

Melissa Goldberg

PARTNER



Long Island

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This biography is provided for informational purposes only and does not constitute legal advice.

PRACTICE AREAS

- Medical Malpractice Defense
- Insurance Defense
- Appeals

Known for securing dismissals, summary judgment victories, and appellate wins for healthcare providers and insurers, Melissa Goldberg is a Partner in the [Medical Malpractice Defense Division](#) at Abrams Fensterman, LLP. She defends hospitals, nursing homes, assisted living facilities, physicians, physician groups, and other healthcare providers in complex, high-exposure matters throughout New York.

Melissa is recognized for developing strategic, results-driven defenses and achieving successful outcomes through dispositive motion practice, trial advocacy, and appellate litigation. Her practice encompasses the defense of a wide range of complex healthcare liability matters, including claims involving cancer misdiagnosis and delayed diagnosis, obstetrical and birth-related injuries, pediatric malpractice, cosmetic and plastic surgery procedures, wrongful death actions, nursing home and long-term care litigation, and other high-exposure medical malpractice claims. She also represents clients in general liability and sexual assault matters.

Drawing on extensive litigation experience, Melissa is adept at analyzing complex medical, legal, and factual issues at every stage of a case. She is particularly skilled at identifying the arguments and evidentiary deficiencies that position matters for early dismissal, summary judgment, favorable settlement, successful trial outcomes, or affirmance on appeal. Her strategic approach, attention to detail, and command of both trial and appellate practice enable her to effectively defend healthcare providers, institutions, and other clients facing significant litigation exposure. Handling matters from inception through trial and appeal, Melissa focuses on early case assessment, deposition strategy, expert development, dispositive motions, trial preparation, trial examinations, monitoring and motion practice during trials, and appellate advocacy. She has briefed and argued numerous appeals before New York's First and Second Judicial Departments and regularly defends providers and institutions facing substantial financial and reputational exposure.

Recognized for her strategic insight and deep understanding of the medical and legal issues underlying complex healthcare litigation, Melissa is a trusted advisor to healthcare providers, institutions, risk managers, and insurers confronting high-exposure claims. She is regularly sought out by clients and fellow practitioners for guidance on complex liability issues, case strategy, dispositive motions, and appellate advocacy. Her reputation for sound judgment, thorough preparation, and creative problem-solving has established her as a go-to resource for navigating challenging and consequential litigation matters.

Melissa speaks on medical malpractice, nursing home liability, assisted living liability, and other issues impacting the healthcare industry. She presents to attorneys, insurers, healthcare providers, and risk management professionals on litigation trends, evolving legal developments, and strategies for managing and defending complex healthcare liability claims.

Melissa earned her J.D. from Hofstra University School of Law, where she was a member of the Hofstra Law Review, and her B.B.A. from Hofstra University on a full academic scholarship and where she was a member of the Honors College. She is admitted in New York and New Jersey, and to the U.S. District Court for the Eastern District of New York.

REPRESENTATIVE MATTERS & NOTABLE RESULTS

APPELLATE ADVOCACY

Melissa regularly appears before the First and Second Judicial Departments and has secured appellate decisions protecting favorable outcomes for healthcare providers, including:

- Affirmance of summary judgment in a medical malpractice/wrongful death action alleging failure to diagnose prostate cancer, based on the statute of limitations (no continuous treatment toll).
- Affirmance of summary judgment in a case alleging failure to diagnose Hepatitis C.
- Reversal of an order denying summary judgment in a case alleging failure to timely diagnose rheumatic fever.
- Affirmance of summary judgment in a case alleging failure to properly supervise nursing staff.
- Affirmance of a decision denying plaintiff's motion to vacate a defense judgment entered after trial.
- Reversal of a lower court's denial of partial summary judgment (First Department).
- Affirmance of dismissal on CPLR 205(a) and other procedural grounds.\
- Affirmance of summary judgment in a case alleging failure to diagnose infection.
- Reversal of denial of a motion to dismiss wrongful death claims involving a stepdaughter.

SIGNIFICANT LITIGATION AND TRIAL RESULTS

- Secured dismissals during trial by demonstrating plaintiff failed to meet the burden of proof on the direct case.
- Obtained summary judgment in matters alleging improper care and treatment at nursing homes and rehabilitation centers.
- Obtained summary judgment in matters alleging failure to detect and/or treat infection.
- Obtained summary judgment dismissal in a case alleging failure to timely diagnose ovarian torsion.
- Secured summary judgment in high-exposure cancer misdiagnosis matters, including allegations of failure to diagnose breast cancer and other cancers.

- Obtained summary judgment dismissal in an obstetrical malpractice action alleging failure to diagnose Twin-to-Twin Transfusion Syndrome.
- Secured summary judgment dismissal in a pediatric malpractice action alleging failure to diagnose osteosarcoma.
- Obtained pre-answer dismissal of Adult Survivors Act claims arising from allegations of improper physical examinations.
- Secured summary judgment dismissal in malpractice actions alleging negligent cosmetic surgery.
- Achieved dismissals in procedurally complex matters through strategic use of applicable statutes and procedural defenses.

BAR ASSOCIATIONS

- New York
- New Jersey
- United States District Court for the Eastern District of New York

EDUCATION

- Hofstra University, B.B.A
- Hofstra University School of Law, Juris Doctor

FEATURED PUBLICATIONS

- **Abrams Fensterman Secures Medical Malpractice Appellate Victory Led by Partner Melissa Goldberg** — 05/22/2026
<https://www.abramslaw.com/media/announcements/abrams-fensterman-secures-medical-malpractice-appellate-victory-led-by-partner-melissa-goldberg>
- **Abrams Fensterman Sponsors AHRMNY Conference Focused on Patient Safety** — 03/20/2026
<https://www.abramslaw.com/media/events/abrams-fensterman-sponsors-ahrmny-conference-focused-on-patient-safety>
- **Abrams Fensterman Presents at EMPRO 2026 Lunch & Learn on Medical Malpractice Defense** — 03/12/2026
<https://www.abramslaw.com/media/events/abrams-fensterman-presents-at-empro-2026-lunch-learn-on-medical-malpractice-defense>