

## BROOKS R. FOLAND

CHAIR, EMERGENCY MEDICAL SERVICES PRACTICE GROUP  
SHAREHOLDER



### AREAS OF PRACTICE

Insurance Services – Coverage & Bad Faith  
Litigation  
General Liability  
Automobile Liability  
Product Liability  
Emergency Medical Services

### CONTACT INFO

(717) 651-3714  
[BRFoland@mdwcg.com](mailto:BRFoland@mdwcg.com)

200 Corporate Center Drive  
Suite 300  
Camp Hill, PA 17011

### ADMISSIONS

Pennsylvania  
1993

U.S. District Court Eastern District  
of Pennsylvania

U.S. District Court Middle District  
of Pennsylvania

U.S. District Court Western District  
of Pennsylvania

U.S. Court of Appeals 3rd Circuit

### EDUCATION

Widener University School of Law  
(J.D., 1993)

Temple University (B.S., cum  
laude, 1990)

### HONORS & AWARDS

Best Lawyers in America®,  
Insurance Law; Professional  
Malpractice Law - Defendants  
2024

Pennsylvania Super Lawyers  
2017-2021

## OVERVIEW

Brooks has a varied litigation practice in our Professional Liability Department representing insurers in claims involving coverage disputes, insurance bad faith, and uninsured and underinsured motorists benefits. He spends a portion of his practice defending claims against product manufacturers and public entities. As chair of the Emergency Medical Services Practice Group, Brooks defends EMS agencies and their individual providers in all manner of litigation.

Brooks has developed an extensive trial practice, serving as first chair in approximately 70 jury trials and has participated as counsel in dozens of arbitrations and mediations. He is frequently asked by clients and industry organizations to lecture on a variety of topics concerning insurance coverage and bad faith matters.

Brooks is the former president of the Dauphin County Bar Association, and is the recent past vice president. He is also a member of the Pennsylvania Bar Association, Pennsylvania Defense Institute and the Pennsylvania Emergency Health Services Council. Brooks is currently on the Board of Pennsylvania Defense Institute and co-chair of Auto Law Committee of PDI. He serves on the Board of Directors for Tree 4 Hope, Inc.

Brooks has almost 30 years' legal experience in all aspects of Civil Litigation and Alternative Dispute Resolution (ADR) as an arbitrator and as an attorney representing interested parties in hundreds of arbitrations and mediations. These experiences, coupled with rigorous and in-depth ADR training, working with excellent mentors in the field and providing volunteer services, has led Brooks to a personal and professional commitment to the value of ADR in attempting to resolve the full spectrum of litigated and non-litigated disputes.

Brooks is very active in his community and church. He is a long-time volunteer for Meals on Wheels and works pro bono with veterans on disability appeals. He enjoys travel and takes an annual mission trip to Guatemala to assist with boys and girls' orphanages.

### CERTIFICATIONS & TRAINING

Pepperdine School of Law: Mediating the Litigated Case, September 2021

United States District Court Middle District of PA: Mediation Training & Certification, September 2021

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## ASSOCIATIONS & MEMBERSHIPS

Dauphin County Bar Association,  
President, 2019

Neighborhood Dispute Settlement,  
Volunteer Mediator

Pennsylvania Bar Association,  
ADR Committee, Member

Pennsylvania Council of  
Mediators, Member

Pennsylvania Defense Institute

Pennsylvania Emergency Health  
Services Council, Affiliate Council

Tree 4 Hope, Inc., Board of  
Directors, Secretary

United States District Court Middle  
District of Pennsylvania, Certified  
Mediator

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## YEAR JOINED

2014

## THOUGHT LEADERSHIP

### Marshall Dennehey Announces 2021 Pennsylvania Super Lawyers and Rising Stars

May 26, 2021

Forty-five attorneys from the Pennsylvania offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2021 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

### PA Bureau of EMS Eases Burden on Hospitals

**Harrisburg**  
**Emergency Medical Services**

**April 13, 2020**

As a supplement to Statewide BLS Protocol 931 (Suspected Influenza-Like Illness (ILI)), the PA Bureau of Emergency Medical Services (Bureau of EMS) has authorized a statewide BLS protocol for the non-transport of patients with suspected COVID-19.

### PA Bureau of EMS Response to Covid-19

**Emergency Medical Services**

**April 3, 2020**

With the Governor's issuance of the Proclamation of Disaster Emergency on March 6, 2020, and with the increased demands being placed on EMS personnel and resources, the PA Bureau of Emergency Medical Services (Bureau of EMS) has relaxed certain staffing and credentialing requirements to help ease the burdens on Pennsylvania EMS agencies and providers and to facilitate and expedite EMS responses to calls for help.

### MARSHALL DENNEHEY LAUNCHES FOUR NEW HEALTH CARE PRACTICE GROUPS IN RESPONSE TO EVOLVING INDUSTRY TRENDS

Health Care Liability  
Behavioral Health Risk & Liability  
Electronic Medical Record & Audit Trail Litigation  
Emergency Medical Services  
Telehealth & Telemedicine

March 9, 2020

In an effort to keep pace with client needs in the evolving health care environment, Marshall Dennehey has launched four new practice groups: Behavioral Health Risk and Liability; Electronic Medical Record and Audit Trail Litigation; Emergency Medical Services; and Telehealth and Telemedicine.

