

# HALL BOOTH SMITH, P.C.



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Partner

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[BIOGRAPHY](#) | [CREDENTIALS](#) | [MEMBERSHIPS](#) | [RECOGNITION](#) | [PUBLICATIONS](#) | [IN THE PRESS](#)

## Biography

Jeffrey T. Wolber is a Partner in our New York City office. He is experienced in medical malpractice, aging services, and general liability litigation in both trial and appellate level courts. He has successfully obtained dismissals on substantive and procedural grounds and has also resolved claims through alternative dispute resolution. He is committed to providing excellent, efficient, and effective representation to clients.

As an active member of our [Coronavirus Strategic Team](#), Jeffrey helps clients navigate a rapidly evolving legal landscape, and he has been a leader in developing nationwide litigation strategies in response to negligence and malpractice claims involving exposure to and treatment of COVID-19.

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He regularly assists with litigation across the country that involves the assertion of federal and state immunities for COVID-19 claims, including the Public Readiness and Emergency Preparedness Act (PREP Act) and New York's Emergency or Disaster Treatment Protection Act (EDTPA).

Before joining HBS, Jeffrey was a litigation associate for two other

## Services

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firms in the New York City area, where he managed a variety of medical malpractice, dental malpractice, podiatric malpractice, and general liability cases.

Jeffrey graduated *magna cum laude* from New York Law School. He was a member of Law Review, a member of Moot Court Association, and a John Marshall Harlan Scholar. Before law school, he received his Bachelor of Arts from Utica University.

## Credentials

### Admitted

State Courts:

- New York
- Pennsylvania

U.S. District Courts:

- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

## Education

- J.D., *magna cum laude*, New York Law School
- B.A., Utica University

## Memberships

- New York State Bar Association

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## Recognition

- [Best Lawyers: Ones to Watch® in America](#), Best Lawyers®, 2024
  - Awarded in: Appellate Practice, Health Care Law
- [New York Metro Rising Star](#), Super Lawyers®, 2023

## Publications

- [Indiana’s Adams County Superior Court Dismisses Malpractice Claim for Treatment of COVID-19 under State Immunity Statute](#)  
HBS Coronavirus Litigation Blog; February 8, 2022
- [Nursing Homes Challenge New York’s Profit Cap as Unconstitutional](#)  
HBS New York Legal Update; January 5, 2022
- [Orange County Supreme Court Dismisses Claims of Nursing Home Negligence related to Pressure Ulcers and Fungal Dermatitis without Prejudice under the EDTPA in Crampton v. Garnet Health](#)  
HBS New York Legal Update; December 7, 2021
- [NY’s First Department Rules that Attorney’s Email Signature Block is Sufficient to Create Binding Settlement Agreement in Matter of Philadelphia Ins. Indem. Co. v. Kendall](#)  
HBS New York Legal Update; July 19, 2021

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- [Judge Edwards of Kings County Grants Summary Judgment in Favor of Medical Malpractice Defendants in Moore v. Volokh—Holds Plaintiff’s Experts Failed to Refute Causation Arguments](#)  
HBS New York Legal Update; June 21, 2021
- [Bronx County Supreme Court Rules on Applicability of New York’s EDTPA to Medical Malpractice Claim for Stroke Presentation](#)  
HBS New York Legal Update; June 9, 2021
- [Bronx County Supreme Court Dismisses Medical](#)

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## **Malpractice Claim Under the EDTPA and Executive Order 202.10 in Hampton v. City of N.Y.**

HBS New York Legal Update; June 9, 2021

- **Summary of the Landscape of Civil Immunity against COVID-19 Claims in New York**

HBS Coronavirus Litigation Blog; April 15, 2021

- **Civil Immunity for COVID-19 Claims in New York: Impact of the Repeal of the EDTPA**

HBS Coronavirus Litigation Blog; April 14, 2021

- **Opening a Can of Worms and Viruses: The Impact of E-Service on Email Users Everywhere**

*NYLS Law Review*, January 2017

## In the Press

### **HBS Partner Jeffrey T. Wolber Recognized on 2024 New York Metro Rising Stars List**

October 24, 2024

HBS is proud to announce Partner Jeffrey T. Wolber has been recognized on the Super Lawyers 2024 New York Metro Rising Stars list for his experience in Health Care matters.

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## **33 HBS Attorneys Named to 2025 Best Lawyers: Ones to Watch® in America**

August 16, 2024

HBS is excited to announce that 33 lawyers have been included in the 2025 edition of Best Lawyers: Ones to Watch® in America.

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## **Fifteen HBS Attorneys Appointed to Partner**

January 5, 2024

HBS introduces fifteen attorneys as newly appointed partners in recognition of their exceptional client service and outstanding leadership

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## Jeffrey T. Wolber Named to Super Lawyers 2023 New York Metro Rising Stars List

September 26, 2023

HBS is proud to announce that New York City Attorney Jeffrey T. Wolber has been recognized on the Super Lawyers 2023 New York Metro Rising Stars list.

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## 34 Hall Booth Smith Lawyers Named to 2024 Best Lawyers: Ones to Watch® in America

August 22, 2023

Hall Booth Smith is pleased to announce that 34 lawyers have been included in the 2024 edition of Best Lawyers: Ones to Watch® in America.

