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Blume Goldfaden Berkowitz
Donnelly Fried & Forte

Attorneys at Law

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This issue of our newsletter reports some of our recent verdicts and settlements which have helped not only our clients, but might also help others in the future. A successful resolution of an individual case not only does justice for the victim, but can change the way business is done, the way healthcare providers practice, or the way a product is made, and make things safer for all of us.

When car makers leave out known safety devices from their vehicles; when emergency room doctors don't listen to witnesses or record history in medical records; when nurses and doctors don't follow-up on test results, do the right tests or even carry out doctor's orders; or when employers take dangerous shortcuts, a lawsuit can send a message that results in positive change for all drivers, workers, and patients, and hopefully prevent injury to others.

When you consult us, sit on a jury yourselves, or debate access to the justice system, the positive changes that can result from a lawsuit are worth remembering.

Avoidable Brain Injury Suffered During Labor Causes Child's Death



Mitch Makowicz represented the mother of a child who died at a year and a half of age from complications of his birth. The doctor delivering the baby did not do a caesarian section despite warning signs that he needed to be delivered quickly, and waited until there was significant slowing of the heart rate. This led to brain damage causing severe injuries from which the baby could not recover. The case settled during trial in Camden County, for \$1,175,000.

Workers Compensation Law "Pierced"



New Jersey's workers compensation law bars an employee from suing his or her employer except in the case of intentional wrongdoing by that employer. Ken Elwood obtained a settlement of \$916,000 for the family of a 43 year old man who was struck and killed at work by a piece of equipment being lifted by a crane. Ken was able to prove intentional wrongdoing by this employer who knew that a safety device had been removed from the crane making it substantially certain that an accident would occur. This is one of the few times in New Jersey that such a claim has been successfully pursued.

County Employee Drives Off Leaving Road Hazard



Jeff Zenna obtained a \$1,220,000 settlement for a man whose car was struck by another driver who lost control of his vehicle on an icy roadway. The county employee responsible for maintaining the road was aware of the dangerous icy condition, but left the scene without barricades, lights or other warnings that would have prevented this accident. Jeff's client suffered an amputation of his leg as a result of the accident.



**Blume Goldfaden has
12 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.

Three Medical Malpractice Settlements

Carol Forte handled a case for a 77 year old gentleman who was the victim of a series of errors in a south New Jersey emergency room. Results of tests taken during an emergency room visit were obtained several days later, but no one on duty when the results came in notified the patient or his doctor that there was MRSA in the urine specimen. The infection eventually spread to his blood, then to his heart. Bacteria broke off from his heart and caused a stroke, leaving him paralyzed on one side. Two other law firms had turned the case down. Carol eventually obtained a recovery of \$2,250,000.

Carol also recently handled a case for a child who was born more than two months early, and suffers from developmental disabilities. Two doctors failed to realize that the baby had a heart problem which was easily treatable in utero, and decided instead to perform an unnecessary cesarean section delivery of the baby who was significantly premature. Carol settled this case for \$2,000,000, which was the full extent of the insurance coverage available for this claim.

Carol brought a claim against surgeons who had performed gastric bypass surgery on a woman, but who then failed to recognize post operative complications in time to prevent widespread infection, and ultimately her death. The case was settled for \$1,000,000.



Carol Forte was named Medical Malpractice Lawyer of the Year in the Newark Metropolitan Area in 2011 by "Best Lawyers." For Lawyer of the Year selection process information please log on to: <http://www.bestlawyers.com/aboutus/awards.aspx>

Defective Airbag/Prenatal Negligence/Improper ER Treatment

Dennis Donnelly had a number of verdicts and settlements since our last newsletter. Three examples: a \$2,300,000 settlement for a case involving a poorly designed airbag which deployed in a low impact collision when it should not have, causing brain injury; a \$1,600,000 jury verdict against obstetricians who failed to follow up on critical prenatal test results that would have made the diagnosis of spina bifida in a fetus—Dennis says that the jury in this case held the defendants responsible despite their efforts to excuse their fault by blaming another specialist; he also won a \$1,665,000 verdict for a family whose father died when an emergency room doctor who had failed to listen to, or record eyewitness history of a likely bee sting, was found liable by a jury for the patient's death from another bee sting a month later.

Baby Injured During Delivery

Michael Zerres obtained a six million dollar settlement for a family whose baby has cerebral palsy, the result of brain damage from a lack of oxygen during the labor and delivery process. A fetal monitor was used during the labor, and it showed abnormalities in the baby's heart rate. Michael proved that the doctor and the nurse caring for the mother did not recognize these abnormalities and their significance, and that an earlier delivery would have prevented the brain damage that occurred. This settlement should provide life-long care for the child, and allow the family to get much needed help.



Drunk Driver Causes Injuries

John Molinari handled a case for a 21 year old Newark man who was a passenger in a car driven by an underage drunk driver. The crash left John's client blind in one eye and with a brain injury. John obtained a recovery for the full amount of the available insurance coverage from the driver, and from the social hall where the underage person drank excessively and was improperly served. The case was settled for \$1,100,000.

