

LawUpdate

News from Gersowitz Libo & Korek, P.C.

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Spring 2012



Firefighters, Police Officers, and
Veterans Look to GLK for Support

SERVING *Those Who* **SERVE**



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News from Gersowitz Libo & Korek, P.C.

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LawUpdate is a publication of
Gersowitz Libo & Korek, P.C.
of New York, NY.

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Dedicated to Andrew L. Libo

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Dear Readers,

Gersowitz Libo & Korek, P.C. hopes you and your family had a wonderful holiday season and wish you a happy and healthy 2012.

We had a significant year in 2011. We saw great successes with our clients, increased our philanthropic efforts even more and hosted a major trial attorney event for the American Association for Justice, among many other achievements.

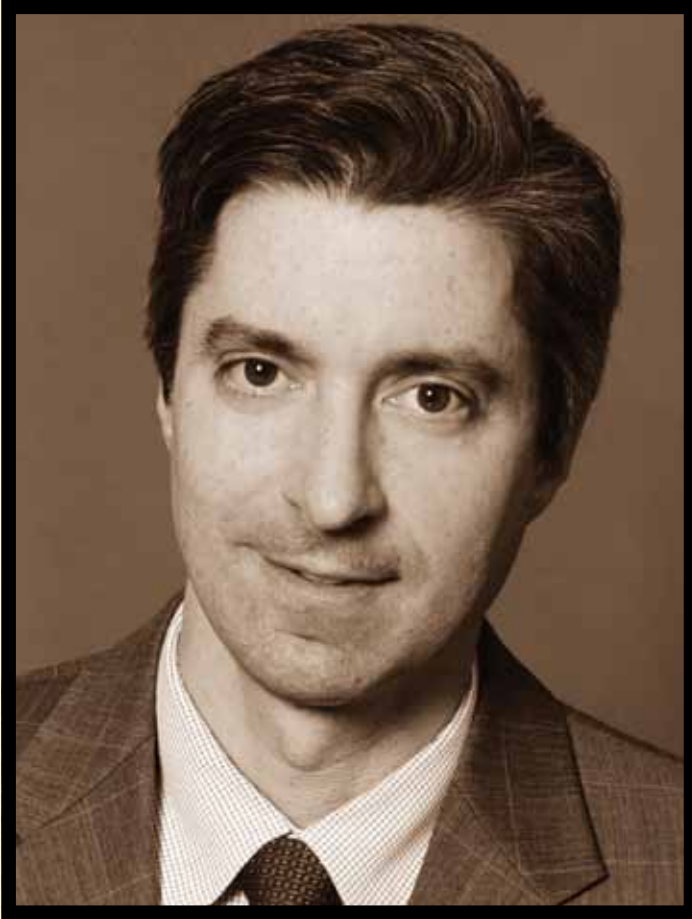
We also experienced a deep loss with the passing of our co-founding partner and friend, Andrew L. Libo. Andrew was a true leader and innovator, and his example continues to inspire and motivate all of us at this firm to seek civil justice for those without a voice.

This Spring 2012 edition of *Law Update* focuses on our continued dedication to civil justice and honoring those who serve. In addition, we highlight interesting verdicts, staff and firm accomplishments and community service.

As always, we see this publication as an opportunity to reach out to the extended Gersowitz Libo & Korek, P.C. community, and we welcome any responses, comments or suggestions to help us better serve you.

Sincerely,
Gersowitz Libo & Korek, P.C.

ANDREW L. LIBO, 1957–2011



Andrew L. Libo, our friend and co-founding partner, died peacefully at home on October 25, 2011 surrounded by family and friends. Born on October 6, 1957 to Dr. Hersh and Libby Libo in Brooklyn, NY, Andrew attended Poly Prep Country Day School where he was a star wrestler and from where he graduated in 1975. Andrew

graduated cum laude with a B.A. in psychology and history from the University of Rochester in 1979 and earned his J.D. from George Washington School of Law in 1982. He was admitted to the New York State Bar in 1983.

