

Gary M. Samms

Shareholder

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Gary is a highly skilled trial attorney who has successfully handled more than 200 major jury trials throughout his career. With a primary focus on the health care industry, he represents doctors, nurses, health care practitioners, hospitals, and facilities of all types when facing catastrophic outcomes and medical malpractice lawsuits. Gary divides his time between our King of Prussia and Philadelphia offices.

Gary is also experienced in complex civil litigation matters encompassing all areas of professional liability, sexual assault, property litigation and intellectual property. Representing clients in the federal and state courts, he has successfully argued before the Pennsylvania Supreme Court and the Third Circuit Court of Appeals, and he has handled scores of bench trials, arbitrations and mediations. He serves as a Judge Pro Tem for the Philadelphia Court of Common Pleas and is a trained mediator.

Prior to joining Marshall Dennehey, Gary chaired the Professional Liability and Catastrophic Loss practice groups at a well-known Philadelphia-based law firm. Gary was named one of Pennsylvania's Top 100 Lawyers and one of Philadelphia's Top 100 Lawyers five times, and has been recognized as a Pennsylvania Super Lawyer since 2006 by Pennsylvania Super Lawyers®. He is also recognized in the 2025 and 2024 editions of The Best Lawyers in America® for professional malpractice law – defendants.

Outside of the courtroom, Gary is a distinguished speaker and lecturer on litigation topics including trial tactics, expert selection and cross-examination. He has also been featured on Fox Business News' "Xpert Forum" program.

Education

- University of Arkansas School of Law
- West Chester University

Practices

- Medical Malpractice
- Catastrophic Medical Injury
- Miscellaneous Professional Liability
- Appellate Advocacy & Post-Trial Practice

Admissions

- Pennsylvania, 1990
- U.S. District Court Eastern District of Pennsylvania
- Supreme Court of the United States

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Professional Malpractice Law – Defendants (2024-2027)
- The Legal Intelligencer – Professional Excellence Award – “Distinguished Leader” (2020)
- Pennsylvania Super Lawyers (2006-2026; Top 100 in Pennsylvania, 2009-2011, 2013-2014; Top 100 in Philadelphia, 2009-2011, 2013-2014)
- Suburban Life Magazine – Top Attorneys (2013-2022)

Associations & Memberships

- American Bar Association
- American Inns of Court
- Defense Research Institute
- Pennsylvania Bar Association
- Philadelphia Bar Association

Representative Cases & Matters

- Secured a non-suit in a hotly contested matter with a pre-trial demand of \$7 million dollars regarding the death of a neurologist after complications from a green light procedure for prostate issues. Plaintiffs contended thermal injury occurred, as well as a bladder perforation, infection, bladder removal and ultimately death and argued the hospital did not act appropriately and failed to have appropriate policies and procedures regarding the use of warm saline during the procedure. The corporate and direct negligence theories failed after Gary's cross-examination of their expert on voir dire determined that the plaintiff's expert was not qualified to offer opinions on hospital policies and procedures. Successful cross-examination had already occurred regarding the pathologist involved in the autopsy and the urologist who performed the procedure. The granting of a non-suit is a rarity at trial. (2026)
- Obtained a unanimous defense verdict on behalf of an anesthesiologist who was accused of causing nerve damage during the performance of an adductor canal block during significant knee surgery. The week-long trial was punctuated by emotional testimony about the plaintiffs' limitations, however cross-examination of experts regarding the performance of the blocks and the nerves actually effected, and effective use of medical literature and cross-examination was the key to the defense verdict according to jurors afterwards. (2026)
- Obtained a Non-Suit in a wrongful death case in Delaware County. The Court found upon Motion that there was no link to causation after extensive, nuanced argument. (2025)
- After an 11-day trial, obtained a defense verdict on behalf of four physicians and a major teaching hospital in Philadelphia. The medical malpractice action involved the labor and delivery of a baby later alleged to have a hypoxic birth injury that caused

developmental delays and permanent brain damage, among other issues. The plaintiffs' experts boarded \$21 million in future medical costs to take care of the child and the demand in the pretrial was commensurate with those numbers. (2025)

