

Sandra L. Niemotka

Partner

Chair, Workers' Compensation Group

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Sandra Niemotka has focused her practice on workers' compensation defense in Pennsylvania and New Jersey since 1992.

Sandy is known for aggressively defending Pennsylvania and New Jersey cases in workers' compensation litigation. More recently, she has been advising clients with, and litigating, COVID-19 claims, including broad advice about responding to such claims. She has particular experience and knowledge of claims that can be brought in both states, known as "concurrent jurisdiction". She also has particular knowledge and experience in hearing loss claims, opioid abuse, medical marijuana and in finding offsets against workers' compensation benefits so that benefits can be reduced. She counsels clients such as insurance companies, media, manufacturers, warehouses, school districts and restaurants on a regular basis in response to the day-to-day issues that concern workers' compensation. She is a member of the Claims and Litigation Management Alliance and has also contributed articles and been an invited speaker of other industry organizations such as the Pennsylvania Defense Institute, the Philadelphia Insurance Society and the Pennsylvania Bar Institute.

Sandy has tremendous empathy for employers who are faced with workers' compensation system abusers. She enthusiastically presents the best possible defense in litigating her cases, turning over every stone and finding creative ways to push back against questionable claims, whether in litigation or not.

Representative Matters

- Obtained a Judge's decision, affirmed on appeal, that stopped the employer's liability for a former nurse's excessive use of opioid patches and lozenges
- Obtained a dismissal against a coal miner's scar claims, with unique statute of limitations issues, up to the Pennsylvania Supreme Court level
- Obtained a Judge's decision denying that a camera operator's neck surgery was work related, despite the alleged whiplash from his car accident
- Obtained a Judge's decision that denied a Claim against an electronics manufacturer when an inspector alleged his low back surgery was work related, but the defense established the injury leading to the surgery had

Practice Areas

Workers' Compensation

Bar and Court Admissions

Pennsylvania

New Jersey

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Pennsylvania

Education

Rutgers School of Law – Camden, JD, 1991

Rutgers College, BA, *cum laude*, 1988

Memberships

New Jersey Bar Association; Workers' Compensation Section

Pennsylvania Bar Association; Workers' Compensation Section

Philadelphia Bar Association; Workers' Compensation Section

resulted from a sneeze at home

- Obtained a Judge's decision that denied a Claim against a truck manufacturer when an assembly worker alleged there was work-related ringing in his ears ("tinnitus"), and the defense successfully argued it was not a compensable "injury" as the law defines it
- Obtained a Judge's decision that denied a Claim against a nursing facility when a CNA injured her wrist, but the defense established her loss of earnings was due to a positive drug screening, and not her injury
- Obtained a Judge's decision that denied a Claim against a quarry when a heavy equipment operator alleged back and knee injuries from a fall, but the defense established his loss of earnings was due to his failure to return to modified duty, and not his injuries

Recognition & Involvement

In 2005, Sandy was named in a survey of her peers as a Pennsylvania "Rising Star" attorney by *Super Lawyers*. The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found at www.superlawyers.com/about/selection_process_detail.html. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Sandy is member of the American Legion Ladies Auxiliary, Oaklyn-Bettlewood Post 84, previously serving as Sergeant at Arms for several years.

Events

Pennsylvania Return to the Workplace
Webinar | 10:00 am - 11:00 am | June 11, 2020

An Emergent Webinar: Navigating COVID-19's Impact - What Every Employer Must Know
Webinar | March 24, 2020

Steps To Take to Prepare Your Workplace During COVID-19
PBI Webinar | March 2020

Employment Law Seminar - Philadelphia
Philadelphia, PA | May 18, 2016

Workers' Compensation Seminar
Brookside Country Club, Macungie, PA | September 24, 2015

Publications

UPDATE: New Jersey Employers Must Pay for Pot
Workers' Compensation Alert | April 14, 2021

NJ and PA Workers' Compensation Benefits for 2021

Workers' Compensation Alert | December 22, 2020

NJ Essential Employees Now Have a Presumption for Work-Related COVID-19

Workers' Compensation Alert | September 18, 2020

PA and NJ Give Special Consideration to Police and Fire Workers for COVID-19

Workers' Compensation Alert | July 27, 2020

PA's Potential for a Presumption of Work-Related COVID-19 Injuries

Workers' Compensation Alert | June 9, 2020

Not So Likely That PA Employers Must Pay For Pot

Workers' Compensation Alert | June 1, 2020

Workers Compensation Act Exclusivity Likely Bars Most Employee COVID-19 Claims

Workers' Compensation Alert | May 1, 2020

PA Work Injuries While Working Remotely

Workers' Compensation Alert | March 20, 2020

Coronavirus (COVID-19) in the Course and Scope of PA Employment

Workers' Compensation Alert | March 19, 2020

NJ and PA Workers' Compensation Benefits for 2020

Workers' Compensation Alert | January 9, 2020

PA and NJ Workers' Compensation Benefits for 2019

Workers' Compensation Alert | January 28, 2019

New Prescription Guidelines for Workers' Compensation in Pennsylvania

Workers' Compensation Alert | July 24, 2018

PA and NJ Workers' Compensation Benefits for 2018

Workers' Compensation Alert | February 21, 2018

PA and NJ Workers' Compensation Benefits For 2017

Workers' Compensation Alert | January 30, 2017

PA Supreme Court to Rule on Scope of Judges' Credibility Determinations

Workers' Compensation Alert | April 18, 2016

Pennsylvania Supreme Court to Review Constitutionality of Using 6th Edition of the AMA Guides in IREs

Workers' Compensation Alert | March 24, 2016

Court Confirms That "Medical Only" Means "Medical Only"

Workers' Compensation Alert | January 20, 2016

Commonwealth Court Rules that Using 6th Edition of AMA Guides on IREs is Unconstitutional
Workers' Compensation Alert | October 14, 2015