After gaining Associate experience at the Law Offices of F. Lee Bailey and Aaron J. Broder, Andrew became a founding member of the law firm of Gersowitz Libo & Korek, P.C. in 1984 where he embarked upon a career representing victims of corporate malfeasance and negligence. Dedicated to protecting the civil justice system, Andrew was a member of the New York State Trial Lawyers Association, New York City Bar Association, Bronx County Bar Association and American Association for Justice. Andrew kept faith with his philanthropic philosophy by sponsoring the annual Gardiner Foundation basketball tournament in the Bronx, NY, which provides scholarships to college bound inner-city youth.

Andrew was a loving and dedicated husband and father and took joy in coaching his sons' soccer and Little League games. He was an avid golfer and enjoyed rooting for the New York Yankees with his family.

Andrew is survived by his loving wife of 18 years, Jean Meyerowitz and their 3 sons, Sanford (16) Matthew (14) and Ethan (12). Andrew is also survived by his parents Dr. Hersh and Libby Libo, his brother, David (Miriam) of Los Angeles, his sister, Sheryl (Max) of Playa del Carmen, Mexico, and his many nieces and nephews. Also surviving Andrew are the countless individuals and families whose lives he helped better over the course of his distinguished legal career.

Donations may be made in Andrew's name to The Preston Robert Tisch Brain Tumor Center at Duke, DUMC Box 3624, Durham, NC 27710.

"Character is a journey, not a destination."

WILLIAM JEFFERSON CLINTON

GERSOWITZ LIBO & KOREK, P.C. FEATURED IN THE NEW YORK TIMES AND THE WASHINGTON POST

Gersowitz Libo & Korek, P.C., a leader among personal injury and medical malpractice firms in the New York area, was recently featured in the *New York Times* and the *Washington Post* for the firm's impressive trial work.

"We are pleased that our local and national media outlets recognize the need to inform and educate the public

on shortfalls and changes in the court systems and government bodies," states Jeff Korek, a partner at Gersowitz Libo & Korek, P.C. "Many of these issues directly affect so many Americans, and if any of these stories help even one person better their struggling situation, we have done our job."

The New York Times

Gersowitz Libo & Korek, P.C. was featured on the front page of The New York Times on Wednesday, August 24, 2011. The article, entitled "After Stillbirth, Courts Try to Put a Price on a Mother's Anguish," by William Glaberson, details a client's ordeal of fighting the New York Court system after tragically losing her unborn child due to hospital negligence. The New York Times acknowledged Gersowitz Libo & Korek, P.C. for refusing to settle the case for less money since a similar lawsuit had a verdict with a significantly higher amount.

The Washington Post

Gersowitz Libo & Korek, P.C. was also featured in The Washington Post on Monday, November 21, 2011. Michelle Andrews wrote an article on judge-directed negotiation, "Judge Devises Model for Resolving Medical Malpractice Cases More Quickly." The article highlights a Gersowitz Libo & Korek, P.C. case where judge-directed negotiation was used to benefit both the client and the NY State Court System.

Read these articles and more at lawyertime.com.

HAVE QUESTIONS?

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You can learn more about Gersowitz Libo & Korek, P.C. at:
<http://www.lawyertime.com>.

Contact us at info@lawyertime.com
with questions or concerns.



Nuestra pagina de internet está ahora disponible en español, por favor visítenos.

GERSOWITZ LIBO & KOREK, P.C. ATTEND GATHERING OF MINDS WITH PRESIDENT WILLIAM J. CLINTON



Jeff S. Korek, President William J. Clinton, Jolie Korek, Edward H. Gersowitz

Partners of Gersowitz Libo & Korek, P.C., a leader among personal injury and medical malpractice firms in the New York area, recently attended a gathering of minds with former President William J. Clinton to discuss The Clinton Foundation and The Clinton Global Initiative and how to get America back on the right track.

Edward H. Gersowitz and Jeff S. Korek attended this momentous occasion, which took place the evening of Thursday, December 1 in Miami,

Florida and included just 20 leaders representing numerous industries throughout the United States.

