

RLRZF law firm secures \$11 Million for injured client

Recently, our law firm of Ross, Legan, Rosenberg, Zelen & Flaks received a substantial recovery at trial in the amount of \$11 million for a plaintiff who was paralyzed due to an accident while at work. This was the maximum that we could collect under the insurance policy.

Our client was a construction worker who was struck by an unsecured steel beam, which fell on his head, leaving him paralyzed. He was knocked unconscious and lost his memory of the accident within days of the occurrence. The supervisor who witnessed the accident lied at his deposition claiming he didn't know, what, if anything, struck the worker.

We immediately went to the scene to take accident site photos, retrieved the offending hoist, requested the federal governmental agency (OSHA) to investigate the accident, obtained the 911 tapes of the calls made describing the accident to 911 by the employer's personnel, deposed the ambulance call responders who came to the scene, obtained an affidavit from the triage nurse who spoke to our client before he lost his memory of the accident and obtained the employer's accident report.

"In addition, we tracked down former co-employees who were at the scene and took their depositions to bring out the truth, which wasn't easy," said law firm Partner Michael Flaks.

"To forensically reconstruct the accident and establish the negligent acts that caused the accident, we retained a hoist expert, civil and biochemical engineer and a doctor of osteopathy," said law firm Managing Partner Clifford Zelen.

Flaks added: "Ultimately it was proven that the employer's failure to tie down the

steel beam resulted in a man's life being ruined."

To account for the substantial monies our client needed for his future care, we retained a life care planner, a rehabilitation expert, an economist and our client's treating doctor.

After uncovering and proving the truth, establishing past and future care expenses and lost earnings, picking a jury and rejecting multiple offers, the insurance companies ultimately were compelled to offer every dollar available in insurance coverage and waive the existing \$1.2 million lien for past medical expenses and earnings paid by the worker's compensation insurer.

"It was hard fought and took three years of litigation," said law firm Partner Stanley Legan. "We spent over \$80,000 on the case and untold hours fighting for our client to see that he got the full measure of justice."

Zelen added: "If we take a case, it's our obligation to spend what's necessary on the case to win. We don't ask our clients to fund the case."

While our client was permanently paralyzed due to his employer's failure to take basic work safety protective measures, we are satisfied that the money he received from the lawsuit will serve to provide the quality care he deserves and provide him and his loving wife with financial security. Upon the conclusion of the case, we also helped our client obtain health insurance that covers his pre-existing paralysis.

Injured workers have rights

Elevation-related accidents at work sites are common. Construction workers who are injured due to a fall from a height or from an object falling on them from a height, are entitled to special protection under the Labor Law of New York State – even if the injured worker was partially at fault or is an undocumented immigrant.



To prove what happened in this case and preserve valuable evidence, our law firm immediately took photos of the accident site, shown above.

Often, the building owner hires a general contractor, who hires the subcontractors, such as masons, electricians and plumbers. Neither the owner nor the general contractors typically direct the subcontractors on how to perform their work, but they are held strictly liable for accidents caused by the failure to provide adequate safety devices that result in gravity-related accidents, even if they did not create the unsafe condition or had no notice of it.

In addition, the fact that the primary wrongdoer is typically the employer of the injured worker, who the injured worker is prohibited by law from suing, does not block the rights provided by Labor Law to hold the owner and general contractor responsible for the unsafe working condition.

On-the-job accidents not involving falls from heights are also actionable. The injured worker is entitled to sue for pain and suffering, lost earnings and health care expenses and pursue a separate worker's compensation claim to cover medical bills and lost wages.

Call for free consultation

We want to stress to everyone that if you or someone you love gets hurt on the job, **regardless of your immigration status**, please call Ross, Legan, Rosenberg, Zelen & Flaks at (212) 967-8500 for a free consultation. We will vigorously prosecute your claims so you obtain the compensation you are entitled to for your injuries.