- Secured a unanimous defense verdict in Philadelphia on behalf of a prominent orthopedic surgeon accused of inappropriate touching of a patient. The plaintiff alleged that the physician inappropriately touched her during a preoperative examination for bilateral hip surgery. Through meticulous cross-examination and persuasive argument, the defense team achieved a complete victory. (2025)
- Obtained a dismissal in the middle of trial after cross-examining the plaintiff's witnesses in a case involving a former NFL player and opera singer who contended they had permanent injuries after knee surgery and the failure to diagnose a pseudoaneurysm. Plaintiff's counsel agreed to dismiss Gary and his client prior to the end of their case to prevent him from participating in the trial further, and decided to limit their recovery to the other defendants due to the successful cross-examination. (2025)
- Secured a medical malpractice defense verdict in a complex urosepsis case where the damages included allegations of neurological sequelae and cognitive deficits. The trial was marked by aggressive cross-examination of expert witnesses and a deep dive into comprehensive neurological records and literature. (2025)
- Received a defense verdict on behalf of an anesthesiologist after a six-day trial in Philadelphia. The plaintiffs had contended the anesthesiologist failed to deal with internal bleeding, blood pressure issues and failed to communicate with the surgeon during a Cesarean section and in the Post Anesthesia Care Unit (PACU), leading to the plaintiff almost bleeding out and causing the loss of her uterus during an emergency hysterectomy. The jury was receptive to the defense arguments that, in fact, the doctor not only complied with the standard of care, but exceeded it. (2024)
- Achieved a unanimous defense verdict in a wrongful death case. The lawsuit included allegations of failure to workup and diagnose lung cancer. The 9-day trial revolved around the care provided by the primary care and orthopedic physicians. The plaintiffs claimed the patient's symptoms were related to a Pancoast tumor that was undiagnosed, resulting in his death. Gary was able to establish with the jury the superiority of the defense experts by comparison, and explain there can be concurrent diseases and there was an objective reason for each and every one of the patient's symptoms. (2024)
- Secured a unanimous defense verdict on behalf of a cardiologist who was accused of causing the death of a patient. The plaintiff contended the cardiologist should have immediately sent his patient to the hospital for an emergent cardiac catheterization due to unstable angina. Gary persuaded and convinced the jury that the patient indeed had stable angina and did not need urgent care, even though the patient died four days after the visit. (2024)
- Secured a defense verdict on behalf of a gynecological surgeon facing accusations of damaging a woman's ureters and urinary tract during a laparoscopic hysterectomy. The plaintiff claimed that the doctor's alleged inexperience and negligence led to a transection of the ureter. Following the verdict, the jury emphasized that Gary's cross-examination of the plaintiff's experts played a pivotal role in the verdict. (2024)
- Obtained a total dismissal of a hospital client after six days of trial. The matter involved allegations against the hospital for direct negligence and agency after a radical cystectomy, sepsis, perforation of the bowel and death. (2024)
- Obtained a defense verdict on behalf of a urologist in a case involving testicular torsion. After a six-day trial the jury found the doctor was not liable for any injury sustained by the plaintiff. The key issue in the case revolved around presentation in the emergency room and the interpretation of an ultrasound as well as the presenting symptoms and complaints of the plaintiff. (2024)

