



## CORY TYSZKA

### ASSOCIATE ATTORNEY

Arizona

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#### Areas of Practice:

Medical Liability & Health Care  
Product Liability Defense  
Wrongful Death & Personal Injury Defense

#### Industries Served:

Insurance  
Manufacturers  
Medical Service Providers  
Professional Service Providers

Cory Tyszka focuses her practice in the areas of medical malpractice and health care liability defense, products liability, and wrongful death and personal injury defense. She represents all manner of medical service providers—including hospitals, physicians and nurses—as well as pharmaceutical and supplement manufacturers. She built a solid foundation for her medical legal practice by earning B.A. in Biology from Wheaton College (MA). She continued her medical academic career in the Cancer Biology Interdisciplinary Program at the University of Arizona. Cory also has experience as a research technician at the Memorial Sloan-Kettering Cancer Center.

While earning her law degree, Cory worked as an extern for the Hon. Donn Kessler of the Arizona Court of Appeals, Division One. After graduation, she served as a law clerk for the Hon. Rebecca White Berch, retired Chief Justice of the Arizona Supreme Court.

Dedicated to helping high school students achieve their dreams, Cory worked to revive the Marshall-Brennan Constitutional Literacy Project during her first year in law school. The Project teaches high school students constitutional law and provides them the opportunity to develop oral advocacy skills. At the end of the year, the top four students travel to Washington D.C. to compete at Nationals and enjoy a tour of the city and the D.C. District Court. Cory continues to help fundraise approximately \$10,000 per year to fund the Program and send students to Nationals in D.C.

## REPRESENTATIVE CASES

**[Obtained unanimous defense verdict in \\$3,000,000 medical malpractice case within minutes following 8-day jury trial.](#)** JSH health care defense attorneys [Russ Skelton](#) and Cory Tyszka recently obtained a unanimous defense verdict in a medical malpractice case. Their client, a board-certified general surgeon, was facing allegations of medical malpractice arising from the removal of a mass on the left side of Plaintiff's neck. During surgery, the surgeon discovered a nerve was adhered to the mass, so she removed the nerve from the mass in order to remove the mass. Following the surgery, Plaintiff developed a diffuse left brachial plexus neuritis – nerve inflammation characterized by severe shoulder pain, spotty muscle paralysis, and sensory loss of the shoulder and arm – that resulted in denervation and atrophy of her left deltoid muscle, limiting her ability to use her left arm and shoulder. During the 8-day jury trial, Plaintiff alleged that Defendant was negligent by separating the nerve from the mass, applying too much force to the nerve, and removing the mass in lieu of an intraoperative partial biopsy, which would have shown the mass to be benign. Plaintiff claimed that the surgeon's alleged negligence caused her to suffer permanent injury and disfigurement to her left shoulder muscles. The surgeon maintained that she met the standard of care in all respects and was adept at handling nerves during routine surgeries such as this one. The surgeon further defended her care with expert testimony that the brachial plexus neuritis was an immune response to the fact of surgery, rather than a result of direct injury to the nerve or to the nerve's origin during surgery. Plaintiff claimed \$3,000,000 in pain and suffering, disfigurement, and loss of enjoyment of life. The case was tried in Maricopa County Superior Court before the Honorable Teresa Sanders. After deliberating for approximately 10 minutes, the jury returned a unanimous defense verdict on November 5, 2019.

**[Obtained unanimous defense verdict in \\$8 million wrongful death medical malpractice suit after 15-day jury trial.](#)** [Steve Bullington](#) and Cory Tyszka obtained a unanimous defense verdict in a wrongful death medical malpractice case. Their client, a cardiothoracic surgeon, was facing allegations of medical malpractice arising from an open-heart surgery of an 18-year-old woman following an unrestrained motor vehicle crash. During the 15-day jury trial, Plaintiff alleged that Defendant was negligent by failing to establish bypass before the start of surgery, failing to control the patient's bleeding during surgery, and negligently placing the patient into deep hypothermic circulatory arrest. Plaintiff claimed that Defendant's alleged negligence caused the patient to suffer permanent brain injury, which led to the withdrawal of life support and her subsequent death. Defendant maintained that he met the standard of care in all respects, and that the severe cardiac rupture suffered during the patient's motor vehicle accident was not survivable. Plaintiff claimed \$8,000,000 in pain and suffering and loss of consortium. The case was tried in Yuma County Superior Court before the Honorable Larry Kenworthy. After deliberating for approximately one hour, the jury returned a unanimous defense verdict on April 8, 2019.

