

**BLUME GOLDFADEN BERKOWITZ
DONNELLY FRIED & FORTE, PC**

A PROFESSIONAL CORPORATION

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Blume Goldfaden is proud to have 15 of its Attorneys listed in “Super Lawyers” Publications, and is listed in NY Magazine’s “The New York Area’s Best Lawyers - 2010 Edition” as a top law firm in the areas of Medical Malpractice, Product Liability and Personal Injury.

Blume Goldfaden is ranked #1 in New Jersey in the 2010 edition of Best Lawyers in the fields of medical malpractice (6 attorneys listed), personal injury (8 attorneys listed), and product liability (5 attorneys listed).

Super Lawyers Selection Process: http://www.superlawyers.com/about/selection_process.html

Best Lawyers Selection Process: <http://www.bestlawyers.com/aboutus/selectionprocess.aspx>

New York Area’s Best Lawyers – 2010: <http://nymag.com/guides/bestlawyers/2010/62615/>

New Associate: Laura A. Carney



Blume Goldfaden is proud to announce that Laura A. Carney has become associated with the firm. Laura comes from the Office of the Attorney General, where, as a Deputy Attorney General, she spent ten years defending the interests of the people of the State of New Jersey in a variety of personal injury lawsuits.

Laura brings with her insight into litigation from a defense point of view. She has lectured for the Attorney General’s Advocacy Institute, and was appointed to the Attorney General’s Deputy Advisory Committee. She is Certified by the Supreme Court of the State of New Jersey as a Civil Trial Attorney, is a member of the New Jersey State Bar Association’s Government and Public Sector Lawyers Special Committee, and the Hudson County Bar Association’s Civil Litigation Committee. She is also a member of the Trial Attorneys of New Jersey and the New Jersey Association for Justice. Laura earned her undergraduate degree from the University of Florida (B.S., 1993), and her graduate degree from Seton Hall Law School (J.D., 1999). In her spare time, Laura is an avid runner, and has run over ten marathons throughout the country.



While some claim that our civil justice system needs to be “reformed,” we think it’s important to remember what we as trial lawyers, really accomplish:

Speak up for those who cannot speak for themselves; ensure justice for those being crushed. Yes, speak up for the poor and helpless, and see that they get justice.

Proverbs 31, verses 8 & 9

We handle all types of injury cases including car accidents and slip & falls.

Inside

Blume Goldfaden Berkowitz
Donnelly Fried & Forte

Attorneys at Law

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\$3,250,000 Settlement



Paraplegia Caused by Blood Collection on Spine and Several Medical Mistakes

A 47 year old man with Down Syndrome had been hospitalized for possible blood clots in his lungs. Part of the treatment involved the use of blood thinners including the drugs known as Coumadin, Heparin and aspirin. When a patient receives Heparin, standard procedure requires periodic measurement of certain blood levels to ensure that the blood thinner is working properly and to make sure that the medication is not thinning the blood too much, which could put the patient at risk for bleeding. In this case the nurse accidentally increased the patient's Heparin dosage when it should have been temporarily stopped. Mistakenly, she checked the wrong blood value, and thought that the Heparin dose should be increased when the correct blood value indicated that the Heparin should be stopped. Within 24 hours the man began experiencing neurological symptoms including leg weakness and back pain. The back pain was brought to the attention of a pulmonary specialist who did an exam and also noted weakness in one leg. He did not document his examination, but did call in a neurology consultant. The neurology consultant ordered over the phone CT scans of the head and pelvis which were normal, but he failed to come into the hospital to examine the patient and did not order a CT scan of the spine. He left a note for his partner to visit the patient at the hospital the next day, but she failed to do so. She claimed there was no note from the pulmonologist indicating that the patient had back pain or leg weakness. The patient's leg weakness progressed and finally at the insistence of the family, a neurologist evaluated the patient the next day, but the patient was paralyzed. An emergency MRI test showed that the paralysis was caused by a blood collection in the spine known as an epidural hematoma, a likely result of the blood thinners mistakenly given by the nurse. Emergency surgery was done, but it was too late to reverse the man's permanent paralysis. Two weeks later, after the injury was discovered, the pulmonologist finally put a note in the chart about the patient's back pain and leg weakness.

Had an MRI been ordered when the patient's symptoms began, surgery could have been performed to remove the blood collection before it caused permanent damage to the spinal cord.

For the best chances of success, such surgery ought to be performed within 24 hours from the time a patient starts showing symptoms. The bleed may have never occurred had a nurse not accidentally increased the dose of the patient's blood thinner.

\$11 Million Total for Two Closed Head Injury Cases



Hospital and Nursing Malpractice Settled for \$4.1 Million at Trial, and \$7,982,000 Settlement ~ Unsafe Loading, Maintenance and Driving of a Heavy Truck

Dennis Donnelly settled 2 significant closed head injury cases over the last 6 months which both involved important public safety issues. Unsafe systems in hospitals are often the cause of unnecessary patient injury. In this case, the defendant hospital administrators and nurse failed to respond promptly to a ringing ventilator disconnect alarm, and the patient suffered severe brain injury. The trucking case involved repetitive issues of unsafe loading, maintenance and operation of heavy trucks, which is an issue Dennis has dealt with in many cases with very substantial recoveries over the last few years. Our website will contain a more extended analysis of both these important public safety issues.