- Secured a unanimous defense verdict after a six-day trial on behalf of a primary care physician accused of failing to timely diagnose cancer. The unanimous verdict was reached after a thorough and aggressive cross-examination of experts. Gary persuaded the jury that the doctor's actions were appropriate and that no CT screening was required for this patient despite their extensive smoking history. (2024)
- After an 8-day trial regarding the death of a patient, Gary obtained a unanimous defense verdict on behalf of an interventional cardiologist. The plaintiff alleged the doctor was negligent in his interpretation of an echocardiogram and in the performance of a ventriculogram during a cardiac catheterization. Gary succeeded in presenting expert testimony from four different specialties to persuade the jury his client acted appropriately at all times. Aggressive cross-examination of plaintiffs' experts contributed greatly to the victory. (2023)
- Secured a defense verdict after a nine-day trial where the jury found no liability for a primary care physician who was accused of making improper referrals to a weight loss physician and failing to work up a 36-year-old obese woman for cardiac issues. The decedent left behind a 4-year-old son and quadriplegic husband making the case extremely sympathetic. (2023)
- Secured a unanimous defense verdict in Chester County on behalf of a podiatric surgeon after a six-day trial. Plaintiffs alleged the doctor failed to meet the standard of care by not closely observing a patient in follow-up post-surgery on a severe Charcot foot, allowing an infection that led to a below-the-knee amputation. The trial involved seven experts and complicated medicine regarding various infectious pathogens. (2023)
- Secured a defense verdict for two anesthesiologists accused of malpractice. The plaintiffs had claimed the anesthesiologists failed to properly hydrate the patient during the procedure as well as adequately and appropriately monitor the blood pressure and heart rate. They were also criticized for extubating prior to the patient meeting the necessary criteria. The plaintiffs alleged the deficiencies resulted in poor perfusion to the bowel which led to necrosis and resection leaving the patient with short gut syndrome and cognitive deficits. The jury commented on the effective cross-examination and the quality of the defendants' experts as being important in their analysis. Raymond Petruccelli was instrumental in the defense of this case. (2023)
- Obtained a defense verdict for a lab director, hospital and health care system. Gary was asked to "parachute" in two weeks before trial and represent these health care providers. The complex case involved a lab mix-up that caused plaintiffs to have unnecessary surgery in the form of a radical prostatectomy for prostate cancer. The surgery caused complications of stress urinary incontinence and erectile dysfunction. The plaintiff made an eight-figure demand and the trial lasted eight days. (2023)

Classes & Seminars Taught

- "The Modern Plaintiff Machine," panelist, 2026 American Legal Connections Healthcare Symposium, July 24, Atlanta, GA
- Combating Nuclear Verdicts in Plaintiff-Friendly Jurisdictions, A.M. Best Insurance Law Podcast, October 30, 2025

Media Commentary

- "Who's Your Doctor? Advice From Advocates on Researching Before Getting a Procedure." KIRO-7 (Seattle-based TV station affiliated with CBS and Telemundo), November 6, 2025. Gary provided the defense perspective in a segment about researching a doctor's disciplinary history.
- "KIRO-7 Investigates Lag Time Between Complaints Against Doctors and Discipline"

Catching Up," KIRO-7 (Seattle-based TV station affiliated with CBS and Telemundo), November 6, 2025. Gary provided the defense perspective in a segment about the lag time between complaints against doctors and the time it takes to investigate before any discipline is enforced.

- Phila. Anesthesiologist Wins Defense Verdict in Multimillion-Dollar Case Over C-Section Complications, *The Legal Intelligencer*
 - The Defense Bar Is Feeling the Strain: Busy Med Mal Trial Schedules Might Be Phila.'s 'New Normal', *The Legal Intelligencer*
 - Philadelphia Jury Returns Defense Verdict in \$12M Infant Death Case, *The Legal Intelligencer*
 - Philadelphia on Track for Record Year of High-Dollar Verdicts, *The Legal Intelligencer*
 - In Rarely Used Argument, Temple Says \$25.9M Verdict Would Hurt the Community, *The Legal Intelligencer*
 - Fed. Judge Allows Lawsuit Alleging 'Skill' Games Are Illegal Gambling to Proceed—For Now, *The Legal Intelligencer*
 - An Older Pa. Woman Was Placed Under Guardianship. Her Family Says the System Betrayed Her, *The Philadelphia Inquirer*
 - Suburban Med Mal Findings Plummet as Plaintiffs Flock to Philadelphia, *The Legal Intelligencer*
 - Casinos Fight for Gaming Turf as Vegas-Style Machines Show Up in Local Bars, Convenience Stores, *The Wall Street Journal*
 - UPMC 'Provision' Could Ward Off Effects of Looming Med Mal Venue Rule Change—If It Can Survive in Court, *The Legal Intelligencer*
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Results