“The Clinton Foundation has made so many strides improving lives all over the world,” said Korek. “We were truly honored to have the opportunity to speak one-on-one with President Clinton and share our views on how to bring America back to the level we know we can be.”

Topics ranged from health care reform to education improvement to

creation of more American jobs. Edward Gersowitz and Jeff Korek both strongly suggested necessary changes in health care without balancing the budget on the backs of innocent victims (children and adults with permanent brain injury, those suffering from medical malpractice, and victims of catastrophic accidents resulting from corporations gone wild in an era of little regulation).

SERVING THOSE WHO SERVE



COVER STORY

Gersowitz Libo & Korek, P.C. has the utmost respect and admiration for those who have served and currently serve to protect us. The firm is honored to have the opportunity to give back to those who serve.

Gersowitz Libo & Korek, P.C. recently settled a case for a highly-decorated New York City Police Officer with over 10 years of service. While in foot pursuit of a suspect, the officer was injured due to a defect on the property. Gersowitz Libo & Korek, P.C. used the General Municipal Law Section 205-e, which allows a relaxed notice requirement when an officer is injured in the line of duty, in order to help this officer receive fair compensation for his injuries.





FDNY Emerald Society Pipes & Drums marching in the New York City Veterans' Day Parade.

Gersowitz Libo & Korek, P.C. is also proud to represent the prestigious FDNY Emerald Society Pipes & Drums during their 50th anniversary celebration. The FDNY Emerald Society Pipes & Drums band is the largest fire service pipe band in the U.S. and is a staple in New York City. Gersowitz Libo & Korek, P.C. is assisting the Pipes & Drums with contractual and legal work for its 50th Anniversary celebration.

Gersowitz Libo & Korek, P.C., on a pro-bono basis, has also represented a Navy Combat Veteran who was severely injured while in Iraq bravely fighting for our country. GLK assisted in securing additional compensation for this soldier's injuries as a result of substantial recent changes in veteran laws.

Gersowitz Libo & Korek, P.C. thanks all who have served and who currently serve, and GLK looks forward to continuing to give back to them as much as possible.

Police Officers and Firefighters: Know Your Rights

If you are a police officer or firefighter injured while on duty, there is a good chance you can bring a claim or lawsuit against the person or company responsible. This hasn't always been the case in New York. Prior to 1996, police officers and firefighters were prohibited from suing a wrongdoer because the dangers they faced were considered inherent in the job.

As police officers and firefighters, you face a great deal of hazards each day, many of which are beyond your control. Some of these hazards are just unavoidable, but experience has shown that in many cases, the death or injury of a police officer and firefighter can be tied back in some way to the negligence of someone else long before the call was received. In New York today, you can protect your rights when this is the case.

The change in law has two goals: to give police officers and firefighters the right to sue when they are injured due to someone else's fault, and to encourage others to comply with safety measures that might prevent negligence in the first place.

There are three requirements for a police officer or firefighter to bring a claim: (1) that someone violated the law, rule or regulation, (2) that the officer was in-

jured, and (3) that the defendant's violation directly or indirectly cause the officer's injuries or death.

Examples of violations that provide the basis for a successful claim include building code violations, violations of the Industrial Code of the State of New York, violations of the Administrative Code, violations of federal regulations of protective gear, and violations of local ordinances.

If an injury occurs because of one of these violations, it needs to be shown that the injury was somehow connected to the violation. The law says that the connection can be indirect, meaning that the defendant's violation needs only to "play a part" in bringing about the police officer's or firefighter's injuries. This more relaxed requirement gives police officers greater protection and makes it easier to protect their rights.

Every police officer or firefighter should know that he/she has certain rights when injured on the job and he/she may be able to hold accountable those that are responsible. If you are a police officer or firefighter and someone else's mistake caused injury to you, then you should contact an attorney immediately.

