

Thomas A. Specht

Shareholder

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Thomas concentrates his practice on insurance coverage disputes, defense of insurance bad faith claims, post-trial matters and appeals. He is admitted to practice in Pennsylvania, the United States District Court for the Middle District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit.

In 1993, Thomas graduated *magna cum laude* from the University of Scranton. He then went on to attend Villanova University School of Law, receiving his *juris doctor* in 1996.

Thomas is a member of the Wilkes-Barre Law and Library Association, the Lackawanna County Bar Association, the Pennsylvania Bar Association and the Defense Research Institute, where he is currently the Third Circuit reporter for DRI's *Certworthy* publication. Thomas is also the current editor in chief of *Defense Digest*--Marshall Dennehey's quarterly newsletter that updates its clients on important legal cases and issues.

Practices

- Appellate Advocacy & Post-Trial Practice
- Insurance Services – Coverage & Bad Faith Litigation

Education

- Villanova University Charles Widger School of Law (J.D., 1996)
- University of Scranton (B.A., *magna cum laude*, 1993)

Admissions

- Pennsylvania, 1996
- U.S. District Court Middle District of Pennsylvania, 2001
- U.S. Court of Appeals 3rd Circuit, 2010

Honors & Awards

- The Best Lawyers in America®, “Lawyer of the Year,” Northeastern Pennsylvania, Insurance Law (2025)
- The Best Lawyers in America®, Insurance Law; Litigation – Insurance (2024-2027)

- BV® Distinguished™ by LexisNexis Martindale-Hubbell

Associations & Memberships

- Defense Research Institute
- Lackawanna County Bar Association
- Pennsylvania Bar Association
- Wilkes-Barre Law & Library Association

Significant Representative Matters

- Obtained complete dismissal of all claims on eve of trial where plaintiff's demand was \$10 million. Plaintiff was an emergency medicine technician (EMT) who was severely assaulted during an ambulance transport of a minor patient to a psychiatric facility. The client-physician discharged the patient with orders for sedation and restraints, if needed, during transport. The plaintiff alleged these discharge orders were insufficient and violated standard of care. The defense successfully argued that under Pennsylvania's Mcare Act, the client-physician did not owe a duty to the plaintiff-EMT, only to the minor patient, and further, that the plaintiff's Emergency Medicine expert was not qualified to opine on the standard of care provided by client-physician who is an Internal Medicine specialist in that plaintiff's expert had no expertise in the long-term management of psychiatric patients. Without an expert to opine on the applicable standard of care, the plaintiff's claim must fail. As a result, the court granted the motion for summary judgment and dismissed plaintiff's claims.
- Achieved dismissal, and affirmance of dismissal on appeal, of an insurance bad faith/UTCPL/breach of contract action seeking \$1,000,000 in permanent total disability benefits and extra-contractual damages, where court agreed that the Plaintiff's Complaint did not allege facts sufficient to come within the Policy's terms of coverage, and was not ambiguous.
- Won summary judgment for insurer in an excess verdict bad faith case, where the underlying verdict came in at 14 times the last offer made by insurer, and subsequently achieved affirmance of summary judgment on appeal.
- Obtained favorable coverage decision, that resulted in the dismissal of Luzerne County UIM case, in which the Claimant sought UIM policy limits of \$200,000.00, and had contended that her status as a "driver listed" on her former boyfriend's automobile policy, and payment of premiums for that status, entitled her to UIM coverage for injuries sustained in a motor vehicle accident.
- Won motion for summary judgment that resulted in dismissal of coverage matter in which insured sought recovery for rain-damaged property, alternative living expenses and depreciation holdback, where wind during storm had blown tarp off of house during renovation project.
- Obtained reversal of \$700,000 trial court award on appeal, where the Pennsylvania Supreme Court determined that dam owner was not responsible for flooding of downstream property owners and was not negligent as a matter of law.
- In a case dealing with a novel issue in Pennsylvania insurance bad faith practice, convinced district court to grant a motion to dismiss portion of bad faith claim relating to denial of first party medical benefits, on the basis of PA MVFRL preemption, even though insurer had not utilized PRO process, but an IME, in which doctor had opined that Plaintiff had reached maximum medical improvement.
- Attained dismissal of a UIM action on Preliminary Objections, where the trial court held that the plaintiff was not entitled to UIM coverage under his employer's commercial automobile policy, on the basis that the Pennsylvania Workers' Compensation Act precluded an action against the co-employee/tortfeasor directly.

