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Judge Again Stands by \$1M Sanction for Attorney

P.J. D'Annunzio, The Legal Intelligencer

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Editor's note: The author of this article is not related to Matthew D'Annunzio.

Philadelphia Court of Common Pleas Judge Paul P. Panepinto ruled that evidence presented by sanctioned attorney Nancy Raynor won't get her out of paying her \$1 million fine.

Raynor was sanctioned by Panepinto late last year for drawing a prohibited reference to smoking from an expert in a lung-cancer-related medical malpractice case, resulting in a mistrial.

In an order issued Monday, Panepinto said the testimony of trial technician Joseph Chapman, who said he had overheard Raynor instructing medical expert Dr. John J. Kelly not to mention smoking during the trial in the underlying case—in compliance with the court's order banning smoking references—was not new evidence and did not warrant reconsideration of the sanctioning.

Matthew D'Annunzio of Klehr Harrison Harvey Branzburg, who is the attorney for Rosalind Sutch—the plaintiff in the underlying case—said Panepinto's ruling spoke for itself and declined to comment further.

Raynor's attorney, Jeffrey McCarron of Swartz Campbell, did not return a call for comment.

This is not the first time Panepinto defended his decision to sanction Raynor.

In February, when the fine was appealed by Raynor, Panepinto said that the sanction matched Raynor's conduct.

"It is glaringly apparent that Raynor's conduct was orchestrated to improperly influence the outcome of this trial," Panepinto had said.

Raynor was ordered to pay \$615,349 in attorney fees to Klehr Harrison, \$160,612 to the plaintiff's co-counsel, Messa & Associates, and \$170,235 to Sutch, according to the sanctions order.

Those fines were 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 the case.

Last month, argument over Chapman's testimony was held in Panepinto's courtroom. Those proceedings took on a chaotic atmosphere, with lawyers and the judge engaging in heated shouting matches in all directions.

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