[Read More](#)

### Setting the "Toner" to Grant Allocatur in Pergolese v. The Standard Fire Ins. Co.

**Harrisburg**  
**Insurance Services – Coverage & Bad Faith Litigation**

**September 1, 2017**

Defense Digest, Vol. 23, No. 3, September 2017 By Brooks R. Foland, Esq.\* Key Points: Defense Digest, Vol. 23, No. 3, September 2017. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

## **CLASSES/SEMINARS TAUGHT**

*"In the Zoom: Ins and Outs of Remote Mediation,"* Dauphin County Bar Association, October 11, 2022

*"Rancosky and Bad Faith"*, Pennsylvania Bar Institute (PBI), October 30, 2017

*"Staking, Sign Downs, and Rejection of Uninsured and Underinsured Motorist Coverage: Making Heads and Tails Out of All the Different Forms and Rules"*, Pennsylvania Defense Institute (PDI), July, 2017

*"Proper Handling of UM/UIM Claims: The Good, The Bad, And The Ugly"* , Marshall Dennehey Client Seminar, June 17, 2016

*EMS Medical-Legal Seminar*, Pinnacle Health Systems, September, 2015

*Insights Into Civil Litigation Practices and Procedures in Pennsylvania's Venues*, Liberty Mutual Insurance Company Personal Lines Unit, April 2015

## **PUBLISHED WORKS**

"Setting the 'Toner' to Grant Allocatur in Pergolese v. The Standard Fire Ins. Co.," *Defense Digest*, Vol. 23, No. 3, September 2017

## **LEGAL TEACHING POSITION**

Widener University School of Law, Adjunct Professor

## RESULTS

### Successful defense of UIM claim based on the “other insurance” clause and valid stacking waivers.

#### **Insurance Services – Coverage & Bad Faith Litigation**

**March 28, 2023**

After the plaintiff was struck as a pedestrian by a motor vehicle, she recovered the bodily injury limits from the driver’s policy and her personal UIM policy. The plaintiff then submitted UIM claims under her daughter’s and granddaughter’s UIM policies. Both insurers denied the claims, citing to the “other insurance” clause in the policies, and claiming the plaintiff was not entitled to stacked coverage under her relatives’ policies as she and her relatives waived stacking under each of their respective policies.

### Jury sides with dairy farm in snow and ice premises liability case.

#### **Premises & Retail Liability**

**December 2, 2021**

We obtained a defense verdict in Lebanon County, PA in a premises liability case involving a dairy farm. The plaintiff was delivering propane to the defendant’s farm when he slipped and fell on ice. The shale lane on which the plaintiff was walking had been plowed following a significant snow event, but patches of snow remained on the lane. The plaintiff contended that the farmer failed to properly plow the snow or failed to use salt to treat the ice. The plaintiff claimed injuries to his back and left knee, including a tear to his medial meniscus.

### Directed verdict in property damage case.

#### **Property Litigation**

**August 13, 2021**

We obtained a directed verdict following a six-day jury trial in York County, Pennsylvania under COVID-19 restrictions. In this property damage case, the plaintiff claimed that his house was flooded when his local property manager and water company failed to coordinate the turn-on of water service while he was residing in Colorado.

### Volunteer Fire Company Not Liable for Haunted Hay Ride-Related Injury.

#### **General Liability**

**April 11, 2019**

Defense jury verdict in a case involving an accident on a haunted hayride and a claim of Complex Regional Pain Syndrome. We represented a volunteer fire company that hosts an annual haunted hayride event on its property to raise money. The plaintiff, then a 12-year-old, went to the hayride event as an invitee and was convinced by some teens to help scare people on the wagons at one of the skits in the woods. Without the knowledge of the fire company, the plaintiff joined the teens, got into costume, and began scaring people in wagons as they passed by their skit.

### Summary Judgment for Large Insurance Carrier in a Breach of Contract Case.

#### **Insurance Services – Coverage & Bad Faith Litigation**

**December 31, 2018**

The parties had filed cross-motions for summary judgment. The issue for the court was whether the carrier had breached the terms of the policy when it denied the plaintiff’s first-party benefits claim relating to medical bills for PTSD allegedly caused by the underlying accident.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully defended a home health nursing agency in a wrongful death case.

Successfully defended a large international paint and coatings manufacturer at trial involving claims of design and manufacturing defects.

Successfully defended fire companies and other public entities at trial involving claims under the Political Subdivision Tort Claims Act.

Successfully defended insurers in cases involving coverage disputes and claims of insurance bad faith.

Successfully handled through resolution, arbitration and trial claims made against insurers for uninsured and underinsured motorist benefits.

Successfully defended paramedics and EMTs in numerous trials involving claims of professional liability.