



## Patrick Stoneking

Principal

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### Practice Areas

- Medical Malpractice Attorneys
- Personal Injury Attorneys

### Education

- University of Minnesota Law School, J.D., *cum laude* (2005)
- University of Wisconsin - Madison, B.S. in Mathematics and Economics (2002)

### Professional Associations

- Children's Heartlink, Board of Directors

### Bar Admissions

- Minnesota
- New York
- North Dakota
- Wisconsin
- U.S. District Court, Minnesota



### Experience

Pat Stoneking's career has been dedicated to helping people who have been permanently and severely injured by others' mistakes. Some of the most harmful mistakes are medical, and throughout his career Pat has helped people whose lives have been upended by poor medical care. Lawsuits arising out of poor medical care have been recognized as "unique," "difficult," "bitter and contentious" and that their "effect[s] on litigants [are] often profound." [1] Pat enjoys facing the challenges within this legal environment and the satisfaction he gets from helping regular people level the playing field against healthcare providers and their insurance companies who do whatever they can to deny responsibility for what has been done.

Pat has extensive experience in litigation, having spent over 70 days in the courtroom trying cases since 2015. He has represented hundreds of people across the Midwest in claims that have often involved complex medical issues and insurance coverage matters. He is an active member of the American Association for Justice and the Minnesota Association for Justice, where he serves on the Board of Trustees. He has frequently presented on some of the more complicated aspects of medical malpractice litigation, including loss-of-chance, methadone prescription liability, and the several procedural requirements that are unique to medical malpractice claims. He is often asked to participate in appellate matters that involve medical malpractice issues, and has argued at the Minnesota Court of Appeals and the Supreme Court of Minnesota. He has been asked to write amicus curie briefs on behalf of the Minnesota Association for Justice when malpractice issues are under review to protect the interests of injured patients.

Pat enjoys solving difficult problems, leading him to pursue a double major in Mathematics and Economics that he completed in three years from the University of Wisconsin. He went on to the University of Minnesota Law School, where he graduated with honors and went to work helping injured people. Pat serves on the Board of Directors and Treasurer at Children's HeartLink, a non-profit organization dedicated to giving children born with congenital heart disease access to safe, effective medical care for their condition. Pat has been named a SuperLawyers Rising Star and recognized by the Minnesota State Bar Association as a North Star Lawyer for his pro bono work. Pat and his wife, Sophie, have four kids: Connor, Samantha, Marisa, and Charlie.

[1] *Anderson v. Florence*, 181 N.W.2d 873, 878 (Minn. 1970).

### **Selected Case Results\***

\$1,750,000 Settlement: Represented the family of a 50-year-old unmarried woman with adult children who died from a vehicle vs. motorcycle crash. As the woman was out for a motorcycle cruise in a Northern Minnesota city, a driver failed to yield to her right of way, causing a crash that led to her death.

\$8,500,000 Settlement: Pat Stoneking and Phil Seiff represented the families of two young men killed in a traffic collision caused by a methadone-impaired driver. After a motion to dismiss, the families' claims against the methadone clinic for negligent practices went forward following a "first-of-its-kind" ruling in Minnesota, in which the district court found that the clinic had a duty to protect the public from its improper treatment practices. After over two years of litigation and shortly before trial, the clinic agreed to confess judgment, be adjudicated negligent, and to assign all claims against its insurance companies two weeks prior to a scheduled jury trial. Insurance coverage continues to be actively litigated.

\$1,500,000 Settlement: Pat Stoneking represented a man who suffered a brain injury in a head-on crash near Worthington, Minnesota

\$260,000 Settlement: Pat Stoneking represented a veteran in a claim against the VA hospital for an injury he suffered from an improper catheterization following prostate surgery.

\$3,100,000 Settlement: Peter Schmit, Chris Messerly, and Pat Stoneking represented a man who suffered a brain injury before his hip replacement surgery began. After the administration of anesthesia that included Propofol, the man suffered respiratory depression for an extended period of time before anything was done to revive him.

\$1,300,000 Settlement: Chris Messerly and Pat Stoneking represented a young woman who suffered permanent injuries from nerve root compression in her lower back, resulting in cauda equina syndrome.

\$1,500,000 Settlement: Kathleen Flynn Peterson and Pat Stoneking represented the family of a 78-year-old woman who passed away following complications from colon cancer surgery.

\$1,775,000 Settlement: Peter Schmit and Pat Stoneking represented a man in a complicated medical malpractice case. Before surgery, nurses placed a catheter without safely considering an implanted device. This caused an internal injury that required another surgery to repair. During the second surgery, he suffered an unexplained brain injury. Peter and Pat fought a difficult legal battle connecting the brain injury to the negligent care that took place over a month before the injury.

\$290,000 Settlement: Peter Schmit and Pat Stoneking represented a man who was diagnosed with prostate cancer at an advanced stage. His family practice doctor had not offered or performed any of the screening options that are available to men over the age of 40. The delay in diagnosing the disease caused it to spread to an incurable stage.

\$350,000 Settlement: Peter Schmit and Pat Stoneking represented a young woman who suffered a bile duct injury during a laparoscopic cholecystectomy, surgery to remove her gallbladder.

