



Virginia L. McGrane

Of Counsel

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Virginia McGrane is a senior attorney with more than 30 years of experience who focuses her practice on personal injury defense, including transportation technology and medical malpractice claims in state and federal courts. Prior to joining Wilson Elser, Virginia was a partner at a prominent defense firm. She has defended premises, labor law, product liability, lead poisoning, disability insurance, legal malpractice and sex abuse cases, and has acted as lead national counsel in defense of pharmaceutical claims. She also has worked in the areas of environmental and family law, and commercial litigation.

Having represented the plaintiff and defense sides of claims, Virginia has a balanced perspective and insight on a plaintiff's claims and strategy and a defendant's defenses and counter-strategy. Drawing on her training and career as a registered professional nurse, Virginia uses her understanding of medicine to analyze high-injury cases, and applies her skills to develop defenses based on causation and mitigation of damages. She often says that as a nurse attorney she speaks two languages: medicine and law. Virginia benefits her colleagues through collaboration and has conducted a seminar on "How to Review Medical Records" for attorneys.

Virginia has vast experience in defending professional malpractice claims against the health care industry including hospitals, nursing homes, rehabilitation facilities, dentists, laboratories, nurse practitioners, physical therapists, audiologists, optometrists, psychologists, radiologists and sonogram technicians. She is often called upon to work on cases with very complex medical issues, whether or not the claim is based on medical malpractice. Virginia also has defended the Catholic Church in cases involving premises, transportation and sensitive matters.

Upon graduation from law school, Virginia served a federal clerkship for the Hon. William L. Hungate, U.S. District Court for the Eastern District of Missouri.

Services

- Commercial Litigation
- Complex Tort & General Casualty
- Construction
- Medical Malpractice & Health Care
- National Trial Team
- Toxic Tort
- Transportation

Litigation Advantage

Her passion for the practice of law is embodied in litigation, and Virginia thrives in the defense of a case every step of the way, from the initial evaluation, through investigating the facts, challenging the plaintiff and opposing counsel, constructing a strong case and viable strategies, drafting and arguing (and winning) summary judgment motions, coordinating settlements and mediations, and taking a case through jury selection. Her clients know she understands the business aspect of litigation and throughout the life of each case she will continually evaluate the best and most cost-effective method to move the case toward the fastest and most economically favorable resolution.

Education

- Fordham University School of Law (J.D., 1987)
 - Wormser Moot Court Competition, best brief and semifinalist in oral argument; Commentary Editor, Fordham Urban Law Journal
- Georgetown University (B.S.N., 1981)
 - cum laude

Bar Admissions

- New York

Court Admissions

- Supreme Court of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Professional Affiliations

- New York State Bar Association

Representative Matters

Gerson v. Brookdale Hospital

Virginia prosecuted a brain-damaged infant case where the hospital failed to properly monitor the fetal heart rate during labor and obtained a successful settlement of the matter on behalf of the child for \$ 3.5 million.

Hu v. Children's Corner Nursery School

A bittersweet victory for the defense was won in this case, which concerned a young boy who fell off a toy bike at preschool and sustained a serious jaw fracture, which affected his growth plates. The Supreme Court of Rockland County granted Virginia's motion for summary judgment. Virginia argued that the accident was spontaneous and there was no prior notice that the accident would occur. Sometimes accidents occur and children become severely injured without anyone doing anything wrong.

Famiglietti v. Precision Sound DJs

In this case Precision Sound DJs was the employer of an individual who dressed up as Santa Claus and promoted an event that would be put on by Precision Sound DJs, by holding up a promotional sign on the median of a four-lane road with two lanes of traffic in each direction. Santa Claus stepped into the lane of traffic that plaintiff was travelling in and plaintiff swerved to avoid him and rear-ended the vehicle in front of her. The Supreme Court of Suffolk County granted Virginia's motion for summary judgment finding there was no causal link between Santa and the accident. The court cited to Virginia's brief for the cases she listed, setting forth the precedent that liability may not be imposed upon a party who merely furnishes the condition or occasion for the occurrence of the event but is not one of its causes.

Smushkina v. Arcadia Grocery Store

In a case of first impression, the Supreme Court of Kings County granted Virginia's summary judgment motion and dismissed the plaintiff's complaint. The plaintiff in the case slipped and fell on a ramp in a grocery store and sustained injuries. The plaintiff contended that the ramp was defective because it was at a 30 degree angle and that plaintiff slipped when her heel was on a rug that did not cover the ramp completely and her toe was on an uncovered wood portion of the ramp. Plaintiff contended the difference in the surface of the rug and the wood coupled with the 30 degree slope created a dangerous and slippery condition. Virginia argued that friction coefficients of different surfaces that cause slippery conditions are not actionable. Further, plaintiff had no expert testimony to support his position that the slope was at a 30 degree angle. The court adopted Virginia's arguments and noted that whether an expert was needed to establish the degree of a slope in a case such as this case was an issue of first impression, and indeed the court found plaintiff needed an expert to establish the angle of the slope and failed to do so.

Haut v. Hansen

In this case the defendant allegedly negligently diagnosed that the plaintiff father was sexually abusing his daughter and that the defendant improperly called Child Protective Services resulting in the father losing custody of his daughter. Virginia argued that the acts of the defendant were privileged and that where there was reasonable cause to suspect child sexual abuse, a call must be made to Child Protective Services and further, the failure to do so would result in criminal prosecution. The Supreme Court of Nassau County granted Virginia's motion for summary judgment and dismissed the complaint entirely.

Pollack v. Rosenblum

The defendant was a psychologist who treated plaintiff, his wife and his daughter. The defendant testified at a family court hearing after which the presiding judge found that plaintiff had been physically and verbally abusive to his wife and the children were neglected due to plaintiff's behavior, and plaintiff thereafter lost custody of his children. The plaintiff, who was an attorney and appeared pro se, brought suit under 42 U.S.C Section 1983. Plaintiff alleged the defendant conspired to ensure that plaintiff would lose custody of his children. The federal district court granted Virginia's motion for summary judgment finding that the defendant psychologist was not a state actor and that she did not conspire with officials who were acting under the color of state law to deprive a person of a

right secured under the constitution.

IV Flush Litigation

Virginia acted as national counsel for a company that sold prefilled heparin syringes to health care institutions around the country. On one occasion, these syringes contained bacteria which caused those who received the heparin to suffer infections and often times caused serious delays in the administration of sorely needed chemotherapy. Plaintiffs instituted product liability cases all over the country. Faced with a clear liability situation and with limited insurance coverage, Virginia impleaded the component parts manufacturer (the entity from whom the heparin solution was purchased) in her jurisdiction and had local counsel implead the component parts manufacturer in their respective jurisdictions. Working closely with the claims adjuster, Virginia and she decided that all of the cases should settle in one big settlement conference and Virginia convinced all of the plaintiff attorneys to come to New York City for mediation. The plan was successful and the cases concluded in their early stages after obtaining and reviewing the CDC and medical records and impleader, and before depositions.