

David M. Goldhaber
Special Counsel, Chicago, Illinois

Litigation
 Healthcare
 Product Liability
 Insurance
 Employment & Labor



Current Scope of Practice

David M. Goldhaber dedicates his practice to litigation and liability counseling matters. His litigation background encompasses healthcare, commercial disputes, employment matters, products liability, insurance coverage and general litigation matters.

Litigation Matters

Mr. Goldhaber has successfully represented an array of domestic, foreign and multinational clients in various jurisdictions. He has notable first and second chair trial responsibilities in courts throughout Illinois, and he has arbitrated and mediated cases to successful resolution. He also handles appellate matters and has defended and successfully resolved putative and national class action lawsuits.

Mr. Goldhaber's litigation successes include:

- Secured complete dismissal of a mixed treatment/eligibility action against a managed care organization through reliance on the Federal Employee Health Benefits Act (FEHBA) in a case of first impression.
- Obtained defense verdict on behalf of a radiation oncologist in a three-week trial that ended seven years of protracted litigation.
- Overturned \$9.4 million bench trial judgment in the U.S Court of Appeals for the Seventh Circuit.
- Resolved contentious employment/privileges dispute between a physician and a major Chicagoland hospital.
- Removed lawsuit against British Virgin Islands financial trust company from Alabama state court and secured complete dismissal under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Published and Reported Decisions

- *Allmerica Financial Corp. v. Certain Underwriters at Lloyd's London*, 449 Mass. 621, 871 N.E.2d 418 (August 6, 2007) (holding that excess follow-form insurer is not bound by primary's settlement of claim in a case of first impression in the United States).
- *Eugene McCoy v. Unicare Life and Health Insurance Co.*, 2004 WL 2358277 (N.D. Ill., Oct. 18, 2004) (holding that the Federal Employees Health Benefits Act (FEHBA) completely preempted plaintiff's medical benefits lawsuit which he tried to characterize as a malpractice claim).
- *Personette v. Wedron Silica Co.*, Circuit Court of Cook County, Ill. (Oct. 7, 2004), reported in *Columns Silica* (Harris Martin Publishing, December 13, 2004) (granting summary judgment in favor of defendants on statute of limitations grounds).
- *Allmerica Financial Corp. v. Certain Underwriters at Lloyd's London*, reported in *Massachusetts Lawyers Weekly*, No. 12-177-04 (June 7, 2004) (granting Underwriters' motion to compel where plaintiff originally asserted the attorney-client privilege and work product doctrine).

Affiliations, Activities and Accomplishments

Mr. Goldhaber is admitted to practice throughout Illinois.

He is a member of the American Bar Association and the Defense Research Institute. He is an active member of the Chicago Bar Association, where he serves as chair of the Health Law Committee, and has previously served as legislative liaison and vice chair. In 2001, he was inducted as a fellow into the Chicago Bar Association College of Trial Lawyers.

Mr. Goldhaber oversees the Chicago office's pro bono efforts and sits on Sedgwick's national Pro Bono Committee. He also sits on the Board of Directors of the Chicago Volunteer Legal Services (CVLS) Foundation, and currently serves as its Vice President of Finance.

Presentations and Publications

Mr. Goldhaber's presentations include:

- "Discovery in the Digital Age," presented at the Council on Litigation Management's Live Standard Training Program (Chicago, Illinois October 28, 2009).
- "Litigation 103: Discovery Practice," presented at the Council on Litigation Management's Live Standard Training Program (Chicago, Illinois October 28, 2009).
- "Document Retention, Spoliation and Production in the Digital Age," presented at Sedgwick's Annual Healthcare Seminar (Hartford, Connecticut, October 8, 2009).
- "Documentation Retention, Spoliation and Production in the Digital Age," co-presented at Sedgwick's Chicago Seminar Series (Chicago, Illinois, September 24, 2009).

- “Physician Credentialing Liability,” presented at the Chicago Bar Association Health Law Committee Meeting (January 2008); also presented at Sedgwick’s Healthcare Client Seminar (September 2007).
- “An Overview of Current Medical Malpractice Reform Efforts,” presented at the Chicago Bar Association Health Law Committee Meeting (March 2005).
- “Careers in Health Law,” presented to the Health Law Society at Loyola University Chicago School of Law (November 2004).
- “The Consumer, the Law, and You – Preparing for a Lawsuit,” presented to the Society of Consumer Affairs Professionals, Chicago Chapter Meeting (May 2003).
- “Defense Strategies for Avoiding Punitive Damages in Nursing Home Litigation,” presented at the American Conference Institute’s Nursing Home Litigation Conference (June 2002) (coauthor).

His publications include:

- “Another Failed Attempt at Illinois Tort Reform,” *Law360* (February 24, 2010).
- “Three Strikes and You’re Out: Illinois Supreme Court Invalidates Third Attempt at Damage Caps,” *Sedgwick News Flash* (February 5, 2010).
- “GINA to Provide New Restrictions on Health Insurance,” *Sedgwick’s Healthcare Law Newsletter* (Winter 2009).
- “Illinois Expands Recovery Under Wrongful Death Act,” *Sedgwick’s Healthcare Law Newsletter* (Summer 2007).
- “Is Arbitration at Risk? Ohio Supreme Court Precludes Arbitration of Provider Antitrust Lawsuit,” *Sedgwick’s Healthcare Law Newsletter* (Spring 2006) (coauthor).
- “Ohio Supreme Court Precludes Arbitration of Provider Antitrust Lawsuit,” *ABA Health eSource* (April 2006) (coauthor).
- “Federal and State Regulation of Managed Care Organizations,” Chapter 15 of “Health Law,” volume 27 of “Illinois Jurisprudence,” published by LEXIS Publishing (Spring 2006) (coauthor).
- “Medical Malpractice Reform in Illinois: Another Bite at the Apple,” *Sedgwick’s Healthcare Law Newsletter* (Fall 2005).
- “An Overview of FEHBA and the Power of Its Preemption,” *The Health Lawyer* (October 2005) (coauthor).
- “Illinois Federal Court Declares ‘Medical Malpractice’ Action Preempted by FEHBA,” *Sedgwick’s Healthcare Law Newsletter* (Winter 2005).
- “Bad Faith Law: A Fifty State Survey,” published and distributed by Zurich Reinsurance (North America), Inc. (1999) (coauthor).

- “The Role of Insurance Coverage Counsel When Disputes Over Coverage Disputes Arise: Resolution of Coverage Issues,” paper and presentation for Chicago Bar Association Insurance Law Committee Symposium (April 1998).

Education

Mr. Goldhaber received his J.D. (1996) from Loyola University Chicago School of Law, where he received numerous honors and was a regional semifinalist in the Jessup International Moot Court Competition. He received his B.A. (1993) from Purdue University.

Mr. Goldhaber lived for five years in Brussels, Belgium, where he studied at the International School of Brussels.