

LawUpdate



News from Gersowitz Libo & Korek, P.C. lawyertime.com

Spring 2011

SAFETY IN THE WORKPLACE

**What the Triangle Factory Fire
Teaches Us 100 Years Later**

LawUpdate

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

Edited by

Norah Grady
& Evelyn Holley

Dedicated to Eugene Trager

GERSOWITZ LIBO & KOREK, P.C.
ATTORNEYS AT LAW
111 BROADWAY - 12TH FLOOR
NEW YORK, NY 10006
TEL: (212) 385-4410 • FAX: (212) 385-4417
EMAIL: INFO@LAWYERTIME.COM

157 ENGLE STREET
ENGLEWOOD, NJ 07631
TEL: (201) 541-8540
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Dear Readers,

Gersowitz Libo & Korek, P.C. had an extremely successful year in 2010. We settled tens of millions of dollars for our clients and were selected to represent several high-profile cases, including: the wife of New York Mets' closer K-Rod, and her father, after K-Rod attacked him after a baseball game; the Walmart employee trampled to death by customers on Black Friday in 2008; and a volunteer firefighter who died after inhaling toxic fumes while trying to rescue someone from a confined space in a manhole.

As pleased as we are to have branched off and represented numerous areas of practice, our main focus is still personal injury and the areas that we built our business upon — motor vehicle accidents, construction accidents, medical malpractice and premises liability. This Spring 2011 edition of *Law Update* focuses on the 100th anniversary of the Triangle Shirtwaist Factory Fire and the resulting safety measures implemented in the workplace. In addition, we have included articles on proper building maintenance, dangerous medications and proposed medical malpractice changes by the federal government that could have a detrimental impact on victims of medical negligence. We also highlight some of our significant wins, staff accomplishments and community outreach initiatives.

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.

GLK ANNUAL HOLIDAY PARTY



"The Grammy Room" featured at the GLK Holiday Party at the Susan G. Komen for the Cure® for breast cancer research Holiday House.

The partners of Gersowitz Libo & Korek, P.C. wanted to do something a bit different for the 2010 annual holiday celebration. Rather than just commemorate another successful year, they wanted to share some of that success with the community and give to a worthwhile cause, and found the perfect means to do that with Holiday House 2010.

Holiday House 2010, a designer show house set up at the famous Zeigler Mansion near Central Park, brought together the top designers in the area to create stunning rooms based on holidays or special life moments. The showcase was open for viewing for a 3 week period in December, with all proceeds going to the **Susan G. Komen for the Cure® for breast cancer research**.

GLK rented out the mansion one night in December so that staff members and their families could enjoy the dazzling displays and celebrate the year-end, all for a good cause.

Everyone in attendance had a remarkable time at the event!

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.



"Human progress is neither automatic nor inevitable... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals."

MARTIN LUTHER KING, JR.

"If we are to keep our democracy, there must be one commandment: 'Thou shalt not ration justice.'"

SOPHOCLES

PROTECTING THE SAFETY OF TENANTS

Improper Security Measures in Your Building

Under the common law, the owner of a building premises or possessor has a duty to take reasonable measures to maintain his or her property in a safe condition.¹ The Courts have clarified this duty as being one found in common-law and requires a building owner to take minimal precautions to protect its tenants, and other persons on its premises, from foreseeable harm, including a third party's foreseeable criminal conduct.² These minimal precautions have included the requirement that a landlord install working doors and door locks at its premises.³ This duty stems from the fact that a property owner is in the best position to install safety devices and protects its tenants from foreseeable criminal activity.

If you are attacked or assaulted in your apartment building or where you work you may have a claim for personal

The assailant testified that the door to the building was not locked and that he entered the building simply by pushing it open.

injuries against the property owner, the management company or the security company. Recently, Gersowitz Libo & Korek, P.C. settled a case during trial related to improper security measures at a residential building. In that matter, our client returned home and entered her building by pushing open the front door of her building and unlocking the second door to her lobby. After walking to her elevator, our client was attacked from behind by an intruder that had entered the building prior to her arrival home. She was viciously assaulted and robbed in the lobby of the building where she lived. GLK investigated this incident on behalf of our client and uncovered that the door check and door lock on the subject building did not operate properly.