Defense Verdict in Complex Medical Malpractice Trial

We successfully defended an anesthesiologist and pain management physician in a complex medical malpractice matter involving extraarticular facet joint injections which allegedly led to cauda equina syndrome, urinary and fecal incontinence, ED and other serious complications. After six days, a Delaware County jury found on behalf of the physicians. Experts in the case included anesthesiology, pain management, neurosurgery, neurology, neuroradiology, and urology experts. The defense verdict was dependent on successfully relaying the subtle and complex issues in the medical care and the nerves considering the patient's past medical history, as well as the medications used in the procedure. Plaintiffs were critical of ten different aspects of the doctor's procedure, but with expert testimony and cross examination, Gary and his team were able to prevail.

Defense Verdict Secured on Behalf of a Major Philadelphia Healthcare Provider

We obtained a defense verdict on behalf of a major Philadelphia healthcare provider after a contentious six-day trial. After undergoing a kidney transplant, a patient suffered complications in post-operative care and died a day after the surgery. The plaintiffs were critical of the post-operative care, claiming the physicians failed to take the patient back to the operating room in light of post-op bleeding. The hospital and physicians maintained that the post-procedure complications were related to previously unknown liver issues

that resulted in liver failure/liver shock that created an unstable condition and prevented re-operation. While the family presented a very sympathetic case, Gary was able to prove, through the science and medicine, that the doctors acted appropriately and did not cause the woman's passing.

Defense Verdict Won on Behalf of a Major Philadelphia Hospital

After an 11-day, hard-fought trial, we prevailed and obtained a defense verdict on behalf of four physicians and a major teaching hospital in Philadelphia. The medical malpractice action involved the labor and delivery of a baby later alleged to have a hypoxic birth injury that caused developmental delays and permanent brain damage, among other issues. The plaintiffs' experts boarded \$21 million in future medical costs to take care of the child, and the demand in the pretrial was commensurate with those numbers.

Unanimous Defense Verdict Secured in Philadelphia

We secured a unanimous defense verdict in Philadelphia on behalf of a prominent orthopedic surgeon. The plaintiff alleged that the physician inappropriately touched her during a preoperative examination for bilateral hip surgery. Through meticulous cross-examination and persuasive argument, the defense team achieved a complete victory.

Secured a Unanimous Defense Verdict on Behalf of an Orthopedic Surgeon

We secured a unanimous defense verdict in Philadelphia on behalf of a prominent orthopedic surgeon accused of inappropriate touching of a patient. The plaintiff alleged that the physician inappropriately touched her during a preoperative examination for bilateral hip surgery. Through meticulous cross-examination and persuasive argument, the defense team achieved a complete victory.

Dismissal Obtained After Cross-Examination of Plaintiff's Witnesses

We obtained a dismissal in the middle of trial after cross-examining the plaintiff's witnesses. This case involved a former NFL player and opera singer who contended they had permanent injuries after knee surgery and the failure to diagnose a pseudoaneurysm. Plaintiffs' counsel agreed to dismiss our client prior to the end of their case, to prevent him from participating in the trial further, and decided to limit their recovery to the other defendants due to our successful cross-examination.

Effective Cross-Examination Leads to Defendant's Dismissal Mid-Trial

We represented an orthopedic practice in a case involving a former NFL player and opera singer who alleged permanent injuries after knee surgery and the failure to diagnose a pseudoaneurysm. Our highly-effective cross-examination of the plaintiff's witnesses resulted in our client's dismissal before the close of the trial, with the plaintiff choosing to limit their recovery to the remaining defendants.

Defense Verdict Obtained After a Six-Day Jury Trial

We obtained a defense verdict on behalf of a hospital and two Emergency Department physicians after a six-day jury trial in a complex and extremely emotional case involving the death of 7-year-old child. Allegations of negligence surrounded the failure to admit and perform a urine drug screen on an 18-year-old who presented high on synthetic marijuana or K2. We argued that the doctors appropriately performed numerous exams,

tested and monitored the patient until he achieved clinical sobriety. The patient was discharged, then 22 hours later smoked more K2 and within two hours strangled his 7-year-old sister to death.