Truck Accident

Ken Berkowitz secured a payment of \$1,750,000 for a 49 year old man who lost his arm during on the job training to be a truck driver. At the time of the accident, Ken's client was outside of the truck and another driver was backing it up, guided by a 3rd person. The truck backed into our client, crushing his arm between the trailer and a cement post.

Wrongful Death/Motor Vehicle Accident

Ken Berkowitz also secured a \$2.5 million settlement for the Estate of a 44 year old man who was ejected from his motorcycle, sustaining fatal injuries when he was struck by a vehicle entering the roadway.



Ken Berkowitz was named Product Liability Lawyer of the Year in the Newark Metropolitan Area in 2011 by "Best Lawyers." For Lawyer of the Year selection process information please log on to: <http://www.bestlawyers.com/aboutus/awards.aspx>

The cases described here are a small sample of our recent results; for more, please visit our website at: www.njatty.com

Pedestrian Struck in Road

Laura Carney represented a 13 year old boy struck by an 18 year old driver while crossing the street. His pelvis and both legs were fractured. The defendant's insurance company refused to make an offer until a jury had been deliberating for three hours. The case settled for \$200,000.



Nurse's Medication Error Causes Blindness

Ron Goldfaden handled a case for a 41 year old woman who was left partially blind as a result of seizures due to nursing negligence. The patient had a condition known as eclampsia, a complication of pregnancy, which left untreated can cause seizures or even death. In this case, the doctor ordered medication in order to prevent seizures, but it was never given by the nurse. The blindness that resulted was particularly devastating for the woman who had previously been an artist and taught art to children. This case settled for \$4,750,000.

New Associate: Michael Solomon



Blume Goldfaden welcomes Michael Solomon, who has joined the firm as an associate. Michael has years of experience defending professionals and entities in a variety of premises and malpractice cases, and brings with him invaluable insight into litigation from a defense point of view. Michael was a judicial law clerk to the Honorable Frederick J. Theemling Jr., JSC. He was recognized as a Rising Star in New Jersey Super Lawyers 2011 magazine. He is a member of the New Jersey State Bar Association, Essex County Bar Association and is a graduate of the Brennan/Vanderbilt Inns of Court where he is now designated as a "Barrister." Michael earned his undergraduate degree from the University of Miami (B.B.A., 1998), and his graduate degree from the University of Miami School of Law (J.D., 2001).

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Construction Accident

David Fried handled a construction accident case and obtained a settlement for a young man horribly injured when he fell two stories through an unprotected unfinished open stairwell at the work site. The man is paralyzed as a result. This case presented numerous challenging legal issues, and David was required to make numerous motions before the court, including two applications to the Appellate Division, before successfully resolving the case for \$3,650,000.

Lead Poisoning

Richard Villanova handled a case for a now eight year old boy, who lived in a Jersey City, New Jersey apartment in a three family home. He was exposed to lead paint chips in that apartment, and blood tests showed a high lead level of 32. Rich proved the boy was neurologically impaired from the high lead level, and obtained a \$435,000 settlement for him.

Rich Villanova has now moved over to our Jersey City office at Journal Square and can be reached a (201) 963-4711.

Unsafe Car Contributes to Accident

Harris Feldman handled a case on behalf of four young children whose mother was killed while driving her SUV. Claims were made against the driver who was tailgating her and the manufacturer of the mother's vehicle. Harris worked with an accident reconstructionist to prove that the accident was caused by a combination of the other driver's negligence and the fact that the SUV did not have an electronic stability control system that would have prevented her death. He settled the case for \$900,000.

Breast Cancer Walk

Blume Goldfaden is proud that six of its employees took part in the Susan G. Komen 3-Day for the Cure event in Washington, D.C. in 2010. They raised over \$13,000 for breast cancer research. For more information, please log on to: <http://www.the3day.org/site/PageServer>



Walking Tall Charities

Blume Goldfaden is proud to support Walking Tall Charities, Inc.; a non-profit corporation founded in 2007 which assists uninsured and under insured amputees by purchasing prosthetics and other items they require for proper healthcare, and to increase their abilities and quality of life. For more information on this charity, log on to: <http://www.walkingtallcharities.org/>

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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 - 2011 Edition" as a top law firm in the areas of Medical Malpractice, Product Liability and Personal Injury.

Blume Goldfaden is highest ranked (tier 1) in New Jersey in the 2011 edition of Best Lawyers in the fields of medical malpractice (6 attorneys listed), personal injury (8 attorneys listed), and product liability (5 attorneys listed), and highest ranked nationally in the field of product liability.

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 – 2011: <http://nymag.com/guides/bestlawyers/2011/70029/>

Social Networking

Social networks like Facebook, Twitter, MySpace, LinkedIn, Google+, blogs and other similar sites are a great way to keep in touch and share information. But it is important to know that content on these sites can be accessed and used by lawyers in all types of cases, including personal injury cases, in various ways. Stories, photos and personal information posted on these sites can be obtained by people you never meant to share them with, in spite of your best efforts to keep this information private, or limited to specific people. Litigants in any type of case must be acutely aware that anything posted anywhere, can be obtained and might be used against them in their lawsuit. We encourage our clients to be mindful about what is put anywhere on the internet, and never write anything that you would not want the whole world to see!



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**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.



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