

## JOHN C. SWARTZ JR.

SPECIAL COUNSEL



## AREAS OF PRACTICE

Workers' Compensation  
Medicare Compliance

## CONTACT INFO

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Suite 300  
Camp Hill, PA 17011

## ADMISSIONS

Pennsylvania  
1991

U.S. District Court Middle District  
of Pennsylvania  
1992

## EDUCATION

Widener University School of Law  
(J.D., 1991)

Pennsylvania State University  
(B.S.S., 1988)

## HONORS &amp; AWARDS

Peer Review Rated by LexisNexis  
Martindale-Hubbell

ASSOCIATIONS &  
MEMBERSHIPS

Pennsylvania Bar Association

## OVERVIEW

John is a member of the Workers' Compensation Department serving as defense counsel for employers, carriers and third-party administrators. His clients include manufacturers, health care facilities, restaurants, grocery stores, convenience stores, insurance companies and trucking companies. John has also handled liability claims and underinsured/uninsured motor vehicle claims. He also assists clients in handling medicare set-asides.

John graduated from Penn State University in 1988 with a Bachelor of Social Science. In 1991, he graduated from Widener University School of Law with a *juris doctor*. John has spent the majority of his career in the insurance industry. Prior to joining Marshall Dennehey, he served as in-house counsel for two large insurance carriers handling workers' compensation, general liability and personal injury cases.

## THOUGHT LEADERSHIP

**Petition to Suspend Benefits Because the Claimant Has Retired from the Workforce Is Not a Slam Dunk for Pennsylvania Employers**

Harrisburg  
Workers' Compensation  
December 1, 2022  
Defense Digest, Vol.

**New Exposure for Workers' Compensation Carriers and Employers**

Harrisburg  
Workers' Compensation  
June 1, 2016

By John C. Swartz, Jr., Esq.\* Key Points: Defense Digest, Vol. 22, No. 2, June 2016

## YEAR JOINED

2005

## CLASSES/SEMINARS TAUGHT

*Impairment Rating Evaluations*, client seminar, May 21, 2019

*Using Return to Work as Leverage in Litigation, Mediation and For Cost Control of Your Workers' Compensation Claim*, Marshall Dennehey Workers' Compensation Seminar, November 6, 2014

Seminars at Liberty Mutual and ESIS, 2006, 2007

Seminars to adjusters at The PMA Group and Kemper Insurance Co. and Broadspire, 1996-2004

*Labor Market Surveys*, Broadspire Claims Department, 2002

## PUBLISHED WORKS

"Petition to Suspend Benefits Because the Claimant Has Retired from the Workforce Is Not a Slam Dunk for Pennsylvania Employers," *Defense Digest*, Vol. 28, No. 12, December 2022

"New Exposure for Workers' Compensation Carriers and Employers," *Defense Digest*, Vol. 22, No. 2, June 2016

## RESULTS

**On appeal, defense overturns Workers' Compensation Judge's decision denying a termination petition.**

### Workers' Compensation

**August 13, 2021**

The parties had entered into a compromise and release agreement regarding the claimant's future benefits only. The judge found the employer had presented sufficient evidence for a termination of benefits and accepted the employer's medical witness. However, the judge denied the termination petition on the basis that the compromise and release agreement settled all benefits. Our team had specifically reserved the right for a decision on the termination petition, and the compromise and release agreement specifically stated it only applied for future benefits.

**Plaintiff's foot injury no match for Marshall Dennehey's workers' comp attorneys.**

### Workers' Compensation

**February 9, 2021**

We successfully defended a claim petition for a left foot injury alleged to be traumatic plantar fasciitis and aggravation of pre-existing plantar fasciitis and tendonitis. The defense was able to show that the claimant had longstanding left foot complaints, including a previous surgery. In addition, the claimant's testimony was rejected by the judge for misrepresenting that he did not have a CDL license when he initially testified.

**Judge Finds Claimant's Foot Injury Was Pre-existing**

### Workers' Compensation

**August 25, 2016**

Obtained a defense verdict in a workers' compensation claim petition filed against a national eye lens manufacturer. The claimant alleged a stress fracture due to overuse of the left foot while working for the employer, where she stood 10-12 hours per day. The judge found that, despite the claimant's extensive walking and standing during her shift, her injuries were pre-existing. The judge relied on the evidence and testimony of the defendant's medical expert over that of the claimant's expert.

## REPRESENTATIVE CASES

*Commonwealth v. WCAB (Noll) 80 A.3d 525 (Pa.Cmwlt 2013)*

*Conroy v. WCAB (Perrier Group), 750 A2d. 932 (Pa. Cmwlt 2000)*

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully defended a Claim Petition for an alleged secondary injury that was reported six weeks after the initial injury. Medical evidence from the defendant showed that an alleged knee injury was not related to the initial work injury and, therefore, the claim petition was denied for any benefits even though the claimant had an accepted low back injury.

Successfully defended a Claim Petition for an injury alleged to be traumatic and an aggravation of preexisting condition. The judge rejected the medical evidence presented by the claimant and found that he had suffered no traumatic injury and his complaints were due to his preexisting condition.

Successful defended a Claim Petition alleging herniated discs in the low back and neck for an injury initially accepted by a Medical-Only Notice of Compensation Payable for low back sprain/strain.