Defense Verdict on Behalf of Hospital and Emergency Department Doctors

We obtained a defense verdict on behalf of one of the Philadelphia region's largest hospitals and two of its Emergency Department physicians after a six-day jury trial in a complex and extremely emotional case involving the death of 7-year-old child. Allegations of negligence surrounded the failure to admit and perform a urine drug screen on an 18-year-old who presented high on synthetic marijuana or K2. We argued that the doctors appropriately performed numerous exams, tested and monitored the patient until he achieved clinical sobriety. The patient was discharged, then 22 hours later smoked more K2 and within two hours strangled his 7-year-old sister to death.

Successfully Dismantled a Complex Claim Against a Major Health Care Corporation

We succeeded in partially dismantling a complex claim against a major health care client. The family of a former in-patient resident who died as a result of complications from the COVID-19 virus filed suit, raising claims that the patient was sexually assaulted while in the care of the hospital and a subsidiary ambulance company. Asked to join the defense team shortly before trial, we effectively discredited the plaintiff's witnesses throughout the plaintiff's case-in-chief. At the nonsuit stage, we wholly extricated our client—sealing off any exposure to liability for the large, corporate parent company. Following the jury's \$3.5 million verdict against the remaining defendants, we were engaged as appellate counsel and succeeded in further winnowing the liability exposure. We convinced the trial judge to: (1) deny the plaintiff's request to reinstate the punitive damages claim based on the trial record; (2) grant a partial judgment notwithstanding the verdict on one claim, lopping a full \$700,000 off the jury's verdict; and (3) outright deny the plaintiff's motion for delay damages, which had sought to add \$742,000 to the jury's verdict.

Medical Malpractice Defense Verdict in a Complex Urosepsis Case

We secured a medical malpractice defense verdict in a complex urosepsis case where the damages included allegations of neurological sequelae and cognitive deficits. The trial was marked by aggressive cross-examination of expert witnesses and a deep dive into comprehensive neurological records and literature.

Defense Verdict Received in Bucks County Medical Malpractice Case

We obtained a defense verdict in a Bucks County medical malpractice case where we represented a leading orthopaedic surgeon. The plaintiff alleged failure to diagnose compartment syndrome in a 19-year-old who broke his ankle skateboarding. The case was transferred to us just two weeks before trial.

Defense Verdict for a Leading Orthopaedic Surgeon

We obtained a defense verdict in a Bucks County medical malpractice case where we represented a leading orthopaedic surgeon from a world-class orthopaedic institution. The plaintiff alleged failure to diagnose compartment syndrome in a 19-year-old who broke his ankle skateboarding. The case was transferred to us just two weeks before

trial.

Defense Verdict Obtained in Anesthesiologist Malpractice Case

We received a defense verdict on behalf of an anesthesiologist after a six-day trial in Philadelphia. The plaintiffs had contended the anesthesiologist failed to deal with internal bleeding and blood pressure issues and failed to communicate with the surgeon during a Cesarean section and in the Post Anesthesia Care Unit (PACU), leading to the plaintiff almost bleeding out and causing the loss of her uterus during an emergency hysterectomy. The matter involved seriously conflicting experts and was a well-tried case by all parties. Fortunately, the jury was receptive to the defense arguments that, in fact, the doctor not only complied with the standard of care but exceeded it.

Received A Unanimous Defense Verdict on Behalf of An Orthopedic and Physical Therapy Practice

We received a unanimous defense verdict on behalf of an orthopedic and physical therapy practice in a case where the plaintiff's demand was \$5 million. The jury deliberated for approximately six hours and had to decide whether the injuries sustained by the plaintiff (detached retina, macular hole and other related eye injuries resulting in five surgeries in two years) were related to any negligence by his clients. We were able to prove, through aggressive cross-examination, that the injuries were not related to any negligence on the part of the practice, even though they occurred while the patient was being monitored and treated in physical therapy.

Thought Leadership

October 30, 2025

Combatting Nuclear Verdicts in Plaintiff-Friendly Jurisdictions

A.M. Best Podcast