IMPROPER EVACUATION IN NY HOTEL ELEVATOR CAUSES SERIOUS INJURY TO CONNECTICUT MAN

\$8.5 Million Settlement at Trial

On Friday, January 11, 2008, Gary Meade, along with his sister and father, were passengers in one of the elevators at the On The Ave Hotel when it got stuck between the second and third floors, approximately 5 ft. above the second floor. The hotel staff, after manually opening the elevator doors, encouraged the passengers to jump out of the elevator without first securing the shaftway or providing a ladder. After his sister successfully jumped out of the elevator, Meade attempted to back himself out of the car but lost his grip and fell down the elevator shaft, landing on a steel buffer in the elevator pit. He severely injured his groin area.

Meade suffered a 20 to 30 cm gash to his left groin which injured both his venous and lymphatic system. He required five surgeries and twelve hospitalizations in an attempt to manage the initial injury and subsequent tissue infections. A skin graft was also performed to close the wound. Meade suffers from permanent disfigurement and scarring, constant pain, psychological injury including post traumatic stress disorder, numbness in his left leg and foot and must keep his left leg elevated at all times to deal with the resulting lymphedema.

Meade sued On The Ave Hotel, claiming both the hotel and hotel employees were negligent in encouraging him to jump from the elevator rather than calling emergency services to perform the evacuation, in failing to



Gersowitz Libo & Korek, P.C. and an engineering expert created this life-size model elevator for use in the courtroom. Supreme Court, New York County. Honorable Justice Eileen Rakower presided over the five-week trial.

provide Meade with a ladder and in failing to secure the shaftway. Following jury selection and immediately prior to opening statements, the hotel finally conceded it was responsible for this incident. The resulting trial was for damages. Meade sought compensation for past and future medical expenses, lost wages and past and future pain and suffering.

The defense argued that the necessity for Meade's long-term medical care was due largely in part to Meade's

Meade required five surgeries and twelve hospitalizations in an attempt to manage the initial injury and subsequent tissue infections. A skin graft was also performed to close the wound.

prior medical conditions, including knee issues and excessive weight problems, and not as a direct result of the fall. The defense also argued that his loss of earnings was negligible, as Meade started a new business and had seen a sharp decline in proven earnings over the past several years.

The parties reached a settlement after four weeks of trial. Meade recovered \$8.5 million from On The Ave Hotel. Andrew Libo, Jeff Korek, and Nicolas Bagley, the attorneys for Meade from Gersowitz Libo & Korek, P.C., were pleased with the outcome. Korek said, "Gary and his family have suffered tremendously over the past two years, and their lives will never be the same. We wanted to ensure that Gary was fairly compensated for past and future medical expenses and lost wages, which is why we ended up going to trial."

GLK NOW ACCEPTING ACTOS CASES

Gersowitz Libo & Korek, P.C., a leader among New York personal injury and medical malpractice firms, is now accepting cases for victims who have been diagnosed with bladder cancer after taking the drug Actos to treat diabetes.

The Food and Drug Administration issued a warning in June 2011 that diabetic patients who have taken Actos and other pioglitazone-containing medicines are at a higher risk of developing bladder cancer. The warning notes that the risk is higher in patients who have taken higher dosages of Actos for more than 12 months.

France has stopped the release of these drugs. The FDA noted that it was aware of France's decision. However, the FDA has not banned these medicines from being issued in the United States.

Gersowitz Libo & Korek, P.C. is now accepting clients who have developed bladder cancer as a result of taking Actos. If you or a loved one has fallen victim to the drug Actos, contact Gersowitz Libo & Korek, P.C. at (800) LAW-9997 to learn your legal rights.



ATTENTION!

**Were your taxes done
by H&R BLOCK or
LIBERTY TAX SERVICE?**

If so, you may have been OVER-CHARGED.

If you received a refund anticipation loan, rapid refund or refund anticipation check in connection with the filing of your tax return, you may be entitled to compensation.

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Call NOW for information regarding your legal rights.

GLK COMMUNITY OUTREACH

Gardiner Foundation Tournament and Giveaway

Gersowitz Libo & Korek, P.C. was proud to team up with The Gardiner Foundation in 2011 for the 6th Annual Gardiner Memorial Basketball Tournament and the 2nd Annual Gardiner Foundation Turkey Giveaway.

