



## TARA GILL NALENCZ

### PARTNER

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**Tara Gill Nalencz** focuses her practice on the defense of catastrophic loss matters. Her caseload regularly includes cases involving paraplegia, quadriplegia, traumatic brain injury, severe burns, death and multi-million dollar property damage.

This complex trial practice includes high exposure cases involving a wide variety of industries and clients, including: construction, natural gas and oil, industrial machinery and equipment, electric arc furnaces and steelmaking, propane storage, pharmaceutical and medical devices, and property management. Tara is fluent in Spanish and her practice also includes international matters, such as defending hotel owners and operators in actions where the underlying accident took place outside the United States.



In keeping with the Catastrophic Loss Group's technological focus, Tara has developed strategies for the use of social media in litigation and has presented several times on related topics. Tara has also become skilled in e-Discovery in both the role of first level collection and review, as well project management.

Tara was selected as a "Pennsylvania Rising Star" by Super Lawyers and *Law & Politics* Magazine in 2014. Rising Stars are the top 2.5 percent of attorneys in Pennsylvania who are 40 years old and younger or have been in practice for 10 years or less.

Tara obtained her law degree from the Temple University School of Law in 2004. She earned her Master of Arts degree in Spanish Literature in 2001 from Pennsylvania State University and her Bachelor of Arts degree in 1999 from Dickinson College.

Before joining the firm, Tara served a two-year clerkship for the Honorable Annette M. Rizzo, Philadelphia Court of Common Pleas. Tara was also previously appointed to a one-year judicial clerkship for the Honorable Samuel D. Natal in Superior Court of New Jersey in Camden, New Jersey.

### **Selected Representative Matters:**

*Electric Arc Furnace, explosion, severe burns (Washington County, PA)* – Two plaintiffs were severely burned when a half-ton electric arc furnace in which they were melting steel exploded. One plaintiff



sustained full and partial thickness burns over 65% of his body and because of his burns and skin grafts 95% of his body was disfigured. The other plaintiff sustained burns over 22% of his body. The spouses of both plaintiffs had consortium claims. The Catastrophic Loss Group was retained after the close of discovery and production of expert reports. Nevertheless, an experienced OSHA expert was brought in late to evaluate the case and his report placed blame squarely on Plaintiffs' employer. All plaintiffs agreed to settle the matter with the client for \$200,000 following Tara's cross-examination of their main expert at a pre-trial Frye hearing to disqualify him. Following a nine-day trial, the jury awarded Plaintiffs a total of \$12.7 million dollars.

*Construction accident, brachial plexus injury (Philadelphia County, PA)* – Plaintiff was employed as a laborer by a subcontractor hired to install elevator doors. Plaintiff alleged that he was totally and permanently disabled as a result of injuries sustained while moving an elevator door in the lobby of the building. Plaintiff's demand was \$12.5 million. After thirteen trial days and twenty witnesses, eight of whom were experts, Plaintiff rested his case in chief and Catastrophic Loss Group Chair Jack Snyder moved for non-suit. After oral argument in support of the motion by Jack and submission of an extensive brief written by Tara, the Court granted the non-suit motion, finding that the evidence presented by Plaintiff, including the expert testimony, had "failed to establish a causal nexus." Accordingly, the case was dismissed in its entirety, with judgment entered on behalf of the Catastrophic Loss Group's client.

*Flesh-eating bacteria, international hotel, above-the-hip disarticulated amputation (Philadelphia, PA)* – Plaintiff was a forty-four-year-old woman who traveled to the Caribbean with two friends to scatter the ashes of her recently deceased husband. Plaintiff alleged that she contracted necrotizing fasciitis (caused by flesh-eating bacteria) following an injury sustained while at the beach during her stay at a hotel owned and operated by Defendants' subsidiary. Upon return to the U.S., Plaintiff underwent an above-the-hip disarticulated amputation, which she claimed was necessary because of an infection contracted at the hotel and a delay in diagnosis and treatment by a nurse stationed at the hotel. The original demand was \$12.5 million. Following extensive discovery in both Spanish and English and a forensic examination of the digital photographs taken by Plaintiff's traveling companion, it was determined conclusively that Plaintiff had not visited the nurse when she originally claimed she had. Prior to trial, the matter was settled for \$425,000.