During the course of discovery, it was uncovered that building residents had previously notified the building owner about the door not locking and that prior to this



incident the superintendent was aware of complaints regarding the locking mechanism on the door. Evidence also showed that both the superintendent of the building and the managing agent of building were aware that the self-closing mechanism (door check) and buzzer system lock did not always operate properly. During trial, the assailant who is serving time for the assault, testified that the door to the building was not locked and that he entered the building simply by pushing it open. In addition to the building's knowledge regarding the faulty lock on the front door, evidence also established that prior to the assault, the building owner was aware of numerous robberies and burglaries which had occurred at the premises in the years prior to the incident.

GLK brought this case to trial and was able to negotiate a settlement during the trial on behalf of our client in order to attempt to compensate her for her injuries. At GLK, we believe that tenants have the right to be protected in their own residence. If you have been injured, attacked or assaulted as a result of improper security measures in the building where you reside or work please contact our office at (212) 385-4410 for a free consultation.

1. *See Nallan v. Helmsley-Spear, Inc.*, 50 N.Y.2d 507 (1980).

2. *Burgos v. Aqueduct Realty Corp.*, 92 N.Y.2d 544 (1998); *Jacqueline S. v. City of New York*, 81 N.Y.2d 288 (1993).

3. *Sherman v. Concourse Realty Corp.*, 47 A.D.2d 134 (2d Dept. 1975); *Skaria v. State of New York*, 110 Misc.2d 711 (Ct. Cl. 1981). The failure to install or maintain proper door locks has also been found to violate the warranty of habitability.



DEPUY HIP RECALL AFFECTS THOUSANDS OF U.S. RECIPIENTS

In 2003, the FDA approved the DePuy ASR XL Acetabular System total hip replacement, a more traditional hip replacement which involves the use of a hip socket, and ASR Hip Resurfacing System, a partial hip replacement method which attached a metal cap to the femur to preserve more of the bone. Since then, they have been used in over 90,000 hip replacement surgeries.¹

In August of 2010, DePuy Orthopaedics, a division of Johnson & Johnson, recalled the devices due to higher failure rates than expected, more than 2 years after the FDA began receiving complaints about the products. Their research mentioned that “approximately 12% of patients who had

received the ASR resurfacing device and 13% of patients who had received the ASR total hip replacement needed to have a revision surgery.”²

Recipients who have needed revision surgery noted significant pain, swelling, and problems moving long after the initial replacement occurred. These symptoms may have been caused by either a broken or dislocated piece of the implant, debris causing toxic reactions from the metal, or the cap loosening from the bone.³

Johnson & Johnson and DePuy Orthopaedics have already reached out to many of the recipients of the ASR XL Acetabular System or ASP Hip Resurfacing System. Anyone who has

received any correspondence regarding this should be extremely careful about signing any paperwork — they may be signing a waiver that might prevent them from pursuing legal action against the companies.

If you received a DePuy ASR XL Acetabular System or ASP Hip Resurfacing System, you should speak to a lawyer immediately about your options.

Gersowitz Libo & Korek, P.C. has a strong history of successful litigation against medical device manufacturers. Contact us at 800-LAW-9997 for a free case evaluation.

1. DePuy — <http://www.depuy.com/asr-hip-replacement-recall>; 2010.

2. “The New York Times”; The Implants Loophole; Barry Meier; <http://www.nytimes.com/2010/12/17/business/17hip.html>.

3. *Ibid.*

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MAKING A SAFER WORKPLACE

The 100th Anniversary of the Triangle Shirtwaist Factory Fire

COVER STORY

March 25, 2011 marked the 100th anniversary of the Triangle Shirtwaist Factory Fire, one of the deadliest and most tragic industrial fires in U.S. history. The preventable fire took the lives of 146 people, mostly young female immigrants working in an unsafe environment. Outrage stemming from this disaster helped create better working conditions in factories and sweatshops.

The Triangle Shirtwaist Factory was located in the historic Asch Building near Washington Square Park in Manhattan. The factory, which produced women's blouses, employed about 500 workers and was located on the eighth, ninth and tenth floors of the ten story building.

