

Brought to you by



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**ABOUT OUR FIRM**

Rappaport, Glass, Greene & Levine is a law firm concentrating its practice in personal injury matters. We have a particular emphasis in handling litigated matters and in trying cases before federal and state courts in New York and in other states. The team litigates substantial personal injury, medical malpractice, and defective products claims, always representing the seriously injured victims of careless conduct. Our firm has been awarded the highest possible rating from *Martindale-Hubbell*, the nationwide lawyer directory and rating service.

**RGG&L secures \$2.64-million award for family of man crushed and killed by falling tree limb**

September 11, 2001, is a tragic anniversary date for all Americans. But on that same date just a year later—September 11, 2002—tragedy struck again for a 36-year-old man who was terribly injured and ultimately died as a result of a freak accident at work.

On that day, the man was walking to his company van outside a customer's home in a residential neighborhood in Queens, New York. Suddenly, he was hit by a massive tree limb that fell from an old, 50-foot-tall elm tree on a vacant community lot.

The law is clear that property owners have a responsibility to maintain the trees on their property and be aware of the dangers of falling tree limbs if there is foreseeable risk of injury to others. This old tree had visible signs that it was rotting from the inside out, and there were two incidents of limbs falling off it even before the accident. In one of those incidents, a huge branch fell on a car, crushing its roof and causing \$7,000 in property damage, nearly injuring bystanders. Nonetheless, no maintenance on the tree was performed.

The case was complicated by the fact that over 30 homeowners had use rights to the lot by virtue of "easements" contained in their deeds, and that the lot itself had fallen into foreclosure for failure to pay municipal property taxes. It was purchased for \$500 in 1965 by an investment company, but essentially abandoned when the company realized the property could not be built upon.

The weight of the branch crushed our client's chest, causing a massive heart attack and depriving his brain of oxygen. He went into a coma and suffered irreversible brain injury. He lived in a nursing home for several years in a vegetative state until he died. He was not married; his parents and siblings survive him. **RGG&L partners Michael Glass** and **Jim Forde** handled this case, which grew to include over 40 defendants. They finally secured a \$2.639-million settlement with all parties just before jury selection and trial.



Partner Michael Glass



Partner James Forde

**NYC police officer gets \$2.5-million award after on-the-job injuries force his retirement**



Partner Matthew Zullo

It started off in a fairly routine way: A 39-year-old New York City police officer approached an illegally parked minivan and asked the driver to see her handicapped-parking permit, which had expired. He wanted to see if the permit was even authentic—that is, officially issued by the city—or was just a copy.

The driver got in the minivan, started it, and drove away, striking the police officer in the left knee and left elbow. The defendant claimed that she drove away because she thought the man was a security guard, not a police officer, and that she was scared because she said he yelled, cursed, and threatened her.

The woman was arrested and eventually pled guilty to reckless assault. During the civil case, she maintained that she pled guilty only to save her license to practice dentistry. The defense also claimed that the police officer's injuries were preexisting and not a result of the accident.

After the accident, the police officer had two knee surgeries and

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**\$1.75-million award for construction worker permanently injured on the job**

The plaintiff in this case, a 43-year-old union laborer with two small children, was setting up scaffolding at the Brooklyn House of Detention, which was undergoing a major renovation. To perform the task, the plaintiff was required to walk on top of a screened-in basketball court on the roof of the facility. As he did this, one of the panels of screen collapsed from underneath him, causing him to fall approximately 15 feet to the floor of the basketball court, severely injuring his leg. He will never be able to return to his chosen profession. **RGG&L partner Michael Levine**