**[Obtained defense verdict in 7-day jury trial involving allegations of medical malpractice.](#)** Cory and another JSH attorney, [Stephen Bullington](#), defended an orthopedic surgeon against allegations of medical malpractice arising from a total hip arthroplasty procedure. During the 7-day jury trial, Plaintiffs alleged

that Defendant was negligent by failing to repair an intraoperative femur fracture, failing to leave the prosthesis in proper anatomical alignment, and failing to recommend revision surgery, causing Plaintiff to suffer anatomical deformity, an inability to walk, and loss of employment. Defendant maintained that he met the standard of care in all respects, and that Plaintiff's inability to walk was not caused by the surgery but was instead caused by pre-existing osteoarthritis, severe spinal stenosis, and Plaintiff's failure to adequately engage in physical therapy. Plaintiffs claimed \$429,000 in lost wages and at least \$1 million in damages due to pain and suffering, loss of consortium, and loss of enjoyment of life. The case was tried in Maricopa County Superior Court before the Honorable Teresa Sanders. After deliberating for less than 45 minutes, the jury returned a defense verdict on December 5, 2018.

**[Obtained defense verdict in 6-day jury trial involving home healthcare provider.](#)** Cory and another JSH attorney, [Donn Alexander](#), represented a home healthcare provider against allegations of abuse, neglect, and negligence relating to the care of an elderly woman with dementia. Plaintiff alleged that Defendants' caregiver employee was negligent in failing to respond to the elderly woman's calls for help, causing the woman to fall and break her hip after she got up from her bed without assistance. Plaintiff further alleged that Defendants were negligent in failing to properly train and supervise the caregiver. Plaintiff also sought punitive damages. The Defense maintained that the caregiver's actions were reasonable, that Defendants exceeded the standard of care in training and supervising the caregiver, and that the woman's fall was not caused by Defendants' or the caregiver's conduct. Plaintiffs claimed \$877,874.64 in damages due to pain and suffering, medical bills and expenses, and loss of enjoyment of life. The case was tried in Maricopa County Superior Court before the Honorable Rosa Mroz. After a 6-day trial, the jury returned a unanimous defense verdict on January 30, 2018.

Acknowledged in [Arizona Attorney](#) magazine under Arizona Trials, Settlements and Arbitrations for important trials in Arizona, June 2018

**[Obtained defense verdict in 7-day jury trial involving allegations of medical malpractice.](#)** Cory and another JSH attorney, [Cristy Chait](#), defended a physician against allegations of medical malpractice arising from an endoscopic procedure. The Plaintiff alleged that the procedure was not indicated and that Defendant was negligent in performing the procedure while Plaintiff remained on Plavix, causing Plaintiff to suffer a severe internal hemorrhage and associated complications. Defendant maintained that he met the standard of care in ordering the procedure and continuing Plaintiff's Plavix. Defendant further claimed that Plaintiff's alleged ongoing damages were caused by preexisting conditions. Plaintiff claimed approximately \$1,000,000 in damages due to pain and suffering, loss of consortium, loss of enjoyment of life, medical bills, and expenses.

**[Obtained unanimous defense verdict in 8-day jury trial medical malpractice case.](#)** Cory and another JSH attorney, [Steve Bullington](#), represented a physician in this medical malpractice case arising from a penile prosthesis exchange procedure. Plaintiff alleged that Defendant was negligent in leaving a fragment of tubing from the removed prosthesis in the Plaintiff's groin area, causing Plaintiff to suffer an infection, additional surgeries, and loss of employment. Defendant maintained that he met the standard of care in removing the prosthesis and that Plaintiff's infection was not caused by the fragment. Plaintiffs claimed \$900,000 in damages due to pain and suffering, loss of consortium, lost wages, loss of enjoyment of life, medical bills, and expenses.

**[Obtained summary judgment on record in favor of client in a Section 1983 case.](#)** Cory and another JSH attorney, [Brandi Blair](#), represented a correctional health care provider in this Section 1983 case. Plaintiff, who suffered from major prostrate issues, alleged that he had been denied necessary medical care while incarcerated. Cory and Brandi won the motion for summary judgment on the record alone. Plaintiff appealed, and the decision was upheld in the Ninth Circuit.