The Gardiner Foundation, which was established in 2006 by Dexter Gardiner in memoriam of the loss of six of his family members in a horrific car accident on the Bronx River Parkway, offers educational scholarships and financial support, emotional and spiritual guidance and burial assistance to other families in the community who have suffered a sudden and tragic loss in the Bronx community.

The 6th Annual Gardiner Memorial Basketball Classic was held Saturday, August 13 at St. James Park in the Bronx and Sunday, August 14, at the famous Gauchó's Gym. Thousands of people caught incredible streetball competition, with the reigning champions Kingsbridge Body Snatchers

defeating the Shane All-Stars to claim the title once again. The tournament enabled the Gardiner Foundation to supply five college scholarships to college-bound high school seniors, 100 backpacks filled with school supplies and 13 laptops to the youth in attendance and many other giveaways and raffles. A prayer service was also offered to families in the Bronx community who had recently suffered tragic losses.

The 2nd Annual Gardiner Foundation Turkey Giveaway was held on Saturday, November 19, 2011 in St. James Park. Dozens of volunteers came out to provide 300 turkeys to those most in need in the Bronx community, just in time for Thanksgiving.

Gersowitz Libo & Korek, P.C. is honored to have the opportunity to continue to work with such an incredible organization year after year to provide much needed support to those most in need in our communities.



Jeff Korek and Alan Farrell presented scholarships to five college-bound local students.

Some of the organizations we are proud to support:

THE GARDINER FOUNDATION
HOOPS 4 HOPE
MEMORIAL SLOAN-KETTERING CANCER CENTER
AUTISM SPEAKS
SOUTHERN POVERTY LAW CENTER
THE SMILE TRAIN
SAVE THE CHILDREN
THE CRAIG LENSCH FUND
TO THE TOPS WITH LAPTOPS
DOCTORS WITHOUT BORDERS
THE 100 MILE MAN FOUNDATION
BREAST CANCER SOCIETY
WOUNDED WARRIOR PROJECT
GEORGE J. KEHAYAS MEMORIAL FUND
SUSAN G. KOMEN FOR THE CURE

If you are part of an organization and would like to be featured with us, please contact us at 800-LAW-9997

Premises / Elevator — A settlement after a 4 weeks trial in the amount of **\$8.5 million** was reached on behalf of a 41 year old business owner and father in New York County. During his stay at a New York City hotel, our client became trapped in the hotel's elevator. The staff encouraged improper evacuation procedures, causing our client to fall down the elevator shaft and suffer a large gash to his left groin. Our client required five surgeries and several hospitalizations, and now suffers from permanent scarring, lymphedema (chronic swelling of leg) and constant pain.

Premises / Improper Building Maintenance — A settlement was reached during trial in the amount of **\$750,000** in Kings County on behalf of a 29 year old woman who was attacked and robbed in the lobby of her building. The attacker was able to gain unlawful access to the building due to building owner's failure to provide and implement proper security measures.

Premises / Defective Step — A settlement of **\$1.4 million** was reached in Bronx County on behalf of a 35 year old male who fell in an apartment building stairwell due to a defective step. Our client suffered a severe knee injury and required multiple surgeries to repair and manage the pain.

Medical Malpractice / Failure to Diagnose — A settlement in the amount of **\$1 million** in Putnam County was reached on behalf of a 48 year old woman whose doctors failed to diagnose her with Osteomyelitis. As a result, our client suffered severe physical pain and required numerous hospitalizations and surgical procedures.

Medical Malpractice / Failure to Diagnose — A settlement in the amount of **\$1.5 million** was reached in Kings County on behalf of a 43 year old woman whose doctors failed to diagnose her with Keratoconus prior to Lasik surgery, which is contraindicative for the surgery. As a result, our client suffers from permanent vision problems.