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The award recognizes associates and other lawyers who are earlier in their careers for their outstanding professional excellence in private practice in the United States.

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## [Indiana's Adams County Superior Court Dismisses Malpractice Claim for Treatment of COVID-19 under State Immunity Statute](#)

February 8, 2022

Written by: Jeffrey T. Wolber, Esq. On February 1, 2022, Judge Samuel K. Conrad of the Superior Court of Adams County, Indiana, granted summary judgment on behalf of a hospital and EMS entity. (Anonymous Hospital v. Peterson, No. 01D01-2107-CT-000014 (Adams Superior Court Feb. 1, 2022)). The

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petitioners/defendants  
asserted immunity under Ind.  
Code §§ 34-30-13.5-1 and

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## [Nursing Homes Challenge New York's Profit Cap as Unconstitutional](#)

January 5, 2022

Written by: Jeffrey T. Wolber,  
Esq. Edited by: Nicole A.  
Callahan, Esq. A group of over  
200 nursing homes are  
challenging a New York law  
that sets a cap on their  
profits. The lawsuit was filed  
on December 29, 2021 in the  
U.S. District Court for the  
Northern District of New York  
(Case No. 1:21-cv-01384).

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## [Orange County Supreme Court Dismisses](#)



## Claims of Nursing Home Negligence related to Pressure Ulcers and Fungal Dermatitis without Prejudice under the EDTPA in Crampton v. Garnet Health

December 7, 2021

Written by: Jeffery T. Wolber,  
Esq. Judge Bartlett of Orange  
County Supreme Court  
granted a partial motion to  
dismiss under §3211(a)(7)  
(failure to state a claim)  
based on the civil immunity  
provided by New York's  
Emergency or Disaster  
Treatment Protection Act  
(EDTPA). Although this is a  
trial court decision, its  
analysis will be helpful for

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**NY's First  
Department  
Rules that  
Attorney's  
Email  
Signature  
Block is  
Sufficient to  
Create  
Binding  
Settlement  
Agreement in  
Matter of  
Philadelphia  
Ins. Indem.  
Co. v. Kendall**

July 19, 2021

Written by: Jeffrey T. Wolber, Esq. In a decision from New York's Appellate Division, First Department, the court held that an email containing an attorney's automatically-populated signature block was sufficient to constitute a "subscribed" writing within the meaning of CPLR 2104 for purposes of enforcing a settlement agreement. CPLR 2104 reads in pertinent part:

An agreement

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## Judge Edwards of Kings County Grants Summary Judgment in Favor of Medical Malpractice Defendants in Moore v. Volokh—Holds Plaintiff’s Experts Failed to Refute Causation Arguments

June 21, 2021

Written by: Jeffrey T. Wolber,  
Esq. Editor: Nicole Callahan,  
Esq. On June 11, 2021, Kings  
County Supreme Court Justice  
Genine Edwards issued a  
decision granting summary  
judgment in favor of a  
radiology center and its  
radiologist. In this action, the  
plaintiff claimed a failure to

diagnose stomach cancer following an abdominal contrast study. The radiology defendants moved

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## **Bronx County Supreme Court Rules on Applicability of New York's EDTPA to Medical Malpractice Claim for Stroke Presentation**

June 9, 2021

Written by: Jeffrey T. Wolber, Esq. On June 4, 2021 Judge Higgitt of the Bronx County Supreme Court issued a decision denying a motion to dismiss under CPLR 3211(a)(7) for failure to state a claim based on the civil immunity provided by New York's Emergency or Disaster Treatment Protection Act (EDTPA) and Governor Cuomo's Executive

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## **Bronx County** **Supreme** **Court** **Dismisses** **Medical** **Malpractice** **Claim Under** **the EDTPA** **and Executive** **Order 202.10** **in Hampton v.** **City of N.Y.**

June 9, 2021

Written by: Jeffrey T. Wolber, Esq. On June 3, 2021 Judge Danziger of Bronx County Supreme Court issued a decision granting a motion to dismiss under CPLR 3211(a)(1) (documentary evidence) and (7) (failure to state a claim) based on the civil immunity provided by New York's Emergency or Disaster Treatment Protection Act (EDTPA) and Governor

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## **Summary of**

## **the Landscape of Civil Immunity against COVID-19 Claims in New York**

April 15, 2021

Written by: Jeffrey T. Wolber, Esq. With the repeal of the Emergency or Disaster Treatment Protection Act (EDTPA) by A.03397/S.5177, the New York legislature has effectively terminated its civil immunity for health care professionals against claims involving COVID-19. Because this repeal does not have retroactive effect, there are three main types of immunity left behind that

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## **Civil Immunity for COVID-19 Claims in New York: Impact of the Repeal**

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## **of the EDTPA**

April 14, 2021

Written by: Jeffrey T. Wolber, Esq. On April 6, 2021, Governor Cuomo signed into law A.03397/S.5177, repealing Article 30-d of the Public Health Law, also known as the Emergency or Disaster Treatment Protection Act, or the EDTPA, which provided civil immunity to health care professionals and entities for certain claims involving COVID-19. The EDTPA was

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