

Sandra L. Niemotka

Partner

Chair, Workers' Compensation Group

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Sandy is known for aggressively defending Pennsylvania and New Jersey cases in workers' compensation litigation. She presents the best possible defense, finding creative ways to push back against questionable claims, whether in litigation or not.

OVERVIEW

Sandra Niemotka has focused her practice on workers' compensation defense in Pennsylvania and New Jersey since 1992.

Sandy is known for aggressively defending Pennsylvania and New Jersey cases in workers' compensation litigation. Since March 2020, she has been extensively involved with defending and educating clients about COVID-19 claims. She has particular experience and knowledge of claims that can be brought in both states, known as "concurrent jurisdiction." She also has particular knowledge and experience in hearing loss claims, opioid abuse, medical marijuana and in finding offsets against workers' compensation benefits so that benefits can be reduced. Sandy counsels clients such as insurance companies, media, manufacturers, nursing facilities, warehouses, school districts and restaurants on a regular basis in response to the day-to-day issues that concern workers' compensation.

Sandy has tremendous empathy for employers who are faced with workers' compensation system abusers. She enthusiastically presents the best possible defense in litigating her cases, turning over every stone and finding creative ways to push back against questionable claims, whether in litigation or not.

Sandy is a member of the Claims and Litigation Management Alliance and has also contributed articles and been an invited speaker of other industry organizations such as the Pennsylvania Defense Institute, the Philadelphia Insurance Society and the Pennsylvania Bar Institute.

RECOGNITION AND INVOLVEMENT

Sandy is member of the American Legion Ladies Auxiliary, Oaklyn-Bettlewood Post 84, previously serving as Sergeant at Arms for several years.

PRACTICES

Workers' Compensation

BAR AND COURT ADMISSIONS

Pennsylvania

New Jersey

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Pennsylvania

EDUCATION

Rutgers School of Law – Camden, JD, 1991

Rutgers College, BA, *cum laude*, 1988

MEMBERSHIPS

New Jersey Bar Association

Pennsylvania Bar Association

Philadelphia Bar Association



REPRESENTATIVE MATTERS

Obtained a Judge's decision, affirmed on appeal, that stopped the employer's liability for a former nurse's excessive use of opioid patches and lozenges

Obtained a dismissal against a coal miner's scar claims, with unique statute of limitations issues, up to the Pennsylvania Supreme Court level

Obtained a Judge's decision denying that a camera operator's neck surgery was work related, despite the alleged whiplash from his car accident

Obtained a Judge's decision that denied a Claim against an electronics manufacturer when an inspector alleged his low back surgery was work related, but the defense established the injury leading to the surgery had resulted from a sneeze at home

Obtained a Judge's decision that denied a Claim against a truck manufacturer when an assembly worker alleged there was work-related ringing in his ears ("tinnitus"), and the defense successfully argued it was not a compensable "injury" as the law defines it

Obtained a Judge's decision that denied a Claim against a nursing facility when a CNA injured her wrist, but the defense established her loss of earnings was due to a positive drug screening, and not her injury

Obtained a Judge's decision that denied a Claim against a quarry when a heavy equipment operator alleged back and knee injuries from a fall, but the defense established his loss of earnings was due to his failure to return to modified duty, and not his injuries

EVENTS

Pennsylvania Return to the Workplace
Webinar, 6.11.20

An Emergent Webinar: Navigating COVID-19's Impact - What Every Employer Must Know
Webinar, 3.24.20

Steps To Take to Prepare Your Workplace During COVID-19
PBI Webinar, 3.20

Employment Law Seminar - Philadelphia
Philadelphia, PA, 5.18.16

Workers' Compensation Seminar
Brookside Country Club, Macungie, PA, 9.24.15

PUBLICATIONS

PA and NJ Workers' Compensation Benefits for 2024
Workers' Compensation Alert, 2.2.24



For PA Employers: Defense Against Medical Marijuana Goes up in Smoke
Workers' Compensation Alert, 3.28.23

A New Year Brings New Rates: NJ and PA Workers' Compensation Benefits for 2023
Workers' Compensation Alert, 1.23.23

Reminder to Employers: Keep an Eye on Potential Offsets Against PA Workers' Compensation Benefits
Workers' Compensation Alert, 3.4.22

NJ and PA Workers' Compensation Benefits for 2022
Workers' Compensation Alert, 1.24.22

UPDATE: New Jersey Employers Must Pay for Pot
Workers' Compensation Alert, 4.14.21

NJ and PA Workers' Compensation Benefits for 2021
Workers' Compensation Alert, 12.22.20

NJ Essential Employees Now Have a Presumption for Work-Related COVID-19
Workers' Compensation Alert, 9.18.20

PA and NJ Give Special Consideration to Police and Fire Workers for COVID-19
Workers' Compensation Alert, 7.27.20

PA's Potential for a Presumption of Work-Related COVID-19 Injuries
Workers' Compensation Alert, 6.9.20

Not So Likely That PA Employers Must Pay For Pot
Workers' Compensation Alert, 6.1.20

Workers Compensation Act Exclusivity Likely Bars Most Employee COVID-19 Claims
Workers' Compensation Alert, 5.1.20

PA Work Injuries While Working Remotely
Workers' Compensation Alert, 3.20.20

COVID-19 in the Course and Scope of PA Employment
Workers' Compensation Alert, 3.19.20

NJ and PA Workers' Compensation Benefits for 2020
Workers' Compensation Alert, 1.9.20

PA and NJ Workers' Compensation Benefits for 2019
Workers' Compensation Alert, 1.28.19

New Prescription Guidelines for Workers' Compensation in Pennsylvania
Workers' Compensation Alert, 7.24.18

PA and NJ Workers' Compensation Benefits for 2018

Workers' Compensation Alert, 2.21.18

PA and NJ Workers' Compensation Benefits For 2017

Workers' Compensation Alert, 1.30.17

PA Supreme Court to Rule on Scope of Judges' Credibility Determinations

Workers' Compensation Alert, 4.18.16

Pennsylvania Supreme Court to Review Constitutionality of Using 6th Edition of the AMA Guides in IREs

Workers' Compensation Alert, 3.24.16

Court Confirms That "Medical Only" Means "Medical Only"

Workers' Compensation Alert, 1.20.16

Commonwealth Court Rules that Using 6th Edition of AMA Guides on IREs is Unconstitutional

Workers' Compensation Alert, 10.14.15