

## Joshua Gajer

Partner

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### OVERVIEW

Josh Gajer is an experienced litigator and a tenacious advocate who is committed to achieving the best possible results for his clients. As a former criminal prosecutor, Josh understands how important an early and thorough investigation is to the favorable resolution of any matter, no matter how big or small. He focuses his practice on complex matters, including medical malpractice litigation and general liability matters as well as white collar criminal defense and internal investigations. He represents hospitals, physicians, nurses and other healthcare practitioners against professional liability claims and corporate clients in connection with fraud related litigation and investigations, including internal investigations, criminal and regulatory enforcement and insurance fraud.

Prior to joining the firm, Josh worked as a criminal prosecutor in the Miami-Dade Office of the State Attorney. As an Assistant State Attorney, Josh tried approximately 30 jury trials and 100 bench trials including many complex cases involving conspiracies, insurance fraud, larcenies and other significant financial crimes. As a prosecutor, Josh also served as a member of the State Attorney's Multi-Agency Gang Task Force responsible for coordinating federal and state investigations and prosecutions of Miami's most dangerous and sophisticated criminal organizations engaged in complicated schemes to defraud.

While in law school, Josh served as an editor of the *Arts and Entertainment Law Journal* and found his calling as a litigator while interning for the Honorable Frederic Block of the Eastern District of New York.

### PRACTICES

Appellate  
Healthcare  
Litigation  
White Collar Defense, Investigations and Corporate Compliance

### BAR AND COURT ADMISSIONS

Florida  
New Jersey  
Pennsylvania  
U.S. District Court for the Middle District of Florida  
U.S. District Court for the Southern District of Florida  
U.S. District Court for the District of New Jersey  
U.S. District Court for the Eastern District of Pennsylvania

### EDUCATION

Benjamin N. Cardozo School of Law, JD, 2010  
Columbia University, BA, 2006



## RECOGNITION AND INVOLVEMENT

As a prosecutor, Josh was awarded Mothers Against Drunk Driving's (MADD) Excellence in Prosecution Award for his efforts developing an effective office-wide strategy to defeat novel defense motions to exclude scientific evidence in DUI cases.

Recognized as a *Best Lawyers: Ones to Watch® in America* since 2023 for Health Care Law.

Josh was selected in a survey of her peers as a Pennsylvania "Rising Star" by *Super Lawyers* in 2019 and 2020.

He is an avid baseball fan and manages the firm's softball team.

## REPRESENTATIVE MATTERS

White and Williams Trial Team Secures Defense Verdict for Philadelphia-Area Hospital in a Case Alleging Delayed Diagnosis of Bone Cancer  
6.3.22

White and Williams Wins Summary Judgment for Geisinger Clinic in Nursing Home Failure-to-Diagnose Case  
3.16.22

White and Williams Delivers Trial Victory for Horizon Healthcare Services, Inc.  
6.5.19

White and Williams Secures Reversal of Critical Ruling Involving Confidential and Proprietary Business Information  
7.7.16

Obtained summary judgment and complete dismissal of all claims against a Geisinger Clinic-employed geriatrician who allegedly failed to diagnose a shoulder fracture in a nursing home resident based on the doctrine of collateral estoppel

Obtained complete dismissal of a products liability action against a medical device manufacturer

Secured a dismissal, on appeal, on behalf of Horizon Healthcare Services, Inc. against claims that its Omnia healthcare plan violated the New Jersey state Healthcare Quality Act and that the state's opioid crises required the court to create a private right of action

Obtained a defense verdict in an arbitration on behalf of physicians and a hospital accused of failing to implant a defibrillator in a patient who died from a lethal arrhythmia

Obtained dismissal of a corporate property owner from a premises liability case based on workers' compensation immunity when the injured party was an employee of a subsidiary of the property owner

Obtained emergent appellate stay, and later the complete reversal on interlocutory appeal, of two discovery orders from two different courts that required a health insurer to provide in discovery confidential, competitive, and proprietary business information to various hospitals upset with their tier designation in the insurer's health plan

Successfully represented a major health insurer against efforts by hospitals to enjoin implementation of a new health insurance product

Obtained complete dismissal of a breach of contract action against a multinational consumer goods company

Obtained a defense verdict at arbitration on behalf of a physician accused of delaying an emergent transfer of a premature baby who later passed from necrotizing enterocolitis

