cause of action that was now barred by the statute of limitations. Since the amended complaint was filed more than two years after the event at issue and raised a new claim, the applicable two-year statute of limitations barred the claim. We also argued that the amended complaint failed to provide any factual support for gross negligence or willful misconduct and, therefore, the hospital was immune from suit. Plaintiff's counsel did not file a response in opposition. The Philadelphia Court of Common Pleas agreed that the new claim was barred by the statute of limitations and the immunity provisions of the Mental Health Procedures Act, and dismissed the case with prejudice.

Thought Leadership

September 1, 2024

Multiple Entities, But One Claim – The Issue of Corporate Negligence

October 1, 2022

Where there is much uncertainty about the facts, the issue of discovering the injury could not be determined as a matter of law by the court.

October 1, 2022

Defendants must comply with notice requirements for dismissing a medical malpractice case based on the lack of a certificate of merit.

October 1, 2022

Is a certificate of merit required when a plaintiff files a claim sounding in professional negligence but subsequently attempts to assert that the issue involves simple negligence?

October 1, 2022

Prior acts exclusion applies and coverage is excluded because claim was previously reported to another insurer.

April 1, 2022

Courts will not give the benefit of doubt, even in the face of a pandemic, to excuse lack of good faith effort to serve a complaint.

April 1, 2022

A plaintiff has no obligation to choose one theory of liability, thereby excluding other theories.

April 1, 2022

PA Superior Court rules that issue of whether medical providers provided medical care and owed duty to minor plaintiff was question for the jury.

April 1, 2022

PA Supreme Court reverses Superior Court, holds that trial court did not abuse its discretion in denying motion for mistrial based on single, unanswered question proposed to expert witness.

July 1, 2021

Case illustrates the issue of damages is an indispensable element of a trial.

July 1, 2021

The court holds that a medical-malpractice plaintiff lacks standing to advance the constitutional rights of non-medical-malpractice defendants.

July 1, 2021

Case opens door for the Court of Common Pleas to address the statute of limitations arguments raised in preliminary objections.

July 1, 2021

Appellate courts will refer to trial courts' decisions regarding factual issues.

January 11, 2021

The Superior Court of Pennsylvania held that the trial court abused its discretion in refusing to instruct the jury on res ipsa loquitur.

January 11, 2021

The Superior Court of Pennsylvania held that a witness was qualified to testify as an expert in pharmacy practice.