Premises / Faulty Construction — A settlement in the amount of **\$515,000** was reached in Kings County on be-

half of a 48 year old nurse and graduate student who slipped down a stairwell due to improperly constructed steps and handrails and lack of adequate lighting. Our client suffered a severe fracture to her right shoulder which required 4 surgeries and has caused permanent scarring, pain and disability of shoulder.

Motor Vehicle / Commercial Bus — A jury returned a verdict in the amount of **\$5 million** in New York County on behalf of a 48 year old advertising executive who was a passenger in a motor vehicle which was rear-ended by a commercial bus. As a result of the incident, our client suffered mild traumatic brain injury.

Wrongful Death / Motor Vehicle — A settlement in the amount of **\$1.5 million** was reached in Kings County on behalf of the family of two boys, ages 6 and 9, the younger of whom was fatally struck by a commercial vehicle which ran a red light while they were walking home from school. A settlement on behalf of his older brother was achieved due to his proximity in witnessing the accident.

Motor Vehicle / Snow Plow — A settlement in the amount of **\$650,000** was reached in Rockland County on behalf of a 58 year old computer executive who was struck by a snow plow which backed up into him. As a result of the incident, our client underwent surgery to repair a fractured humerus.

Premises / Icy Sidewalk — A settlement in the amount of **\$240,000** was reached in Bronx County on behalf of a 35 year old assistant manager who slipped on ice which was allowed to collect on a sidewalk. Our client suffered a fractured right ankle as a result of the incident which required surgery.

Wrongful Death / Medical Malpractice — A settlement in the amount of **\$2,750,000** was achieved in New York County on behalf of the family of a 33 year old jeweler and musician who died after innocently being shot in a holdup. The hospital where he was taken failed to timely perform surgery.

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FREQUENTLY ASKED QUESTIONS

of Gersowitz Libo & Korek, P.C.

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Will I have to go to Court?

While nearly all cases are settled out of court and before a trial begins, some are settled after the start of the trial but before its conclusion. Sometimes, if we feel that the settlement offered is unfair to you, we will try your case. We will hold your hand every step of the way. Remember that you can put your trust in us — just look at the results we have achieved in past cases. We fight hard to get you results, whether the case is resolved before, during or after trial.

Why do you so frequently win favorable settlements?

Because we always deal from strength, never from weakness. We're always prepared to go to trial. The defendant knows about our years of experience and, sooner or later, understands how well prepared we are. There is no guarantee, of course, but at the right point a favorable settlement becomes more likely.

Why can't my other lawyers handle my case?

They know that the practice of our firm is focused entirely on personal injury law,

on recovering damages for people who are harmed because of someone else's negligence. Lawyers know our reputation and our record of success. They have confidence that we will serve you well. Gersowitz Libo & Korek, P.C. has a wide reputation as lawyers' lawyers. They look to us for this work alone. You look to them for all your other legal needs.

Will I have to take the witness stand? Will the other lawyer attack me and try to break me down in cross examination?

Please understand: you are the victim in this case, and we will represent you. The process of winning compensation for what has been done to you should not be painful, and, for the vast majority of plaintiffs-it is not. Courtroom dramas on television are not real life. They are exaggerated for dramatic effect. Even actual televised trials are most often selected because they are sensational. In actuality, there is a plaintiff, a defendant, a judge and usually a jury in the courtroom. If the case is tried, the judge and jury are sworn to do what is right. Jurors are people like

you, and they do not like lawyers abusing witnesses.

Can I afford your services?

You certainly can. We work on a contingency basis. What that means, in simple terms, is you pay no legal fees unless you win an award, either through settlement or trial. We make the full investment of money and time to win justice for you. If we succeed on your behalf, we are paid a percentage of the award-and that sum is regulated by Court rule. We are also reimbursed for our expenses. What is most important is this: We have never lost a case for lack of money or professional time, and we never will.

Suppose I've been referred by another lawyer or law firm. Does that mean my case is going to cost me more money?

You pay the same contingency fee if we win your case, regardless of whether you were referred to us from another lawyer or if you came directly to us. There are cases where both law firms will share the contingency fee, but our clients are not charged an additional fee for that.