Served as a part of a trial team that obtained a defense verdict on behalf of a physician accused of causing a 3-year-old child's death by failing to diagnose a severe stomach condition

## IN THE NEWS

Best Lawyers® Recognizes 45 White and Williams Lawyers  
*Firm News*, 8.18.23

Best Lawyers® Recognizes 40 White And Williams Lawyers  
*Firm News*, 8.18.22

Josh Gajer Comments on Legal Exposure of Understaffed Emergency Departments  
3.2.22

White and Williams Announces 15 Lawyer Promotions  
1.3.22

Josh Gajer Discusses How Patient Care Could Become Discoverable  
*ED Management*, 12.8.21

Anthony Miscioscia Recognized by JD Supra 2021 Readers' Choice Awards  
3.31.21

White And Williams Announces Lawyer Promotions  
Three Lawyers Elected to Partnership and Eight Associates Promoted To Counsel  
1.4.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars  
11.5.20

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.17.19

Coverage College Celebrates Its 10th Anniversary  
9.22.16

## EVENTS

MEDx Talks 2022

Liberty View at Independence Visitor Center, 9.15.22

Where Must We Fight? Developments in Personal Jurisdiction Law May Limit the States in Which Corporations Must Defend Themselves

White and Williams Coverage College, 9.22.16

## PUBLICATIONS

PA Superior Court Imposes Heavy Burden on Defendants to Challenge Propriety of Venue

*Healthcare Client Alert*, 2.15.24

The Devil is in the Details: PA Superior Court Continues to Narrowly Construe Scope of the MCARE Patient Safety Privilege

*Healthcare Alert*, 12.21.23

Supreme Court of Pennsylvania Discards Long-Standing Percentage Revenue Test for Assessing Venue But Its Application to Healthcare Services May Be Different

By Joshua Gajer and Margaret MacDonald

*Client Alert*, 12.5.23

Eroding Privileges: Pennsylvania Superior Court Narrowly Construes Scope of MCARE Patient Safety Reporting Privilege

*Healthcare Alert*, 9.15.23

What Comes Next? Implications of the Supreme Court of Pennsylvania's Repeal of the Medical Malpractice Venue Rule

*Healthcare Alert*, 9.1.22

Superior Court of Pennsylvania to Address Requirements for Application of the MCARE Patient Safety Privilege

*Healthcare Alert*, 4.12.22

The Superior Court of Pennsylvania Clarifies the Discoverability of Mental Health Records in Personal Injury Lawsuits

*Healthcare Alert*, 1.18.22

PA Supreme Court Protects Hospital Credentialing Files and Data Bank Disclosures From Discovery

*Healthcare Alert*, 8.19.21

Telehealth and Medical Liability

*MDedge Med Tech Report*, 6.24.20

Liability in the Telehealth Era

*Healthcare Alert*, 6.18.20

What Is a 'Fair' Venue for Medical Malpractice Litigation?

*The Legal Intelligencer*, 4.9.20

PA Legislature Cannot Determine the Anticipated Impact of the Proposed Repeal of the Medical Malpractice Venue Rule  
*Healthcare Alert*, 2.4.20

Pennsylvania Senate Report on the Anticipated Impact of the Proposed Repeal of the Medical Malpractice Venue Rule Delayed by One Month  
*Healthcare Alert*, 1.3.20

Pennsylvania House Bill Introduced to Protect Venue Rule in Medical Professional Liability Cases  
*Healthcare Alert*, 5.15.19

Pennsylvania Supreme Court Postpones Consideration of Proposed Repeal of Medical Malpractice Venue Rule  
*Healthcare Alert*, 2.15.19

Pennsylvania Senate Urges Supreme Court to Delay Considering Repeal of Venue Rule in Medical Professional Liability Cases Pending Further Study  
*Healthcare Alert*, 2.7.19

Pennsylvania Supreme Court Considering Repeal of the Venue Rule in Medical Professional Liability Cases  
*Healthcare Alert*, 1.7.19

PA Supreme Court Declines to Consider Constitutional Challenge to Statutory Damages Cap Applicable to Commonwealth Agencies  
*Litigation Alert*, 10.25.18

PA Supreme Court Dramatically Changes Scope of Qualified Immunity for Government Entities for Torts Related to "Operation of a Motor Vehicle"  
*Litigation Alert*, 9.6.18