On Saturday, March 25, 1911 (workers were forced to work every Saturday as well as nine hours daily Monday–Friday)¹, a fire broke out on the eighth floor. Workers on the eighth floor were able to evacuate immediately and warn the tenth floor of the fire by telephone. Unfortunately, there was no way to alert those on the ninth floor. Fire quickly spread to all three floors and trapped those on the ninth floor.

There were five exits throughout the building — the freight elevators, a fire escape and two stairwells. Those who could make it to the roof were also able to jump to the next building to escape. However, one of the main stairwells was inaccessible because the owners locked the stairway to prevent theft by the workers. The other stairwell became engulfed in flames quickly, rendering that exit inaccessible.² The flimsy fire escape collapsed quickly due to poor construction, heat from the fire, and overload of people. The elevators were only able to make a few trips to the ninth floor to rescue workers before the heat from the flames caused the elevators to stop working as well.³

Firefighters arrived quickly to the scene, but the fast-moving fire overwhelmed them. Their ladders only reached up six stories and, as many workers leapt from the ninth floor windows to their deaths to escape the flames and un-

◀ *The flimsy fire escape ladder ended two stories above the ground. It collapsed under the weight of workers trying to escape the fire, killing many who had chosen it as their lifeline.*

► *An officer stands at the Asch Building's 9th floor window after the Triangle fire. Photographer: Brown Brothers, 1911.*



bearable heat, firefighters had difficulty getting to the building.³ In total, 146 workers died in this horrific tragedy.

Both owners of the Triangle Shirtwaist Factory (who were among the first to escape the blaze unharmed) were put on trial, but the District Attorney couldn't prove they knew the doors to one of the stairwells were locked.² They were both acquitted but lost a subsequent civil suit which required them to pay \$75 per deceased victim.

Rose Schneiderman, a union activist appalled by this terrible tragedy, pleaded with the Women's Trade Union League (WTUL) for factory workers to organize for safe working conditions, stating in an April 2, 1911 address at the Metropolitan Opera House, "...every time the workers come out in the only way they know to protest against conditions which are unbearable, the strong hand of the law is allowed to press down heavily against us... I know from experience it is up to the working people to save themselves."

Strikes by the WTUL helped influence the International Ladies Garment Workers' Union (ILGWU) to fight for safer working conditions in factories and stronger workers compensation laws. The New York State Factory Investigating Committee was created to investigate factory condi-

tions in NYC and report unsafe and unclean conditions.⁴ The American Society of Safety Engineers (ASSE) was also founded from this tragedy, which fought to bring attention to the deplorable conditions in which people were forced to work. The ASSE is still going strong today, celebrating its 100th anniversary with its new motto: "Your Safety is Our Business. Your Future is Our Mission."⁵

Gersowitz Libo & Korek, P.C. remembers and honors those who so tragically lost their lives in the Triangle Shirtwaist Factory Fire. We continue to fight in their memory for a cleaner, safer environment for all workers.

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1. Wikipedia.com—"Triangle Shirtwaist Factory Fire"; http://en.wikipedia.org/wiki/Triangle_Shirtwaist_Factory_fire#cite_note-drehle-1
 2. John M. Hoenig, Ph.D.; "History Magazine"; April–May 2005; <http://www.fisheries.vims.edu/hoenig/pdfs/Triangle.pdf>
 3. "The New York Times"; 141 Men and Girls Die in Waist Factory Fire; March 26, 1911; Pages 1–3
 4. "The New York Times"; Seek Way to Lessen Factory Dangers; October 11, 1911
 5. The American Society of Safety Engineers website: <http://www.asse.org/about/history.php>



GERSOWITZ LIBO & KOREK, P.C. FEATURED IN NEW YORK MAGAZINE

Gersowitz Libo & Korek, P.C. is proud to announce that Jeff S. Korek, a partner of the personal injury and medical malpractice firm, has been named to the 2011 edition of Best Lawyers®, the oldest and most respected peer-review publication in the legal profession, and has been featured in a special publication of New York Magazine.

This is the sixth consecutive year that Korek has been recognized as a Best Lawyer. Korek is a graduate of SUNY Binghamton and The Hofstra University School of Law, and was admitted to the State bars of New York and New Jersey in 1986. He is a Past-President of both the New York State Trial Lawyers Association and The American Board of Trial Advocates — New York City Chapter.