- Accomplished dismissal of breach of contract/insurance bad faith claim, and affirmance of dismissal on appeal, where the plaintiff sought coverage under Businessowners Coverage Form and Cargo Endorsement for spoilage of frozen veal product, convincing the courts that the Cargo Endorsement superseded, and did not conflict with, the language of the Coverage Form, and did not provide coverage for the loss.
- Persuaded U.S. Court of Appeals for the Third Circuit to affirm dismissal of civil rights lawsuit alleging that local police officer engaged in a conspiracy to violate civil rights of plaintiff through an allegedly wrongful citation that lead to an adverse employment action being taken against the plaintiff.
- In an action alleging that School District Defendants had defamed Plaintiff Charter School, convinced the U.S. Court of Appeals for the Third Circuit to affirm dismissal of the defendants on the basis that the defendants were protected by high official immunity for defamation claims made against them in their official capacities, and because the charter school, as a governmental entity, was barred by the First Amendment from asserting a defamation claim against the defendants in their individual capacities.

Representative Cases

- *Shamnoski v. PG Energy*, 858 A.2d 589 (Pa. 2004)
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Results

Emergency Injunctive Relief Denied in a Data Center Matter

We obtained denial of a motion for emergency injunctive relief in a data center case. Two pro se plaintiffs filed a complaint and a motion for emergency injunctive relief following a township planning commission's meeting to discuss conditional review of a proposed data center development plan. The plaintiffs asserted various violations under Pennsylvania's Sunshine Act and related public meeting statutory requirements. Following a hearing wherein witness testimony was presented and cross examined, the court issued an order denying the motion for injunctive relief, finding that no immediate and irreparable harm existed relative to the planning commission's meeting and the purported Sunshine Act violations.

Dismissal of all claims on the eve of trial where EMT plaintiff's demand was \$10 million.

The plaintiff was an Emergency Medicine Technician who was severely assaulted during an ambulance transport of a minor patient to a psychiatric facility. The client-physician had discharged the minor patient with orders for sedation and restraints, if needed, during transport. The plaintiff alleged these discharge orders were insufficient and violated standard of care. Our attorneys successfully argued that under Pennsylvania's Mcare Act our client-physician did not owe a duty to the plaintiff-EMT, only to the minor patient. Further, they successfully argued that the plaintiff's Emergency Medicine expert was not qualified to opine on the standard of care of our client, an Internal Medicine specialist, in that the plaintiff's expert had no expertise in the long-term management of psychiatric patients. Without an expert to opine on the applicable standard of care, they

reasoned the plaintiff's claim must fail. As a result, the court granted their motion for summary judgment and dismissed the EMT's claims.

Defense Verdict for School District

We obtained a defense verdict after a one-week trial in the U.S. District Court for the Eastern District of Pennsylvania. The case involved alleged race, gender and/or "intersectional" (race and gender) discrimination claims by two women against a Philadelphia area school district.

Dog Attack Claims Lacks "Bite"

We obtained summary judgment in favor of our homeowner clients in a case involving an alleged "attack" by our client's dog. As the plaintiff walked past the client's property on a public sidewalk, the dog ran out to the edge of the sidewalk barking loudly. The plaintiff became "startled" and stepped back, falling into the street and sustaining a seriously displaced left distal radius fracture that required open reduction and internal fixation. Upon review of the summary judgment motion, the court found no evidence that the dog was a "dangerous dog" or that the dog had ever left the confines of the insured's property. Interestingly, the court ruled that the dog's barking and charging the sidewalk did not represent a breach of duty by the homeowner to the public on the sidewalk under the applicable statutory and case law.

Thought Leadership

March 1, 2024

Denial of Insurer's Petition for Limited Intervention in Trial Court Action Against Insured to Determine Whether Coverage Exclusion Applies Is Immediately Appealable