\$630,000 Settlement: Peter Schmit and Pat Stoneking represented a young woman who underwent a complicated course of medical treatment following a serious car crash. While having surgery on broken bones in her leg, she was positioned during the procedure in such a way that her non-injured leg developed compartment syndrome. This serious emergency condition was not diagnosed until several hours later, killing muscle tissue and damaging the nerves in a previously healthy leg. This resulted in permanent foot drop and disability.

\$275,000 Settlement: Peter Schmit and Pat Stoneking obtained a settlement shortly before trial for the family of a

67-year-old woman after she died. She had a history of health problems for years. On Christmas Day, she left her family gathering with breathing difficulty. Her family took her into a local emergency room where her condition got worse. There was a delay in intubating her, resulting in a serious injury from which she could not survive. Peter and Pat recovered the settlement on behalf for her adult children and grandchildren.

\$735,805.05 Verdict: Pat represented a woman from Northwestern Minnesota who was riding in a minivan with her husband on Highway 10 outside Detroit Lakes. The driver of a lumber truck was leaving a construction site when a dense fog rolled in. The lumber truck driver was unable to see oncoming traffic on Highway 10 in either direction, but he chose to pull out onto the highway and attempt a left turn. As he slowly moved through the oncoming lane of travel, multiple vehicles smashed into the back of the lumber truck, causing a pileup. Pat's client suffered bilateral leg fractures, a tibial plateau fracture, and vascular damage to her legs. Pat was second-chair in the trial resulting in a verdict on her behalf. (Prior to joining Robins Kaplan LLP)

Pat handled the underlying case and the appeal for *Williams v. National Freight, Inc.*, A06-2113 (Minn. App. 11-13-2007) (unpublished) clarifying the application of collateral estoppel and res judicata in personal injury claims that give rise to multiple lawsuits. (Prior to joining Robins Kaplan LLP)

Past results are reported to provide the reader with an indication of the type of litigation we practice. They do not and should not be construed to create an expectation of result in any other case, as all cases are dependent upon their own unique fact situation and applicable law.

## Recognition\*\*

- Named a "Minnesota Rising Star," *Super Lawyers* (2015-2018)
- Named a "North Star Lawyer" by the *Minnesota State Bar Association* for providing at least 50 hours of pro bono legal services (2014)

\*\*Being named to the list or receiving the award is not intended and should not be viewed as comparative to other lawyers or to create an expectation about results that might be achieved in a future matter.

## Resources

### Articles

- Methadone Clinic Liability  
*Attorney at Law* (February 27, 2019)
- "Loss of Chance" Claims  
*The Robins Justice Report, Vol. 7, No. 3* (October 21, 2013)
- Moving Forward with Loss-of-Chance Claims  
*Attorney at Law* (August 2013)
- Excuse Me, Doctor, But Don't I Remember You From 'Titanic'? A Hospital's Duty To Make Sure Physicians Are Qualified and Competent  
*Attorney at Law* (May 2013)

### Legal Updates

- The Robins Kaplan Justice Report - Vol. 11, No. 1  
(Winter 2017)
- The Robins Kaplan Justice Report - Vol. 9, No. 2  
(Fall 2015)
- The Robins Justice Report - Vol. 7, No. 3  
(Fall 2013)

- The Robins Justice Report - Vol. 7, No. 2  
(*Summer 2013*)

## **News**

- Robins Kaplan Attorneys Recognized as 2018 Minnesota “Super Lawyers” and “Rising Stars”
- Robins Kaplan Minnesota Attorneys Recognized as 2017 “Super Lawyers” and “Rising Stars”
- Robins Kaplan Minnesota Attorneys Recognized as 2016 “Super Lawyers” and “Rising Stars”
- Robins Kaplan LLP® Secures \$8.55 Million Settlement in Precedent-Setting Case Against Minnesota Methadone Clinic
- Robins Kaplan LLP Announces New Partners and Principals
- Minnesota Attorneys Recognized as 2015 “Super Lawyers” and “Rising Stars”

## **Speeches**

- Medical Malpractice  
*Panel Moderator, Minnesota Association for Justice, Minneapolis, Minnesota (May 15, 2015)*
- My Case Got Staabed!  
*Minnesota Association for Justice, Minneapolis, Minnesota (October 31, 2014)*
- Loss of Chance  
*Minnesota Association for Justice, Alexandria, Minnesota (August 16, 2014)*
- Medical Assistance Liens: What is Happening to Martin?  
*Minnesota Association for Justice, Alexandria, Minnesota (August 16, 2014)*
- Loss of Chance  
*Minnesota Association for Justice, Minneapolis, Minnesota (November 1, 2013)*
- Amendments to the Minnesota Civil Rules: Forms, Strategies and Pitfalls  
*Minnesota Association for Justice, Minneapolis, Minnesota (July 24, 2013)*
- Handling the Medical Malpractice Case  
*Minnesota Association for Justice, Minneapolis, Minnesota (December 6, 2012)*

## **Video and Audio**

### **Audio**

- Medical Errors, Part 1
- Medical Errors, Part 2