Firm rings in the Year of the Rabbit

Ross, Legan, Rosenberg, Zelen & Flaks sponsored and attended events throughout New York as part of Chinese New Year celebrations. The Year of the Rabbit started on Feb. 3. Our firm thanks the community leaders for their gracious invitations and is looking forward to celebrating the Year of the Dragon next year.

Ross, Legan, Rosenberg, Zelen & Flaks, Attorneys at Law

*We're not just lawyers,
we're your lawyers.*

- ◆ Medical Malpractice
- ◆ Personal Injury
- ◆ Auto Accidents
- ◆ Estate Planning

Manhattan Office

(212) 967-8500

450 Seventh Ave., Suite 2901
New York, NY 10123

Queens Office

(718) 321-1800

41-60 Main Street
Suite 210A
Flushing, NY 11355

New Jersey Office

(201) 883-0949

One University Plaza
Plaza 14
Hackensack, NJ 07601



Firm successfully helped seriously injured clients in 2010

In 2010, our law firm was successful in recovering large settlements for many seriously injured clients. "Our firm's No. 1 priority is to vigorously fight for our injured clients," said firm Partner Evan Ross. "In 2010, as in prior years, our firm was successful in that goal. We achieved great results for our clients in a variety of different types of cases, including labor law cases, medical malpractice cases, premise liability cases, automobile accidents and cases against the City of New York."

Firm Partner Richard Rosenberg emphasized: "Whether your case is big or small we will fight to get you the best result."

Below is a small representative sample of the cases RLRZF successfully handled in 2010 and the resulting dollar amounts awarded.

Labor law

- **\$11,000,000** for a construction worker struck by an unsecured steel beam, which rendered him a quadriplegic. Case settled during trial. (See related article on page 1.)

- **\$850,000** for a New Jersey security alarm installer who was electrocuted by live

wires, lost three fingers and underwent multiple surgeries.

- **\$475,000**, in a case with extremely difficult liability issues, for the heirs of an undocumented light-fixture installer who was electrocuted by live wires and died while at work on the roof of a restaurant.

Medical malpractice

- **\$5,625,000** for a baby born brain damaged due to negligence during surgery.

- **\$3,550,000** for a baby who sustained brain damage during birth due to a delay in a C-section operation.

Auto accidents

- **\$2,500,000** for a man who sustained semi-paralysis due to a Connecticut casino's negligence in continuing to serve the offending driver alcoholic beverages before his car crashed into the victim.

- **\$1,000,000**, the full insurance policy limits, for the estate of a female pedestrian who was struck and instantly killed by a truck.

- **\$710,000** recovered from the City of

New York for an unbelted passenger in an ambulance who suffered back fractures and required surgery when the ambulance hit a pothole.

- **\$565,000** for a pedestrian struck by a turning school bus.

School liability

- **\$700,000** recovered from the City of New York for a 17-year-old high school football player who suffered lacerations and nerve damage to his forearm as a result of the football coach who negligently ran practices in the school hallway and caused the student's arm to go through a pane of a glass door.

Premises liability

- **\$225,000** for a woman who tripped in a drugstore due to a low display that resulted in a fractured elbow.

- **\$145,000** for a man struck on the head by a gate latch that fell.

- **\$125,000** for a man who sustained multiple dog bites to his finger and received ligation damage.

Free consultation

You have legal rights to be fully compensated for your injuries **regardless of your immigration status** in the United States. Don't be afraid to call us at **(212) 967-8500** – the consultation is free. All information disclosed is confidential.

We currently operate offices in Manhattan, Flushing/Queens and Hackensack, N.J., and are actively planning to open up an office in Brooklyn, as well. Free legal information in English, Chinese and Spanish is also available on our law firm's website at www.rlrzf.com.

Ross, Legan, Rosenberg, Zelen & Flaks, Attorneys at Law
450 Seventh Ave., Suite 2901
New York, NY 10123

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