First published in 1983, Best Lawyers is based on an exhaustive annual peer-review survey. For the new U.S. edition, more than 50% of the lawyers listed in Best Lawyers cast more than 3.1 million votes on the legal abilities of other lawyers in the same and related specialties. Only 3% of all attorneys in the United States are selected for inclusion in Best Lawyers.

Because of the rigorous and transparent methodology used by Best lawyers, and **because lawyers are not required or allowed to pay a fee** to be listed, inclusion in Best lawyers is considered a singular honor. Corporate Counsel Magazine has called Best Lawyers “the most respected referral list of attorneys in practice.”

Steven Naifeh, President of Best Lawyers, says, “We continue to believe — as we have believed for 28 years — the recognition by one’s peers is the most meaningful form of recognition in the legal profession.”

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PERSONAL INJURY LITIGATION

GERSOWITZ LIBO & KOREK, P.C.

ON MORE THAN 25 YEARS, Gersowitz Libo & Korek, P.C. has been fighting for the rights of individuals and families in New York and New Jersey whose lives have been forever altered by devastating tragedies. The firm, which focuses on substantial personal injury and medical malpractice claims, has won numerous multi-million dollar verdicts and settlements and attracted high profile cases.

RECENT VICTORIES INCLUDE: an \$8.5 million settlement after a four-week trial for a business owner suffering permanent groin and leg problems after falling through a New York hotel's elevator shaft; a \$9.5 million settlement after a three-week trial for a real estate manager suffering an above the knee amputation after being struck by a sanitation vehicle while riding his motorcycle; and a \$5 million jury verdict for an advertising executive incurring mild brain injury after his motorcycle was rear ended by a commercial bus.

Gersowitz Libo & Korek, P.C. has also recently been selected to represent clients in high profile cases in the New York metro area. The firm represents: the wife of New York Mets' closer K-Rod; and her father, after K-Rod attacked him following a baseball game; the Walmart employee trampled to death by customers on Black Friday in 2008; and a volunteer firefighter who died after inhaling toxic fumes while trying to rescue someone from a confined space in a manhole in Tarrytown.

Jeff S. Korek, a partner since 1992 and youngest lawyer to serve as president of the New York State Trial Lawyers Association, credits the dedicated attorneys and staff for the firm's successes. "Our passion is helping our clients through some of the most traumatic experiences of their lives. We consider every client that walks through our doors as part of the family, and we don't ever settle a case until we believe our clients are offered just compensation."

Gersowitz Libo & Korek attorneys are just as committed to the community in which they work as they are to their clients. The firm is proud of its decision to renew its office near the World Trade Center site after 9/11 and its continued commitment to the area. The firm also serves as title sponsor of the Gardner Memorial Basketball Classic Tournament, a two-day annual event providing scholarships, school supplies, laptops and other resources to youth and families in the Bronx community.

In a CITY CHECK-FULL OF LAWYERS, Gersowitz Libo & Korek, P.C. is honored to be recognized year after year for its successes and dedication to its clients and community.

GERSOWITZ LIBO & KOREK
111 Broadway, 12th Floor New York, NY 10036 Tel: 212.385.6470
157 Broad Street, 15th Floor New York, NY 10039 Tel: 212.541.9540
Toll Free: 800.468.9999 www.lawyerslibo.com

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We are pleased to announce that **JAMES H. BARTOLOMEI**,* formerly of the Duncan Firm, P.A. — Little Rock, Arkansas, has become associated with Gersowitz Libo & Korek, P.C. Jim will continue to prosecute complex litigation matters, including class action, product liability, medical malpractice and commercial torts.

* Licensed in New York, Connecticut, Arkansas, Florida, District of Columbia and US Supreme Court

WHAT THE PROPOSED MEDICAL MALPRACTICE 'REFORM' REALLY MEANS FOR THE PEOPLE

Since President Barack Obama's 2011 "State of the Union" address, politicians and media outlets continue to discuss the idea of medical malpractice reform mentioned in the speech and the H.R. 5 bill that has since passed the House of Representatives. Although there is much information available on political party and individual opinions of the proposed legislation, it can be difficult to understand what is actually being offered and how it can affect taxpayers.

