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Blume Goldfaden Berkowitz
Donnelly Fried & Forte
Attorneys at Law

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Secret Settlements Now Made Public

Show no Increase in Number of Malpractice Suits Filed or Payments Made to Victims

Physicians throughout the state have been urging the state legislature to impose severe restrictions on your right to sue a doctor and to recover fully for injuries caused by him or her. They and the New Jersey Medical Society have long claimed that "frivolous lawsuits" and "jackpot" jury awards have driven up the cost of their insurance policies and made it difficult for them to afford coverage. In opposing such limitations, lawyers at Blume Goldfaden along with committed lawyers from around the state have argued that any problems doctors are having in obtaining liability coverage are due to other causes, such as bad business decisions made by the insurance companies, and not because of a supposed explosion in claims or in the amounts paid to victims.

Now, the court-ordered release of previously confidential data pertaining to cases that have been resolved, has proved that the number of medical malpractice cases has actually decreased over the last several years, as have the amounts of payments made to people injured by physician negligence. In considering what to do about

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Cynthia Craig and Jeffrey Zenna Assist World Trade Center Families

Cynthia Craig, (who recently joined Blume Goldfaden, see article on page 2), and Jeffrey Zenna, volunteered after September 11th to provide legal representation to widows and families of victims of this national tragedy.

The Victims' Compensation Fund was created by Congress in October 2001 to save the airlines and the Port Authority from being sued by thousands of victims. The Fund provides compensation to families and victims who, in exchange for a recovery from the Fund, give up their right to file a lawsuit. Over 1,000 attorneys from all over the United States including 231 from New Jersey formed "Trial Lawyers Care" and offered their professional ser-

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Welcome to Harris Feldman



Harris S. Feldman joined Blume Goldfaden as an attorney in the Fall of 2003. While still in law school, Harris worked as a law clerk at the firm for Dennis Donnelly. After graduating from Seton Hall in 2002, he entered a year long judicial clerkship for the Honorable Joseph L. Yannotti, J.A.D. in the New Jersey Superior Court, Civil Division of Bergen County where he assisted the Judge in medical malpractice, product liability and automobile personal injury matters.

Harris is admitted to practice in the State of New Jersey and the United States District Court for the District of New Jersey. He is a member of the Bergen County Bar Association and the Association of Trial Lawyers of America.

Currently, Harris works with Dennis Donnelly on many different cases but devotes most of his time to the area of complex crash-worthy automobile cases including vehicle roll-over, roof crush, defective seatbelts and air bags, poor automobile structural crash performance, defective tires and escape-worthiness. Harris also works on other cases including medical malpractice, inadequate security, premises liability, automobile negligence and insurance coverage. He has participated in many phases of litigation including claim investigation, expert witness consultation, depositions and trial preparation. Harris is proficient in American Sign Language and can assist any hearing impaired client. ♦

High School Teacher Run Over by Truck \$1.5 Million Settlement



A 53 year old former high school teacher recently accepted a settlement of \$1.5 Million after being run over by a pick-up truck as she was crossing a street in Newark. "My client sustained numerous fractures to her pelvis, sacrum, shoulder, back and ribs and underwent surgery to her thigh", according to partner, Ron Goldfaden, "but the worst part of the accident, by far, is the fact that she can no longer do what she loved most: teach."

Wrongful Death

\$2.75 Million Recovery for Family of Jayson Williams Shooting Victim



After two days of mediation, Ken Berkowitz negotiated a \$2.75 million dollar recovery for the family of Gus Christofi, a 55 year old limousine driver who was fatally shot on February 14, 2002 by ex-New Jersey Nets star Jayson Williams. Christofi had driven Williams and others home following a Harlem Globe Trotters charity basketball game. While giving guests a tour of his home, Williams removed a shotgun from a firearm rack, pointed the gun at Christofi and snapped the gun shut, discharging the weapon into Christofi's chest. At the time of the settlement, the criminal charges against Mr. Williams were still pending.

"Secret" Settlements...

