

Joshua Gajer

Partner

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As a former criminal prosecutor, Josh understands how important an early and thorough investigation is to the favorable resolution of any matter, no matter how big or small.

OVERVIEW

Josh Gajer is an experienced litigator and a tenacious advocate who is committed to achieving the best possible results for his clients. As a former criminal prosecutor, Josh understands how important an early and thorough investigation is to the favorable resolution of any matter, no matter how big or small. He focuses his practice on complex matters, including medical malpractice litigation and general liability matters as well as white collar criminal defense and internal investigations. He represents hospitals, physicians, nurses and other healthcare practitioners against professional liability claims and corporate clients in connection with fraud related litigation and investigations, including internal investigations, criminal and regulatory enforcement and insurance fraud.

Prior to joining the firm, Josh worked as a criminal prosecutor in the Miami-Dade Office of the State Attorney. As an Assistant State Attorney, Josh tried approximately 30 jury trials and 100 bench trials including many complex cases involving conspiracies, insurance fraud, larcenies and other significant financial crimes. As a prosecutor, Josh also served as a member of the State Attorney's Multi-Agency Gang Task Force responsible for coordinating federal and state investigations and prosecutions of Miami's most dangerous and sophisticated criminal organizations engaged in complicated schemes to defraud.

While in law school, Josh served as an editor of the *Arts and Entertainment Law Journal* and found his calling as a litigator while interning for the Honorable Frederic Block of the Eastern District of New York.

PRACTICES

Healthcare
Litigation
Appellate
White Collar Defense, Investigations and
Corporate Compliance

BAR AND COURT ADMISSIONS

Florida
New Jersey
Pennsylvania
U.S. District Court for the Middle District of
Florida
U.S. District Court for the Southern District
of Florida
U.S. District Court for the District of New
Jersey
U.S. District Court for the Eastern District of
Pennsylvania

EDUCATION

Benjamin N. Cardozo School of Law, JD,
2010
Columbia University, BA, 2006

RECOGNITION AND INVOLVEMENT

As a prosecutor, Josh was awarded Mothers Against Drunk Driving's (MADD) Excellence in Prosecution Award for his efforts developing an effective office-wide strategy to defeat novel defense motions to exclude scientific evidence in DUI cases.

Recognized as a *Best Lawyers: Ones to Watch® in America* since 2023 for Health Care Law.

Josh was selected in a survey of her peers as a Pennsylvania "Rising Star" by *Super Lawyers* in 2019 and 2020.

He is an avid baseball fan and manages the firm's softball team.

REPRESENTATIVE MATTERS

White and Williams Secures Superior Court Affirmance of Dismissal of Decade-Old Malpractice Claim Alleging Permanent Brain Damage
5.21.24

White and Williams Trial Team Secures Defense Verdict for Philadelphia-Area Hospital in a Case Alleging Delayed Diagnosis of Bone Cancer
6.3.22

White and Williams Wins Summary Judgment for Geisinger Clinic in Nursing Home Failure-to-Diagnose Case
3.16.22

White and Williams Delivers Trial Victory for Horizon Healthcare Services, Inc.
6.5.19

White and Williams Secures Reversal of Critical Ruling Involving Confidential and Proprietary Business Information
7.7.16

Obtained summary judgment and complete dismissal of all claims against a Geisinger Clinic-employed geriatrician who allegedly failed to diagnose a shoulder fracture in a nursing home resident based on the doctrine of collateral estoppel

Obtained complete dismissal of a products liability action against a medical device manufacturer

Secured a dismissal, on appeal, on behalf of Horizon Healthcare Services, Inc. against claims that its Omnia healthcare plan violated the New Jersey state Healthcare Quality Act and that the state's opioid crises required the court to create a private right of action

Obtained a defense verdict in an arbitration on behalf of physicians and a hospital accused of failing to implant a defibrillator in a patient who died from a lethal arrhythmia

