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Day Pitney Represents Major Retail Corporation in Personal Injury Case

Day Pitney LLP, led by partner Michael Furey, is representing a major retailer in connection with a personal injury case of first impression that is pending in the Supreme Court of New Jersey. In September 2017, the client had received an adverse decision in the intermediate appellate court and Day Pitney was able to obtain discretionary review of the issue by the Supreme Court. In a recent Supreme Court hearing, Furey argued whether and in what manner, a medical expert may explain a discrepancy between the objective medical evidence and a plaintiff's subjective complaints of injury. He urged the Court to reverse the state appellate court's ruling that prohibits the use of certain terms, including "somatization" and "symptom magnification," by medical experts in civil jury trials. He argued that the use of these terms should be decided on a case-by-case basis and that in the pending case, they were used properly.

A *Law360* article regarding this case can be viewed here.

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