



Siobhainin S. Funchion

Partner

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Siobhainin Funchion defends medical malpractice matters involving metropolitan hospitals, nurses and physicians from inception through trial. In addition, she represents medical and nursing professionals before state licensing boards. Siobhan is involved in all stages of pre-suit, pre-trial and trial litigation, including fact development/investigation, depositions, medical research and analysis, legal research, suit evaluation, motion practice, trial preparation and strategy and support at trial. She also is experienced in general liability and labor law matters involving catastrophic injuries with a focus on analysis and strategy regarding damages.

Prior to joining Wilson Elser, Siobhan defended complex medical malpractice claims in New York and Massachusetts. While pursuing her legal education, Siobhan worked as a paralegal focused on complex medical malpractice and general liability matters involving catastrophic damages.

Education

- Pace University School of Law (J.D., 2012)
 - Gaelic Law Society; American Constitutional Law Society
- SUNY Purchase (B.A., 2007)
 - magna cum laude

Bar Admissions

- New York
- Massachusetts

Services

- Medical Malpractice & Health Care
- Complex Tort & General Casualty

Court Admissions

- Supreme Court of the United States
- U.S. District Court, Southern District of New York
- U.S. District Court, District of Massachusetts

Professional Affiliations

- New York State Bar Association
- Massachusetts Defense Bar Association

Awards & Honors

Selected for inclusion in The Best Lawyers in America® Ones to Watch™, 2024-2025

Client Wins

Grady & Funchion Score Unanimous Defense Verdict Hospital ER

Michael Grady (Partner-White Plains, NY) and Siobhainin Funchion (Of Counsel-White Plains, NY) obtained a unanimous defense verdict for their client hospital in a two-and-a-half week trial in the Supreme Court of Putnam County. The case involved the death a 55-year-old male leaving behind a widow and four children following cardiac arrest two days after an emergency room presentation for radiating left shoulder pain. The plaintiff alleged the defendants failed to properly rule out a cardiac cause for the presenting pain with a medical history of hypertension, coronary artery disease, and hyperlipidemia and family history significant for heart attacks. At trial, Mike and Siobhan argued that the emergency room presentation was consistent with a chronic orthopedic etiology that did not warrant cardiac workup, and that postmortem pathology was consistent with a sudden acute cardiac event rather than chronic underlying cardiac condition. On physical exam, the decedent's shoulder pain was reproduceable with movement and he responded to treatment with an anti-inflammatory and pain medication injection. The defendants' experts opined that cardiac pain is not reproducible in nature nor would it respond to an anti-inflammatory or pain medication to completely resolve, and our experts further explained that cardiac left extremity pain typically presents with chest pain radiating to the left arm, rather than shoulder pain radiating to the elbow/hand. The trial involved 11 witnesses including 5 experts in the fields of cardiology, pathology, and emergency medicine. The plaintiff's attorney asked the jury for \$23 million in this overly contentious trial. The jury found unanimously for our client in two hours.

Grady and Funchion Take Jury Verdict on Three Departure Questions within 40 Minutes

White Plains, New York, partner Michael F. Grady and of counsel Siobhainin Funchion obtained a unanimous defense verdict for their obstetrician and medical group clients in a contentious almost month-long trial in Supreme Court, Dutchess County involving claims of a failure to timely diagnose a cerebral sinus venous thrombosis (stroke) in a then 31-year-old pregnant patient resulting in alleged catastrophic physical and cognitive damages. Plaintiff alleged a failure to timely diagnose and loss of chance for a better

outcome. The trial involved six experts in the fields of obstetrics, neurology, neuropsychology and a life care planner. At trial, Mike and Siobhan argued the plaintiff's headache was an acute non-obstetrical complaint that was worked up in two emergency department visits during the time of treatment at issue, that headaches are a commonly known symptom during pregnancy, and that the short-term interval pregnancy did not increase her likelihood of clotting. On the eve of the jury charge, Siobhan was successful in defeating plaintiff's request for a Noseworthy charge (allowing for a lower burden of proof due to plaintiff's alleged memory issues). During closing statements, the plaintiff's attorney painted a sympathetic picture of a young single mother and asked the jury for \$25 million. The jury found unanimously for our clients on three departure questions within 40 minutes.