This article breaks down the proposed legislation and discusses the possible implications to taxpayers.

It is a fact that health care costs have risen significantly over the years, causing many companies and individuals to cut back or eliminate their insurance. There have been numerous arguments over the reasons for rising health care costs. Some claim that insurance companies are raising prices for their own profit. Others claim that medical malpractice lawsuits and 'defensive medicine' (the medical practice of ordering more tests than are deemed necessary for fear of being sued) are causing doctors' and hospitals' rates to increase.

During the "State of the Union," President Obama expressed the need to reduce health care spending, mentioning medical malpractice reform. Since then, the House passed the H.R. 5 Bill. Supposedly, the bill was put together in an effort to lower rising health care costs and give taxpayers better access to doctors and specialists.

The section of this bill that could have the most unfavorable impact on victims of medical negligence is the limit of non-economic damages.

When a victim of medical malpractice sues a doctor or hospital, he/she can currently seek to recover damages for both economic and non-economic losses. Economic damages are payments for proven financial



losses, such as past and future medical expense and loss of earnings or employment. Non-economic damages are defined in the H.R. 5 Bill as "damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship..."

Currently, neither New York nor

New Jersey limits the amount of economic damages that can be awarded to victims — it is left to the sound discretion of the jury. The H.R. 5 bill calls for a limit on the amount of non-economic damages to \$250,000 maximum. This means that if an infant suffers severe and permanent brain damage because of a doctor's error, his family and he can only be given a total of \$250,000 to compensate for an entire lifetime of pain and suffering. If a healthy, 35 year old father of two loses his leg because the surgeon did not read his chart right and removed the wrong limb, he can only be given \$250,000 maximum to adjust to a permanent handicap that will affect his family and him for the rest of their lives.

All political parties agree that health care costs need to be reduced. However, members of the Republican, Democratic, Tea Party, and Independent parties have spoken out against this bill which severely limits victims' rights — especially those victims with the most serious injuries.

Gersowitz Libo & Korek fights for the rights of injured victims. **We are outraged that the government would even consider a bill that would limit the rights of a victim to be fairly compensated for his/her devastating injuries, or which would put children, the elderly and non-wage earners on less equal footing than other victims.** As more information surfaces on the H.R. 5 bill, we will continue to update our blog — www.lawyertime.com/blog.

GLK COMMUNITY OUTREACH



GLK staff and volunteers in front of St. James Park for the First Annual Gardiner Foundation Turkey Giveaway.

First Annual Gardiner Foundation Turkey Giveaway

The Gardiner Foundation and Gersowitz Libo & Korek, P.C. teamed up once again for The First Annual Gardiner Foundation Turkey Giveaway. The event, held on November 20, 2010 outside St. James Park, was held to provide families in need in the Bronx community with Thanksgiving meals.

On Saturday morning, November 20, The Gardiner Foundation and Gersowitz Libo & Korek, P.C. set up tables at the corner of 193rd Street and Morris Avenue. GLK handed out

Thanksgiving meals consisting of a large frozen turkey, fresh vegetables, potatoes, cranberry sauce, and extras to make stuffing for 130 families.

Gersowitz Libo & Korek, P.C. was so thankful during the holiday season to have the opportunity to give back to the Bronx Community. Based on the smiles on everyone's faces and the warm handshakes and embraces exchanged by all involved, the First Annual Gardiner Foundation Turkey Giveaway was a great success. The firm can't wait to work with the Gardiner Foundation next year to make the Second Annual Giveaway even bigger!



Gersowitz Libo & Korek, P.C., is a proud sponsor of Hoops 4 Hope. Hoops 4 Hope is a not-for-profit organization that supports youth development in Zimbabwe and South Africa by working with schools, shelters, and community organizations. For more information, visit www.hoopsafrica.org.

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

SETTLEMENTS & VERDICTS

Recent Wins from GLK

Premises / Elevator — A settlement was reached after a 4 week trial in the amount of **\$8.5 million** 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 between floors 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 during trial in the amount of **\$750,000** was reached 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 the 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 student 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 contraindicated 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 four 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 because he witnessed 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 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, which required surgery as a result of the incident.

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.

LawUpdate

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FREQUENTLY ASKED QUESTIONS

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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.