

Court blocks effort to collect fine against lawyer

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Nancy Raynor says the fine could force closure of her law firm. (Joseph Kaczmarek/For The Inquirer)



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State Superior Court handed its second smackdown Wednesday to lawyers seeking to collect a fine of nearly \$1 million against Philadelphia-area insurance defense lawyer Nancy Raynor.

In a one-paragraph ruling, the court barred Philadelphia lawyers Matthew D'Annunzio and Joseph Messa from collecting the fine while it considers Raynor's appeal of the penalty. Raynor was fined

GALLERY: Court blocks effort to collect fine against lawyer

\$946,127 in November by Philadelphia Common Pleas Court Judge Paul Panepinto, who accused her of permitting an expert witness to introduce banned testimony in a medical-malpractice trial in 2012. The fine has since generated sharp criticism from both area defense lawyers and the plaintiffs' bar, who say the penalty is excessive.

"We are pleased that the Superior Court has agreed to . . . forestall any further collection efforts to allow Ms. Raynor a full and fair opportunity to exercise her appellate rights," said Maureen McBride, one of Raynor's lawyers.

In February, the Superior Court of Pennsylvania, an intermediate-level appeals panel, ordered Panepinto to reconsider the fine. It also ordered that efforts to collect the fine be brought to a halt while an appeal was being heard.

But Panepinto, in an April decision, declined to reverse himself, and Messa and D'Annunzio asserted their rights to enforce the penalty.

In a May 14 letter to Jeffrey McCarron, another of Raynor's lawyers, D'Annunzio asserted that the Superior Court order halting collection efforts expired with Panepinto's decision. He demanded that Raynor provide proof that she no longer was accessing her business bank accounts.

But Wednesday's decision seems to leave little doubt that the panel intends to block execution of Panepinto's penalty until the full appeal can be heard.

Raynor has said that if the sanctions are imposed it could force her to close her four-lawyer firm, Raynor Associates, based in Malvern.

Oral arguments in the appeal are scheduled for June 25.

Neither D'Annunzio nor Messa returned calls Wednesday seeking comment.

The dispute began in May of 2012, during a medical-malpractice trial in which the family of a Philadelphia woman who had died of lung cancer sued Roxborough Memorial Hospital and physicians and

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others involved in her care. The woman, Rosalind Wilson, had gone to the hospital in 2007 complaining of chest pains and shortness of breath. Doctors there - one of them was Raynor's client - had ordered a chest X-ray but never told Wilson of a suspect nodule that appeared on her X-ray. She died on July 21, 2009.

Although Wilson was a lifelong smoker, Panepinto banned any testimony mentioning her smoking habit. Even so, one of Raynor's expert witnesses mentioned Wilson's smoking, triggering a mistrial and prompting Panepinto to impose sanctions. Since then, Raynor's lawyers have come forward with three witnesses who testified under oath they heard Raynor advise the expert witness that testimony that Wilson was a smoker was off limits during the trial. Even so, Panepinto ruled on April 27 that the testimony was not credible and that the sanctions should remain in place.

Plaintiffs lawyers D'Annunzio and Messa sought the sanctions to reimburse the cost of the first trial, whose verdict was overturned because of the banned testimony.

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