(Continued from page 1)

the doctors' claims, the legislature had asked for this information from the various insurance companies providing malpractice coverage in the state, but they had refused to produce it. Insurance companies routinely insist upon confidentiality when making settlements, preventing attorneys from providing the information. Recently, a state court ordered that information pertaining to medical malpractice settlements and payments made in the past few years be made public.

The data revealed that the response by our state legislature was justified. It passed a law which slightly modifies the rules for filing medical malpractice cases but for the most part does not further limit your right to sue bad doctors or doctors who make mistakes which cause serious injury.

As always, we are committed to fighting for the rights of those who are injured by the negligence of others — including doctors — and we are proud that our voice and yours was heard in Trenton.

Inadequate Security

\$1.8 Million Settlement - Sexual assault at ATM



Carol Forte obtained a settlement on behalf of two women who were attacked at a bank ATM. The lawsuit alleged that the bank failed to provide adequate security, because the parking lot was poorly lit and there were bushes in which the criminals hid before attacking the victims.

Improper Surgical Clearance

\$4 Million Settlement for Brain Injury

Carol Forte obtained a \$4 million recovery on behalf of a 24-year-old man who was inappropriately given the go-ahead to have general anesthesia for surgery on his jaw. The patient, then 19, had abnormal preoperative EKG and chest x-ray results but this escaped the attention of all his doctors, and he was permitted to undergo the planned surgery. During the operation the patient suffered a cardiac arrest due to those underlying abnormalities, resulting in lack of oxygen to his brain causing memory loss.

\$3.2 Million Verdict - Birth Injury



A Middlesex County jury awarded a \$3.2 million verdict in a case involving a birth injury to a seven-year-old girl. There is permanent damage to the girl's brachial plexus nerves (known as an Erb's Palsy) which required surgery to her left arm. Michael Zeres tried the case on behalf of the infant child. The matter

subsequently settled for a confidential amount.

\$4 Million Verdict - Birth Injury

A Gloucester County jury returned a \$4 million verdict in a case involving a birth injury to a six year old girl. The injury caused permanent damage to the girl's brachial plexus which will require future surgery on the arm. Michael Zeres tried the case on behalf of the little girl. The matter subsequently settled for a confidential amount.

Work Site Wrongful Death

\$975,000.00 Recovery for Family of Worker Killed in Accident



John Blume settled a wrongful death case on behalf of a 45 year old Somerset County worker who was fatally injured while repairing a traffic signal. The victim was standing in an elevated basket high above the ground, when a car struck the vehicle he was standing in. He fell, sustained multiple fractures and internal

injuries, which caused his death later that day.

Wrongful Birth

\$1.225 Million Settlement for Child with Fragile X Syndrome



Fragile X Syndrome, a condition which can be diagnosed prenatally, is the most common cause of inherited mental retardation. It occurs in approximately one in 1,200 males and one in 2,500 females. In this case, Dennis Donnelly recovered a settlement of \$1.225 million for a 4 year old boy who was born with

Fragile X Syndrome because the mother's doctors failed to perform proper testing to screen for this condition.

Additional Failures in Prenatal Diagnosis

\$3.84 Million Verdict and \$1.25 Million Settlement; Two Additional Cases of Failures in Diagnosing Profound Birth Defects.

Dennis Donnelly obtained a jury verdict of \$3.84 million for a missed diagnosis of a profound chromosome defect by obstetricians, which resulted in profound retardation and institutionalization. He also obtained a settlement at trial of \$1.25 million for a missed diagnosis of Canavans disease, a fatal and debilitating neurological disease.

Cynthia Craig Joins Blume Goldfaden



Blume Goldfaden welcomes Cynthia Craig to the firm. A lawyer for 25 years, Ms. Craig is a New Jersey native. She graduated magna cum laude from Dickinson College in Carlisle, Pennsylvania where she received her undergraduate degree in only two and a half years. She worked as an administrator for the

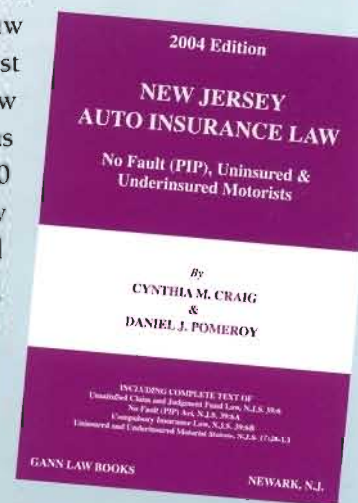
Pennsylvania Department of Commerce for four years before moving to Washington, D.C. where she attended Georgetown University Law Center. In 1979, she received her law degree and returned to New Jersey.

