

BRADLEY P. BLYSTONE

OFFICE MANAGING ATTORNEY
SUPERVISING ATTORNEY FOR HEALTH CARE LIABILITY GROUP - FLORIDA OFFICES
SHAREHOLDER



AREAS OF PRACTICE

Health Care Liability
Amusements, Sports & Recreation Liability
Long-Term Care Liability
Automobile Liability
General Liability
Miscellaneous Professional Liability

CONTACT INFO

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ADMISSIONS

Florida
1991

U.S. District Court Middle District
of Florida
1991

U.S. District Court Southern
District of Florida
1991

U.S. Court of Appeals 11th Circuit
1991

EDUCATION

University of Florida College of
Law (J.D., 1991)

University of Miami (B.A., cum
laude, 1988)

OVERVIEW

Bradley joined Marshall Dennehey Warner Coleman & Goggin in 2005 as a shareholder in the Orlando office, where he practices in the areas of medical negligence, amusement, sports and entertainment liability, premises liability, automobile liability and professional negligence. In 2008, Brad assumed the role of supervising attorney for the Health Care Liability Practice Group in the firm's Florida offices, and in 2017 he was named managing attorney of the firm's Orlando office.

Brad has 26 years of experience handling high-exposure medical malpractice cases in Florida. He also represents health care providers facing administrative or regulatory discipline by their governing medical board and before the Division of Administrative Hearings.

Brad has litigated numerous multi-party actions, particularly those involving medical negligence claims. In one instance, he brought a complex, multi-party actuarial case to successful resolution with a low payment by his client. The initial exposure was estimated in excess of \$10 million. In another, he resolved a brain-damaged baby case after successfully striking the plaintiffs' expert with a *Frye* motion on the eve of trial. The plaintiffs initially demanded in excess of \$23 million, and the case was resolved for a low six-figure amount.

Brad has successfully qualified multiple catastrophic brain-damaged baby cases under Florida's Birth-Related Neurologically Injured Compensation Act. Each case had a potential of millions to tens of millions of dollars in exposure to his client. There were no indemnity payments by his clients on any of the cases.

He handled an appeal that established the law in the state of Florida that an administrative law judge applying the Florida Birth-Related Neurological Injury Compensation Act has exclusive jurisdiction to decide notice, as well as compensability issues. Additionally, Brad established applicable law in the state of Florida extending Florida birth-related neurological injury compensation benefits to infants suffering post-birth resuscitative injuries, thereby precluding lawsuits against hospitals for those injuries.

Brad has handled matters for a multitude of clients, including: a multi-facility hospital chain in Orlando for 23 years, a large multi-national human resources consulting firm, the largest ambulance service in Central Florida, a city in auto liability cases for four years, the largest medical center in Volusia County for seven years, various property management companies in premises liability cases, a specialty insurance company in mental health claims and a large professional liability insurance company in long-term health claims.

Brad has also represented the Walt Disney World Company for 15 years on behalf of their theme

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

The Best Lawyers in America®, Insurance Law; Medical Malpractice Law - Defendants 2023-2024

Florida Super Lawyers 2023

Florida Trend, Legal Elite, Notable Managing Partner 2023

Orlando Home & Leisure Magazine, Top Lawyer, Health Care Law 2011

ASSOCIATIONS & MEMBERSHIPS

Central Florida Medical Malpractice Claims Council

Florida Bar

Florida Bar Speakers Bureau

Florida Defense Lawyers Association

Orange County Bar Association

parks, water parks and resorts. He has substantial experience handling high exposure claims involving general liability, premises liability, and retail theft. His experience in the industry includes all facets of amusement, sports and recreation litigation as well as crisis management needs. In one instance, he successfully litigated a claim on behalf of a theme park where the plaintiff alleged serious brain damage and lifetime disability following a nighttime altercation in a parking lot at park closing. Brad also lectures on various issues of interest to sports, recreation and entertainment venues, including water parks and amusement parks.

He is a frequent lecturer on medical topics, including confidentiality of medical records, informed consent and end of life issues. He is admitted to practice before all state courts in Florida, as well as the U.S. District Courts for the Middle and Southern Districts of Florida and the 11th Circuit Court of Appeals. He is a member of The Florida Bar, Orange County Bar Association, Central Florida Medical Malpractice Claims Council and the Florida Defense Lawyers Association. In 2011, Brad was named a Top Lawyer in the field of health care law by *Orlando Home & Leisure* magazine.