Blume Goldfaden has 14 Certified Civil Trial Attorneys



The New Jersey Supreme Court designates lawyers "certified" only after they have completed the mandatory number of trials, submitted peer and Judicial references, and passed a written exam.

We handle all types of injury cases including car accidents and slip & falls.

\$935,000 Settlement ~ Premises Liability

Kenneth Berkowitz obtained a settlement on behalf of his client, 39, who fell from the second to the first floor through a hole in the floor while at a commercial building. The man broke his ankle, which was first diagnosed 3 months after the fall. He needed 2 surgeries including an ankle fusion. He may have developed a severe pain condition called Chronic Regional Pain Syndrome (CRPS), and, he continues to have pain and walks with a limp.

\$200,000 Settlement ~ Premises Liability

Norberto Garcia represented a 34 year old Hudson County woman who cut her arm while cleaning a broken window in the kitchen of her rented home. The wound became infected and left the woman with a significant scar. The defendant landlords claimed that they had no notice of the hazardous condition created by the broken window.

\$2,000,000 Settlement ~ Construction Accident

John Molinari represented a 15 year old boy who was injured while riding his dirt bike in the Kearny meadows of New Jersey. The boy rounded a curve, and his view of the road was blocked by overgrown plants. The driver of a dump truck came around the curve in the opposite direction and tried to avoid the accident by driving into the plants; the boy tried to avoid the truck but his bike slid under its rear wheels. The boy and his family had no knowledge of construction going on in the meadows. The contractor claimed that they took all possible precautions to warn dirt bike riders, and that the boy was trespassing. There was deposition testimony that dirt bike riding in the area was very common, and John was able to demonstrate the numerous inconsistencies in the defendant driver's version of the accident. The boy suffered an amputation of his right leg below the knee, and multiple fractures of his left leg. The case settled before trial for \$2,000,000. An annuity was purchased which will provide care for the next 40 years.

\$907,000 Jury Verdict/Settlement ~ Wrongful Death/Motor Vehicle Accident

Harris S. Feldman represented the estate and the father of a 16 year old girl who was killed when the driver of a car drove into a telephone pole after one of his rear seat passengers distracted him. Another passenger in the car called our client's father immediately after the accident. He arrived at the scene minutes after the crash, and witnessed his daughter, still alive, bleeding and seriously injured. The defendants argued that the father's claims for emotional distress caused by witnessing his daughter at the scene of the accident should not be allowed, but Harris successfully argued that the father's claim should go forward. Harris partially settled the case before trial with the passenger who distracted the defendant driver, for \$800,000, and tried the case obtaining a verdict against the driver of the car, as well as some additional settlement money from a UIM (Underinsured Motorist) claim; for a total of an additional \$107,000.

\$475,000 Settlement ~ Bicycle/Motor Vehicle Accident

Kenneth Elwood represented a 13 year old boy who was riding his bicycle across State Highway 35 in Lavallette. An 80 year old motorist did not see him, struck him and dragged him over 100 feet. The boy sustained fractures to his lower back and injuries to the sciatic nerve, which resulted in a difference in the length of one leg as compared to the other. In addition, he suffered severe soft tissue injuries to his leg and buttocks, requiring surgery and skin grafting, and resulting in permanent scarring.

\$725,000 Settlement ~ Medical Malpractice/Wrongful Death of a Newborn

Carol Forte settled a claim for the death of a two week old baby. A prenatal fetal heart study showed the baby had a possible heart defect. The cardiologist allegedly told the obstetrician (OB) that he needed to be notified of the baby's birth so that he could come to the hospital and do further testing to determine if the baby would need surgery. However, the OB failed to notify the cardiologist, the baby's condition deteriorated, and he died at two weeks of age from the undiagnosed/untreated serious heart defect he did in fact have. It was the family's position that steps should've been taken by both doctors to follow-up and examine the baby immediately after he was born; that had this been done, his heart defect would have been diagnosed and corrected with proper surgery. The issues brought to light by Ms. Forte in this case lead to changes in hospital policies and procedures, to ensure that this type of failure in communication would not recur.

\$750,000 Jury Verdict ~ Medical Malpractice/Surgical Negligence

Carol also obtained a jury verdict in a trial surrounding a nerve injury caused by surgery to repair a ruptured biceps tendon. Our client tore his biceps tendon while bowling. Although surgery is not always necessary when this injury occurs, he trusted his surgeon who advised him to have the repair done. He was not warned that he might suffer a nerve injury from the surgery, which in fact happened. As a result of the nerve injury, the man suffers from Complex Regional Pain Syndrome (CRPS), has had to take a different job, and is required to take extensive amounts of pain killers. The jury found that our client was not properly informed by the surgeon of the risks and consequences of the surgery, and awarded \$750,000.