Cynthia began her career at a defense firm, then worked six years for a plaintiff's firm in Newark. She later founded her own solo practice in West Orange, New Jersey, concentrating on plaintiffs' personal injury cases, recovering for injuries caused by automobile accidents, fall downs, defective products and medical malpractice. Cynthia is widely recognized as an expert on auto accidents cases and New Jersey auto insurance laws, having literally written the book. "The book" is a highly regarded treatise, New Jersey

Auto Insurance Law which she co-authored for Gann Law Books. The treatise was first published in 1991 and is now in its 14th edition, and has been cited in more than 50 reported decisions of the New Jersey State and Federal Courts. Besides co-authoring New Jersey Auto Insurance Law, she also lectures extensively in all areas of personal injury law.

Cynthia is a member of the Association of Trial Lawyers of New Jersey and the Essex County and New Jersey State Bar Associations.

In the fourth year of her second term on the New Jersey Supreme Court Ethics Committee, she is now the chair of the District VB Ethics Committee. ♦



New Jersey Auto Insurance Law was co-authored by Cynthia Craig for Gann Law Books.

Samples of Recent Settlements and Verdicts

Auto and Vehicular Related Cases

Uninsured motorist claim, \$750,000 (Ron Goldfaden); middle car in a three car accident, \$700,000 (John Blume); passenger in a car struck by an auto that ran a red light, \$474,920 (Ken Elwood); wrongful death of a passenger, \$450,000 (John Molinari); defendant driver crossed center line, \$407,500 (John Molinari); defendant struck the plaintiff's car while improperly changing lanes, \$350,000 (Norberto Garcia); pedestrian injured by car, \$350,000 (John Molinari); tractor trailer crashed into a plaintiff's car, \$325,000 (John Molinari)

Medical Malpractice

Delay in diagnosing breast cancer, \$3,500,000 (Carol Forte); lack of oxygen at birth causes cerebral palsy, \$3,000,000 (Carol Forte); ruptured uterus during labor after a prior cesarean section, \$3,000,000 (Carol Forte); Erb's Palsy injury following a shoulder dystocia, \$1,900,000 (John Blume); IV line leads to arm amputation, \$1,500,000

(Ken Berkowitz); coma and brain injury after surgery, \$1,150,000 (Mike Zerres); Erb's Palsy injury, \$1,150,000 (David Fried); death as a result of an anesthesia error, \$1,150,000 (Carol Forte); brain damage as a result of improper delivery, \$1,000,000 (John Blume); failure to diagnose colon cancer, \$1,000,000 (Ron Goldfaden); failure to diagnose Wilson's Disease, \$1,300,000 (John Blume); failure to do proper prenatal testing, \$900,000 (Dennis Donnelly); brain damage during childbirth, \$900,000 (David Fried)

Premises, Products and Other Cases

Person fell on loose brick, \$750,000 (David Fried); delivery cart jerked into hole in pavement, \$650,000 (Ken Elwood); person injured on raised sidewalk at a restaurant, \$600,000 (John Blume); victim run over by tractor, \$500,000 (John Molinari); iron fence falls on child killing him, \$400,000 (Ken Elwood); victim falls in a pothole, dies in surgery, \$287,500 (Daryl Zaslow) ♦

*If you or anyone
you know has
experienced an injury,
please feel free
to speak with one of us.
We will be happy to help you
in any way we can.*

*Blume Goldfaden
is always there to share
our expertise with our
extended family, friends,
and clients.*

We get RESULTS!