Brad obtained his Bachelor of Arts degree from the University of Miami in 1988, graduating *cum laude* with general honors. While majoring in English and politics and public affairs, Brad's scholastic achievements were recognized by his induction as a member of Phi Beta Kappa. Following his undergraduate studies, Brad attended the University of Florida College of Law, earning his *juris doctor* in 1991. In law school, he earned a Book Award in legal research and writing and also acted as a teaching fellow in criminal law.

Brad was a board member of the Make-A-Wish Foundation of Central and Northern Florida for a number of years. He volunteers with Habitat for Humanity, and also serves as a coach for the Catholic Youth League Flag Football and the Catholic Youth League Basketball.

THOUGHT LEADERSHIP

Bradley Blystone Recognized as Notable Managing Partner by Florida Trend's Legal Elite

July 6, 2023
Bradley P.
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Five Marshall Dennehey Attorneys Selected to the 2023 Florida Super Lawyers List

June 26, 2023
Five attorneys from the Florida offices of Marshall Dennehey have been selected to the 2023 edition of Florida Super Lawyers magazine.
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On the Pulse...Our Orlando, Florida Office

Orlando
April 1, 2022

Sitting in the heart of Central Florida, Orlando is a growing and vibrant metropolitan area known as "The City Beautiful." With its combination of year-round sunny weather and theme parks, it attracts over 100 million visitors each year, making it Defense Digest, Vol. 28, No. 1, April 2022 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

CLASSES/SEMINARS TAUGHT

Legal Roundtable Discussion on Safety in the Industry, Amusement Industry Manufacturers and Suppliers (AIMS) Conference, 2012

Winning the Battle of the Experts, Central Florida Medical Malpractice Claims Council, 2012

Surviving a Medical Malpractice Lawsuit, Central Florida Medical Malpractice Claims Council, 2010

The Attorney-Client Privilege: An Impenetrable Shield?, American Society of Healthcare Risk Mangers, 2010

To Be or Not to Be? - Advance Directives and End of Life Issues, Village on the Green, 2010

Legal Implications of Charting, Orlando Health, 2010

Power of Attorney, Village on the Green, 2009

Risk/Liability Issues in the Front Office, Physician Office Managers Association of America, 2009

Ediscovery, Orlando Health, 2009

Informed Consent, Orlando Health, 2008

MEDIA COMMENTARY

"Take the Right Steps to Speed Resolution of Malpractice Litigation," *Healthcare Risk Management*, March 1, 2022

RESULTS

Directed verdict in Florida med-mal case.

Health Care Liability

April 13, 2022

We obtained a directed verdict in a medical malpractice case after successfully challenging the plaintiff's nursing expert's qualifications to render standard of care opinions against a certified emergency nurse. The plaintiff, a 61-year-old female with an undisclosed history of seizures, returned to the emergency department with complaints of nausea, vomiting and abdominal pain. While she was being worked up, she got out of bed without calling for assistance, had a seizure and fell face forward. She sustained a subarachnoid hemorrhage and subdural hygromas.

Claim affirmed under the Florida Birth-Related Neurological Compensation Plan.

Appellate Advocacy and Post-Trial Practice

Birth and Catastrophic Injury Litigation

November 23, 2020

Our appellate attorneys convinced Florida's Fifth District Court of Appeal to affirm an administrative law judge's final order finding a claim compensable under the Florida Birth-Related Neurological Compensation Plan. A minor child was permanently and substantially brain damaged as a result of his complicated birth. The parents sought compensation pursuant to NICA under protest.

Successful defense of Florida medical malpractice action in the trial court and on appeal.

Health Care Liability

March 1, 2020

We prevailed on an appeal to the 5th District Court of Appeal in a medical malpractice action filed against a hospital and three of its trauma/critical care physicians. It was alleged that the patient was over-medicated with narcotics during her 64-day hospital stay, resulting in acute respiratory failure and other complications, which caused her death. The plaintiff's sole expert on liability and causation was a retired internal medicine physician.

SIGNIFICANT REPRESENTATIVE MATTERS

Defense verdict in jury trial on behalf of a major Orlando theme park, where the plaintiffs were seeking \$1.2 million in past and future damages due to slip and fall injury. Defense strategy focused on lack of credibility of plaintiffs and their experts. Following the seven-day trial, the jury deliberated five hours before siding with the defense.

REPRESENTATIVE CASES

O'Leary v. Florida Birth-Related Neurological Injury Compensation Association, 757 So.2d 624 (Fla. 5 DCA 2000)

Orlando Regional Healthcare System, Inc. v. Florida Birth-Related Neurological Injury Compensation Association, 33 Fla. L. Weekly D2563