Funchion Obtains Summary Judgment on Behalf of Urologist and Group

Siobhainin S. Funchion (Of Counsel-White Plains, NY) obtained summary judgment in Westchester Supreme Court in a medical malpractice case against our client urologist and medical group. The plaintiff alleged he was not properly monitored during a urocuff procedure resulting in a syncopal episode where he sustained a head injury with severe lacerations. The plaintiff alleged visual disturbances, post-traumatic headaches and inability to work following the fall. In the motion for summary judgment, Siobhan established that this matter involved claims of medical malpractice rather than general negligence and that our clients appropriately evaluated and monitored the patient. Siobhan, through expert affirmation, established that the patient had a sudden, unexpected vasovagal event that occurred despite appropriate care. In opposition, the plaintiff attempted to raise a new theory of liability of lack of informed consent on the argument that a translator was not provided and therefore the patient could not have consented to the procedure. In response, Siobhan argued that such a claim was not properly pled and, even assuming it had been, the nature of the procedure was diagnostic and not invasive and therefore consent was not required by statute.

Grady and Funchion Obtain Unanimous Defense Verdict in \$25 Million Medical Malpractice Suit

Michael F. Grady (Partner-White Plains, NY) and Siobhainin Funchion (Of Counsel-White Plains, NY) obtained a unanimous defense verdict for their client hospital in a contentious four-week trial in the Supreme Court of Orange County. The case involved the death of a 28-year-old woman following an emergent cesarean section, during which the obstetrician cut the right uterine artery. The plaintiff alleged all defendants failed to timely diagnose postpartum hemorrhage and that our client's nursing staff and codefendant anesthesiologist failed to properly monitor the patient, leading to her developing hypovolemic shock, cardiac arrest and ultimately anoxic injury resulting in her death 10 days later. In addition to defending the nursing staff, Mike and Siobhan defended the anesthesiologist's care and treatment to protect our client's vicarious liability interests. Before jury selection, codefendant obstetrician settled with the plaintiff. At trial, Mike and Siobhan argued that the nursing staff appropriately monitored the patient and that no physician involved indicated they had sufficient information to make a diagnosis and provide treatment. Mike emphasized that while the obstetrician was no longer a defendant, her conduct was "everywhere." At the close of evidence, Mike and Siobhan argued and were granted a directed verdict against the settling obstetrician, as plaintiff's experts during trial acknowledged the obstetrician's negligence was a substantial factor in the

patient's death. During closing statements, plaintiff's attorney painted a devastating picture of the death of a 28-year-old woman and an autistic son who would never know his mother. Plaintiff's attorney asked for \$25.4 million. The jury found unanimously for our client and codefendant within 30 minutes.

Grady, Funchion and Lacy Obtain Defense Verdict in Contentious Medical Malpractice Case

White Plains, New York, partners Michael Grady and Patricia Lacy and of counsel Siobhainin Funchion obtained a unanimous defense verdict for the firm's neurologist and medical group clients in a contentious 2 ½-week trial in the Supreme Court of Westchester County. Plaintiff alleged that our client neurologist failed to timely diagnose and treat a subdural hematoma in 42-year-old plaintiff who had fallen and hit his head 19 days earlier while rollerblading without a helmet. Plaintiff further alleged that our client neurologist failed to advise the patient to stop taking Advil/ibuprofen, which resulted in worsening of the subdural hematoma. Finally, plaintiff alleged that our client failed to order STAT imaging when the patient returned three weeks later with complaints that his headaches had worsened the week prior, with continued dizziness and a new complaint of difficulty gagging the floor. Our client ordered an MRI of the brain, but not STAT, which revealed a large subdural hematoma with herniation appreciated, which required a craniotomy the following day. Plaintiff alleged that the delay in diagnosis resulted in significant brain damage, including memory loss and behavioral changes. Mike and Siobhan argued that the client's diagnosis of post-concussion syndrome was appropriate given the mild nature of the initial complaints, normal physical and neurological exams, and plaintiff's delay in seeking medical care. They further contended that not every head injury requires imaging. As to the second appointment, Mike and Siobhan argued that STAT imaging was not warranted as physical and neurological examinations remained within normal limits. They argued that the brain injury at issue was from the concussion, not the hematoma, and through their expert neurosurgeon established that regardless of when the hematoma was diagnosed it would not have changed the ultimate outcome. Notably, plaintiff sustained a second fall four years after the initial fall during the course of litigation, resulting in a subarachnoid hemorrhage and subdural hematomas causing permanent brain damage rendering plaintiff unable to work and requiring 24-hour care. Due to procedural defects in plaintiff's attempt to vacate the Note of Issue two years prior to trial, Siobhan successfully argued to preclude any departures or causation issues related to the second fall and sequelae on the verdict sheet and jury charge. The case involved five experts in the fields of radiology, neurosurgery and neurology and three departure questions on the verdict sheet. The plaintiff's attorney asked the jury to award \$4 million. The jury found unanimously for our clients on all three departure questions.