Obtained dismissal of a corporate property owner from a premises liability case based on workers' compensation immunity when the injured party was an employee of a subsidiary of the property owner

Obtained emergent appellate stay, and later the complete reversal on interlocutory appeal, of two discovery orders from two different courts that required a health insurer to provide in discovery confidential, competitive, and proprietary business information to various hospitals upset with their tier designation in the insurer's health plan

Successfully represented a major health insurer against efforts by hospitals to enjoin implementation of a new health insurance product

Obtained complete dismissal of a breach of contract action against a multinational consumer goods company

Obtained a defense verdict at arbitration on behalf of a physician accused of delaying an emergent transfer of a premature baby who later passed from necrotizing enterocolitis

Served as a part of a trial team that obtained a defense verdict on behalf of a physician accused of causing a 3-year-old child's death by failing to diagnose a severe stomach condition

IN THE NEWS

Best Lawyers® Recognizes 49 White and Williams Attorneys
8.15.24

Best Lawyers® Recognizes 45 White and Williams Lawyers
Firm News, 8.18.23

Best Lawyers® Recognizes 40 White And Williams Lawyers
Firm News, 8.18.22

Josh Gajer Comments on Legal Exposure of Understaffed Emergency Departments
3.2.22

White and Williams Announces 15 Lawyer Promotions
1.3.22

Josh Gajer Discusses How Patient Care Could Become Discoverable
ED Management, 12.8.21

EVENTS

MEDx Talks 2022
Liberty View at Independence Visitor Center, 9.15.22

PUBLICATIONS

PA Certificate of Merit Reform: Right Idea, Wrong Approach
Healthcare Client Alert, 3.23.26

PA Supreme Court Signals "New" Med Mal Venue Rules Are Here to Stay
Healthcare Client Alert, 3.11.26

In a Rare Display of Unanimity, the U.S. Supreme Court Rules That State Affidavit of Merit Requirements Do Not Apply in Federal Court
Healthcare Alert, 1.22.26

U.S. Supreme Court to Decide Whether Medical Malpractice Certificate of Merit Requirements Apply in Federal Courts
10.1.25

"Key Witnesses" No More: The Pennsylvania Supreme Court Restores Traditional Forum Non Conveniens Doctrine
9.25.25

Pennsylvania Superior Court Blesses Venue Selection Clauses in Medical Malpractice Cases
By: Josh Gajer and Andrew Feldstein
Healthcare Alert, 8.4.25

Revisiting the Treating Physician Rule: PA Supreme Court Limits Ability of Defense Counsel to Represent Nonparty Treating Physician
Healthcare Alert, 7.2.24

PA Superior Court Imposes Heavy Burden on Defendants to Challenge Propriety of Venue
Healthcare Client Alert, 2.15.24

The Devil is in the Details: PA Superior Court Continues to Narrowly Construe Scope of the MCARE Patient Safety Privilege
Healthcare Alert, 12.21.23

Supreme Court of Pennsylvania Discards Long-Standing Percentage Revenue Test for Assessing Venue But Its Application to Healthcare Services May Be Different
By Joshua Gajer and Margaret MacDonald
Client Alert, 12.5.23

Eroding Privileges: Pennsylvania Superior Court Narrowly Construes Scope of MCARE Patient Safety Reporting Privilege
Healthcare Alert, 9.15.23

What Comes Next? Implications of the Supreme Court of Pennsylvania's Repeal of the Medical Malpractice Venue Rule
Healthcare Alert, 9.1.22

Superior Court of Pennsylvania to Address Requirements for Application of the MCARE Patient Safety Privilege
Healthcare Alert, 4.12.22

The Superior Court of Pennsylvania Clarifies the Discoverability of Mental Health Records in Personal Injury Lawsuits
Healthcare Alert, 1.18.22

PA Supreme Court Protects Hospital Credentialing Files and Data Bank Disclosures From Discovery
Healthcare Alert, 8.19.21