Serving the New Jersey Community with Over 70 Years Trial Experience

Blume Goldfaden, New Jersey personal injury lawyers and attorneys, protect the rights of injured parties and recover damages for clients who are victims of accidents, medical malpractice, or defective products.

** The only personal injury law firm with at least
four lawyers named the best in the State.*

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Our Twelfth Certified Civil Trial Attorney

Jeffrey J. Zenna has become the firm's twelfth lawyer to be certified by the New Jersey Supreme Court as a Certified Civil Trial Attorney. While there are over 75,000 attorneys in New Jersey, only 1,110 of them have been certified as Civil Trial Attorneys. To attain certification, an attorney must:

- Be a member in good standing of the New Jersey Bar for at least five years;
- Complete a specific number of continuing legal education courses in the three years prior to filing an application;
- Demonstrate substantial involvement in preparation of litigated matters;
- Submit a list of attorneys and judges who will attest to the applicant's character, ability and reputation;
- Pass a written exam covering various aspects of trial practice.

Jeff, who is 37, works in our Chatham office and has a diverse caseload of personal injury cases. "Jeff has been involved in several successful

medical malpractice trials. Most recently, in June of 2004 he handled a major part of the damage presentation to the jury in a case which resulted in a \$2.25 million verdict" says Dennis Donnelly. David Fried added, "Jeff has a great courtroom presence. He establishes meaningful contact with juries. That, coupled with his ability to examine a case from all sides and his willingness to work hard, makes him a valuable asset for the firm."

Jeff, his wife Stephanie, who is also an attorney, and their two children, Sam and Harry reside in Morris County, New Jersey. ♦

*"Jeff has a great courtroom
presence. He establishes
meaningful contact with
juries. ..."*

—David Fried, partner

He May be New to the Bar...

...but he Already has Years of Experience



Congratulations to Richard J. Villanova who recently passed the New Jersey Bar Exam and was sworn in as a new attorney. He became Blume Goldfaden's eighteenth attorney. However, Rich is not new to the firm. He has been serving our clients as the firm's claims investigator since 1989. Since then he has assisted in obtaining recoveries for over 1,200 clients in automobile accidents, premises

liability cases and other types of claims. After receiving his undergraduate degree from Seton Hall with a double major in communications and business administration, Rich gained valuable experience spending four years working for the defense as a claims adjuster for Prudential Insurance Company. There he learned the basics of evaluating personal injury claims.

In 1998, Rich began studying law in the evenings at New York Law School while working full time for the firm. Rich recently showed how his experience and contacts within the insurance industry can assist our clients. Rich worked on the case of a man in his mid-50's whose car was struck head on by a driver who had fallen asleep at the wheel. Our client had previously lost both legs below his knees due to diabetes. In the accident he suffered fractures of both femurs and was wheelchair bound until healed. Rich was able to settle the man's claim and that of his wife, for the total \$200,000 available policy limits within 30 days, an unusually short time, as a result of the working relationship he had previously established with a claims adjuster at the defendant's insurance company. Rich will continue to handle automobile, premises liability, and other types of personal injury cases for our clients from pre-litigation through trial. ♦

Cynthia Craig and Jeffrey Zenna Assist World Trade Center Families

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vices at no charge to the victims who needed legal help applying for benefits from the Fund. As a TLC volunteer, Cynthia was assigned two claims; one for the death of a 34-year-old bond trader who left a young widow and the other for the death of a trader who died at age 40 leaving a wife and four children. Over the next two years Cynthia spent hundreds of hours assembling the necessary documentation, organizing the evidence to substantiate the claims and presenting the claims to the Fund. As a result of her efforts, this year one widow received a gross award of \$3.8 million and the other received a gross award of over \$5.5 million.

Jeff has been acting as New Jersey counsel for the widow and three children of a 37-year-old trader who was also in the doomed World Trade Center that day. He represented her at a hearing for the distribution of nearly \$3.5 million, assisted the family in collecting the proceeds of an insurance policy, and coordinated benefits for them through state agencies. We are all proud of Cynthia and Jeff for volunteering their services to help in this worthwhile cause. ◀

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