Grady, Funchion and Lacy Obtain Unanimous Verdict in Favor of Urologist under Claim of Failure to Diagnose

Michael Grady (Partner-White Plains, NY), Siobhainin Funchion (Of Counsel-White Plains, NY) and Patricia Lacy (Of Counsel, Now Partner-White Plains, NY) obtained a unanimous defense verdict on behalf of their urologist and medical group clients in a two-week trial in the Supreme Court of Westchester County, New York. The plaintiff alleged failure to timely diagnose prostate cancer resulting in the need for a radical prostatectomy and radiation with resulting permanent incontinence and impotence. The cancer was clinically Stage I and pathologically Stage IIIC. Mike and Siobhainin argued that their client appropriately

monitored the patient's condition and that no physician could opine within a reasonable degree of medical certainty that an earlier diagnosis would have changed the outcome. The plaintiff, notably, used the expert testimony of a general surgery expert (with a subspecialty in plastic surgery) to establish departures from the standard of care and proximate causation, leading to an interesting and antagonistic cross examination. The plaintiff's attempts to introduce a loss of chance claim were denied upon Siobhainin's oral argument in opposition. The plaintiff asked the jury to award a "reasonable seven-figure" verdict. The jury returned a unanimous defense verdict in 55 minutes.

Grady, Funchion and Lacy Secure Defense Verdict for Obstetrician and Medical Group

Michael Grady (Partner-White Plains), Siobhainin Funchion (Of Counsel-White Plains) and Patti Lacy (Of Counsel-White Plains) obtained a defense verdict on behalf of obstetrician and medical group clients after a three and a half week jury trial conducted in the Supreme Court of Westchester County. The plaintiff alleged a failure to offer and timely perform a cesarean section and that our client obstetrician failed to obtain informed consent for a vacuum-assisted delivery. The plaintiff alleged that as a result of the vacuum use, the infant sustained right-sided brain injury resulting in focal epilepsy, permanent left-sided hemiparesis and significant cognitive delays. Mike and Siobhan argued that the labor was appropriately managed, and at the point where delivery became urgent, a cesarean section was not indicated, concluding that vacuum-assisted delivery was the safest way for the infant to be delivered. They further argued that the child's damages were not related to a birth injury, but rather were idiopathic epilepsy in nature. The plaintiff's attorney asked the jury to award \$60 million at trial (\$28 million in pain and suffering and \$32 million in economic damages) after presenting evidence to this effect. The jury unanimously found that the client did not depart from the obstetrical standard of care and that a reasonable person in the plaintiff's position would not have declined the vacuum-assisted delivery under the circumstances. The trial included testimony from nine expert witnesses.

White Plains Team Secures Unanimous Verdict for Hospital in \$10 Million Medical Malpractice Suit

Michael Grady (Partner-White Plains, NY), Siobhainin Funchion (Of Counsel-White Plains) and Lauren Santucci (Associate-White Plains) obtained a unanimous verdict in Dutchess County Supreme Court on behalf of Wilson Elser's client, a hospital. The plaintiff, 29 years old at the time, alleges our client and the co-defendant emergency room physician failed to recognize signs and symptoms of compartment syndrome of the left arm following a biceps repair procedure by the co-defendant orthopedic surgeon, leading to a delay in treatment and permanent disability of his arm. The plaintiff also alleges the orthopedic surgeon negligently caused and failed to promptly assess and diagnose the operative complication. Michael and the emergency room physician's counsel argued that the plaintiff was appropriately examined and evaluated in the emergency department and that his signs and symptoms were consistent with post-operative pain versus compartment syndrome. The plaintiff's demand at trial was \$10 million. The three-week jury trial resulted in a unanimous verdict for our client and the emergency room physician. The jury did, however, render a verdict against the orthopedic surgeon.

Grady and Funchion Secure Defense Verdict in Erb's Palsy Case

Michael Grady (Partner-White Plains, NY) and Siobhainin Funchion (Of Counsel-White Plains, NY) obtained a defense verdict on behalf of their obstetrician and medical group clients after a two-week jury trial conducted in the Supreme Court of Westchester County. The plaintiff alleged failure to recognize and respond to a shoulder dystocia during labor and delivery, resulting in a right brachial plexus/Erb's palsy injury to the infant, and that the obstetrician used excessive traction during the delivery resulting in the injury. Mike and Siobhainin argued that the labor was uneventful, that the head and shoulders delivered without issue and as such there was no shoulder dystocia that created an obstetrical emergency. The trial included a recent video of the infant-child from her mother's Facebook page appearing less injured than alleged, and – unknown to plaintiff's counsel – a past felony fraud conviction of plaintiff's sole non-party witness. The demand at trial was \$2.6 million. The jury returned a defense verdict within two hours.