

Lawyer Sanctioned \$1M Over Smoking Reference

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Defense attorney Nancy Raynor has been sanctioned close to \$1 million for allowing a defense expert to make a prohibited reference to smoking that resulted in a mistrial in a lung cancer-related medical malpractice case.

In an order issued yesterday, Philadelphia Court of Common Pleas Judge Paul P. Panepinto, in *Sutch v. Roxborough Memorial Hospital*, sanctioned the founder of Malvern, Pa.-based Raynor & Associates, detailing Raynor's penalty for failing to instruct medical expert Dr. John J. Kelly not to mention deceased plaintiff Rosalind Wilson's smoking history.

Raynor must pay \$615,349 in attorney fees to Klehr Harrison Harvey Branzburg, \$160,612 to Messa & Associates, and \$170,235 to Wilson's executrix, Rosalind Sutch, according to the order.

Those sanctions are on top of a \$44,693 penalty previously imposed upon Raynor in the same case for writing a letter to the employer of a plaintiff's expert witness. Raynor was also disqualified from representing her client.

In an interview with The Legal, Raynor said the decision was outrageous and an appeal would only be the beginning.

"I'm not only going to appeal the decision, I am going after everyone in this," Raynor said, adding that she is calling for an investigation into Panepinto, and has met with lawyers to discuss lawsuits against Messa and Klehr Harrison.

Raynor said insurance will not indemnify her in this case. "They know there is no indemnity coverage; they are willing to execute on my personal assets," she said.

"If they think for one nanosecond that I'm laying down and putting up with their bullshit, they're crazy," Raynor continued.

She added that she has received an outpouring of support from lawyers and members of the legal community, who she said also expressed anger over the sanctions.

In response to the possibility of Raynor filing suit against plaintiffs counsel, Messa founder Joseph Messa Jr. said, "It's almost comical. It's outrageous that she would suggest that and I would invite it because she would be subjecting herself to additional sanctions."

Messa's co-counsel, Matthew D'Annunzio of Klehr Harrison, said, "I'll just let the court's order, after a great deal of submissions and briefings and live testimony with Ms. Raynor on the stand, speak for itself."

A fuller version of this story will appear later when the article is completed.