

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

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White and Williams 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. The family of the resident brought suit against both the Geisinger-employed physician as well as the nursing home itself (which was owned by a different entity). Pursuant to the contract between the patient and the nursing home, all claims against the nursing home were required to be resolved by binding arbitration; however, the patient could still assert claims against the Geisinger physician in civil court.

The family elected to first litigate the arbitration matter against the nursing home and obtained an award in their favor. Thereafter, White and Williams was able to successfully argue that the arbitration award, once entered as a judgment and "judicially approved," constituted full and complete satisfaction of the patient's harm such that the doctrine of collateral estoppel precluded the family from seeking further recovery against the Geisinger-employed physician even though the family maintained separate claims against him that were not expressly addressed at the arbitration.

Josh Gajer represented Geisinger Clinic in this matter.