Ms. Forte was a recipient of the Trial Attorneys of New Jersey annual award for 2009 given each year to deserving members of the Bar.

For additional information on these and many other Blume Goldfaden settlements and verdicts, please visit our website at www.njatty.com

\$1,400,000 Settlement ~ Product Liability

Mitchell Makowicz, Jr., represented a man in his late thirties who wore contact lenses. Our client used Bausch & Lomb (B & L) eye care, contact lens products and solutions. In 2006, the man went to the emergency room with complaints of severe pain and poor vision in his left eye. He was found to have a fungal infection, and needed to undergo four corneal transplants. His vision remains impaired. In April of 2006, B & L removed the lens solution known as ReNu with MoistureLoc from the market (a product used by our client), after it was reported that there was a high incidence of such infections in users of that product. Mitch discovered that B & L failed to recall the product in a timely manner, and failed to notify doctors or the general public of the risk of using the eye drops.

\$1,650,000 Settlement ~ Pedestrian Accident

David Fried represented a 30 year old woman who while 34 weeks pregnant, was struck by a car coming out of a parking garage. While our client was not in a cross walk, and she was crossing mid-block in the dark, David was able to prove that the driver knew many people exited the building in that area at that time of day, and he too had crossed the street in the same manner as our client. She suffered a head injury and brain bleed requiring surgery, and had to deliver her child by emergency C-section. The woman needed a great amount of therapy for severe physical movement, speech and memory difficulties. She continues to have problems with balance and walking, processing information, and speech. Since the accident she has been diagnosed with cancer, unrelated to the accident. David was able to settle this case based on how severe the woman's injuries are, and, the lifestyle changes brought about by the brain injury, apart from the challenges brought about by the cancer.

\$1,392,000 Jury Verdict ~ Motor Vehicle Accident

Ron Goldfaden represented a man who was a passenger in a motor vehicle driven by his friend. They were rear-ended by a tractor trailer, the driver of which claimed he was cut off by our client's vehicle. Our client's injuries included a fractured shoulder and ankle, and, a fractured knee and heel requiring surgery. Testimony of the investigating police officer at trial conflicted with both drivers' versions of the accident. However, despite these causation issues, Ron was able to obtain this significant jury verdict.

\$650,000 Settlement ~ Motor Vehicle Accident

Richard Villanova represented a boy who was struck by a tow truck. He suffered multiple pelvic fractures, 5 fractured ribs, liver and pancreas lacerations, a collapsed lung, and an injury to his intestines requiring surgery. The boy's mother witnessed the accident. Rich discovered that there was video footage of the accident. The case was settled at mediation for \$650,000, including \$175,000 for the mother's emotional distress at having witnessed the accident.

**\$2,650,000 Jury Verdict ~ Motor Vehicle Accident/Wrongful Death**

Daryl L. Zaslow obtained a \$2,650,000 jury verdict on behalf of the Estate and family of a 42 year old man who died in a motor vehicle accident with a truck when he was making a left turn at an intersection with a stop sign in his direction. The defendant's insurance company offered only \$200,000 to settle the case. Mr. Zaslow worked with an accident reconstructionist to show that the defendant was speeding, and failed to slow his truck after he saw the decedent entering the roadway. Additionally, Mr. Zaslow discovered in medical records, that the truck driver had Benadryl in his urine. Daryl presented expert medical testimony that the defendant was likely suffering from the effects of this medication at the time of the accident; which include drowsiness, fatigue and abnormal coordination, and, that these factors contributed to the accident. The jury awarded \$2.2 million to the survivors for their future financial losses due to the death of the decedent, and \$450,000 for past losses.

**\$4,197,000 Settlement ~ Motor Vehicle Accident/Amputation**

Jeffrey J. Zenna represented a full time career army boat operator who completed 2 tours of active duty in Iraq. The 26 year old man was returning from Iraq and driving from New York to his home in Virginia. The young man's car had a flat tire, and he pulled off to the shoulder of the highway to change to his spare. While changing his tire, he was struck by another vehicle, causing leg fractures, and an injury to the blood supply of his lower leg. The injury to the blood supply caused a decrease in blood flow in the leg, and resulted in the amputation of his leg above the knee two years after the accident. The man is still on active duty. Despite witnesses giving different versions of the accident, Jeffrey was able to discover that the accident was in fact the fault of a Canadian driver, and he negotiated this significant settlement with that driver's Canadian insurance company.

Our staff includes a Board Certified Physician and 4 Registered Nurses



Blume Goldfaden has numerous attorney affiliations nationwide. We can refer you to personal injury, medical malpractice, product liability, and other attorneys to handle your case in any state."

For additional information on these and many other Blume Goldfaden settlements and verdicts, please visit our website at www.njatty.com