*Flash fire, natural gas, fracking industry (U.S.D.C., Middle District of PA)* – Plaintiff was employed by an independent contractor retained by the operator of a natural gas well to install specialized equipment necessary to the next phase of drilling. During the course of his work, natural gas escaped the well and was ignited, resulting in two flash fires. Plaintiff was severely burned on his head, neck, upper torso, arms and hands. He spent over a month in a medically induced coma and underwent numerous skin grafting procedures. The Catastrophic Loss Group was retained five weeks prior to trial. Notwithstanding the shortened timeframe, an electrical engineer was retained to provide testimony that the tool selected and improperly maintained by Plaintiff was the actual cause of the accident, scientifically contradicting Plaintiff's claims about the source of ignition. This potential testimony, coupled with Tara's extensive collection of social media – demonstrating that Plaintiff had resumed his prior hobbies and activities, was not nearly as limited in his functionality as he had claimed, and



that he had returned to his prior job post-accident, but then voluntarily terminated his employment without requesting any kind of accommodation – caused the case to ultimately settle at mediation for less than a third of Plaintiff's original multi-million dollar demand.

*Aerosol cleaner, electric shock, severe burns (Philadelphia County, PA)* – With Catastrophic Loss Group Chair Jack Snyder, Tara defended an aerosol cleaner manufacturer at trial in a products liability action with a demand of \$12 million. Plaintiff claimed he had been shocked with 7,620 volts of electricity and severely burned because of the aerosol product. Jack and Tara assumed defense of the matter just four weeks before the trial. After eleven days of trial and one and a half hours of deliberation, the jury returned a unanimous verdict in favor of defendant. The case was featured in “VerdictSearch Pennsylvania.”

*Automobile, collision, total disability (Camden County, NJ)* – Plaintiff was a 38-year-old woman who claimed to be totally disabled after the rented van in which she was traveling left the roadway and collided with a rock wall. The Catastrophic Loss Group was retained to represent the company that had rented the van to the driver after discovery had concluded and expert reports were produced, just three months prior to the pre-trial conference. After reviewing and digesting over 10,000 pages of Plaintiff's medical records, stretching back over thirty years, it was suspected that Plaintiff was afflicted with a mental illness (Munchausen syndrome) which caused her to exacerbate and exaggerate her own injuries to garner attention and sympathy. An expert psychiatrist was retained to confirm these suspicions and further research into Plaintiff's daily activities revealed that she was in fact exaggerating the extent of her disability. The original demand was \$25 million, but after disclosing the newly discovered information regarding Plaintiff's mental issues and actual condition, Plaintiff accepted \$2 million in settlement.

**PRACTICE AREAS:**

- Catastrophic Loss
- Product Liability
- Casualty and Premises Liability
- Medical Professional Liability

**BAR ADMISSIONS:**

- Pennsylvania
- New Jersey

**COURT ADMISSION:**

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

**EDUCATION:**

- Temple University School of Law (J.D. 2004)
- Pennsylvania State University (M.A. 2001)
- Dickinson College (B.A., *cum laude*, 1999)



**CLERKSHIP:**

Clerk, Samuel D. Natal, Superior Court of New Jersey,  
Camden, New Jersey (2004 – 2005)  
Clerk, Honorable Annette M. Rizzo, Philadelphia Court of Common Pleas, Philadelphia,  
Pennsylvania (2005 – 2007)

**PRESENTATIONS:**

*Anatomy of a Civil Case*, Temple University Beasley School of Law State Court Honors Interns,  
February 12, 2016 - Invited Co-Presenter

*The Subpoena: Compliance, Privileges and Objections*, City of Philadelphia Law Department, July 17,  
2015, Co-Presenter

*Behind the Black Robe: CLE Event Examining the Role and Responsibilities of Law Clerks and Judges*,  
Earle Mack School of Law, Drexel University, National Bar Association Women  
Lawyers Division, Philadelphia Chapter, April 16, 2014 - Panelist

*Expert Witnesses: When Knowing is Really Half the Battle*, Judicial Fellows of First Judicial District  
of Pennsylvania, January 31, 2014 - Invited Guest Speaker

*Persuasion, Power and Practice*, CLE series on litigation, mediation and negotiation with Laura  
Sicola, PhD of Vocal Impact Productions, December 2013 – Co-Presenter

*Women@Thomson Reuters Panel Discussion on Networking, Social Media, and Success*, Thomson  
Reuters, Philadelphia, PA, June 25, 2013 - Panelist

*Behind the Black Robe: CLE Event Examining the Role and Responsibilities of Law Clerks and Judges*,  
Earle Mack School of Law, Drexel University, National Bar Association Women  
Lawyers Division, Philadelphia Chapter, March 26, 2013 - Panelist

*Expert Witnesses: Strategies for Maximizing the Efficacy of Yours and Neutralizing Your Opponent's*,  
Judicial Fellows of First Judicial District of Pennsylvania, February 1, 2013 - Invited  
Guest Speaker

*E-Discovery Challenges, Solutions & Trends*, Panelist, **Legal Intelligencer's** Litigation Summit,  
Sofitel Hotel, Philadelphia, September 13, 2012 - Panelist

**PROFESSIONAL ASSOCIATIONS:**

Temple American Inn of Court – Executive Board Member  
Philadelphia Bar Association