## **CIVIC & COMMUNITY ASSOCIATIONS**

- Marshall-Brennan Constitutional Literacy Project, ASU Chapter, Member; Final Round Moot Court Judge, 2016-Current
- Tyszka Starfish Scholarship at Arizona State University's Sandra Day O'Connor College of Law, Founder, 2015
- Bountiful Baskets Food Co-op, Volunteer Site Coordinator
- The Liberty Project, Member and Past President
- Banner Desert Cancer Center, Garden of Hope, Past Committee Member
- National Lawyers Guild, Past Member

## **PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS**

- AADC Ladder Down Program, Graduate 2018
- Arizona Women Lawyers Association, Director of Leadership Appointments Committee, 2015-2017; Steering Committee, 2015-2018; Executive Committee Secretary, 2019-Current
- ASU Center for Law, Science and Innovation, Executive Counsel, 2017-Current
- Supreme Court Committee on Examinations, Appointed Member, 2019-Current
- Wheaton College (MA), President's Commission, 2013-Current
- ASU Sandra Day O'Connor College of Law's Gold 'n Gavel Annual Fundraiser, Past Board Member

## **PROFESSIONAL RECOGNITION & AWARDS**

- *Best Lawyers in America: Ones to Watch*®, Medical Malpractice Law – Defendants, 2021
- *Southwest Super Lawyers Rising Star*,? 2019-2021
- CALI Excellence for the Future Awards: Appellate Advocacy, Advanced Torts, Professional Responsibility, Writing for Law Practice
- Willard H. Pedrick Scholar, Arizona State University, Sandra Day O'Connor College of Law
- [Golden Advocate Award](#), 2020 Recipient

## PRESENTATIONS & PUBLICATIONS

- ["WEBCAST – The Impact of COVID-19 on Health Care Liability: Hospitals & Telemedicine,"](#) Presenter, May 2020
- ["The Impact of COVID-19 on Health Care Liability: Hospitals and Telemedicine,"](#) Author, JSH Legal Update, April 2020
- ["Cross-Examination,"](#) quote source, PHOENIX Magazine Top Docs Issue, March 2019
- ["When to Challenge an Expert's Qualifications: Implications of \*Rasor\*,"](#) Author, *The JSH Reporter*, Fall 2018
- ["Civil Litigation and Case Progression Under the New 'Tier System',"](#) Co-Author, *The JSH Reporter*, Fall 2018
- "The Collateral Source Rule," Presenter, Arizona Health Care Association's Strive for 5 Forum: Legal Game Changers, February 2017
- "Virtual Currency Estate Planning, Bit by Bit," Co-Author, 40(2) ACTEC Law Journal (Fall 2015)
- "Biomarkers for Concussion Susceptibility: Legal Implications," Co-Author, 11(2) The SciTech Lawyer 12 (Winter 2015) (republished in 32(2) GPSolo 60 (March/April 2015) for Best of ABA Sections in Science and Technology Law)
- "Tumor-Derived Chaperone Proteins as Anti-Cancer Vaccines in Multiple Modality Cancer Therapy," Co-Author, Proceedings of the American Association of Cancer Research, 42:970, 2001.
- "Evolution: Just a Theory? An Examination of Beliefs Held by Secondary Biology Students," Author, Arizona State University Master's Thesis, May 2005
- "Genetic Markers in Amphibians Detected with RAPD PCR," Author, Wheaton College Honors Thesis, May 2000
- Acknowledged in J.E. Gschwend, W.R. Fair, C.T. Powell, "Bryostatin 1 Induces Prolonged Activation of Extracellular Regulated Protein Kinases in and Apoptosis of LNCaP Human Prostate Cancer Cells Overexpressing Protein Kinase C- $\alpha$ ," *Molecular Pharmacology*, 57:1224-34, 2000

## EDUCATION

Arizona State University, Sandra Day O'Connor College of Law J.D., *cum laude*, 2014

Arizona State University M.Ed., Secondary Curriculum and Instruction, 2005

Wheaton College (MA), B.A., Biology, Chemistry and Hispanic Studies, *magna cum laude*, 2000

## BAR ADMISSIONS

Arizona

California

U.S. District Court, District of Arizona

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

U.S. Court of Appeals, Ninth Circuit