Partner Michael Levine

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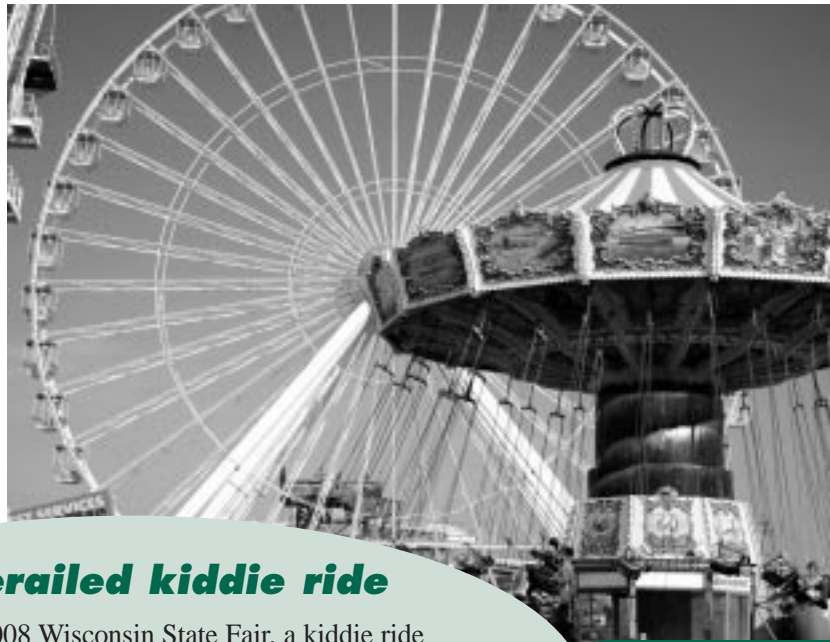
# Theme-park injuries

Parents and kids love the excitement of the rides, the food, and the noise of theme parks.

As parks add attractions to compete for thrills and uniqueness, visitors suffer 7,000 injuries every year. Inflatable-slide rides collapse and injure toddlers. Slow kiddie-ride cars derail and harm youngsters. High-acceleration roller coasters and free-fall drop towers subject adult riders to back and neck harm.

Injuries may come from a combination of inappropriate rider behavior, inadequate operator training, poor maintenance, ride malfunctions, and design defects.

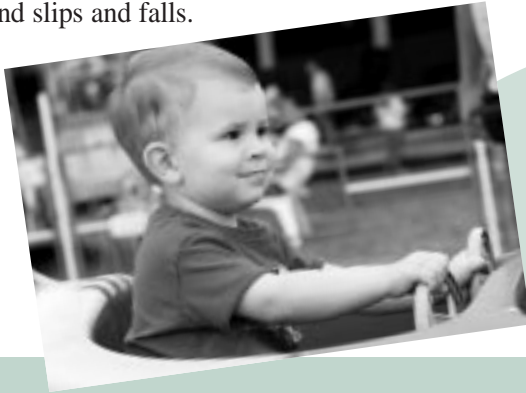
Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



## A derailed kiddie ride

At the 2008 Wisconsin State Fair, a kiddie ride malfunctioned, injuring a five-year-old girl. The accident happened when the girl's car derailed and crashed into a fence, leaving her with a bruised knee and injuries to her neck, back, and elbow. The girl was treated at a local hospital; her injuries were not serious.

*If you have been injured at an amusement park, please contact legal counsel.*



## NEGLIGENCE

Under the law, negligence is inattention that causes a person harm.

Negligence can take two forms: *action*, such as a mason carelessly dropping a heavy brick off a scaffold; or *failure to act*, when a business owner disregards repairing a broken step on a stairway in a dimly lit corridor.

### A crushed foot

As directed, an auto-repair patron moved his car to a numbered parking spot. As he left his car, a dealership employee driving another vehicle failed to see him and ran over his foot. His crushed foot developed into a complex injury, damaging the peroneal nerve and causing constant pain, color and temperature changes, and loss of hair on his foot.

A former highly paid stockbroker, the injured man attempted to work for more than a year, but medications and burning pain forced him to stop. His attorney then sued the dealership, alleging its employee negligently failed to keep a proper lookout. The parties reached a significant settlement prior to trial.



## When insurers won't pay MEDICAL BILLS

According to the law, insurance companies have a good-faith responsibility to deal fairly with customers.

This means coverage providers and their agents must actively seek ways to pay all fair benefits promised to policyholders, not to disallow them.

Sometimes, when policyholders need them most, insurers redefine their obligations and services to avoid paying promised benefits. Common tactics include denying claims or dragging them out so long that insureds simply get tired of fighting and give up.



### Her insurer said "No"

A 32-year-old doctoral student suffered career-ending brain injuries in a head-on collision with a negligent driver. When the other driver's insurance failed to cover all her medical expenses, she filed an underinsured-motorist claim with her own auto insurance plan, which entitled her to \$1.5 million in benefits. Her insurer refused to pay for several years, claiming she had no head injury. Her attorney sued the insurer and its agent, alleging bad faith, breach of contract, and violations of a state unfair trade practices statute. A jury awarded her significant compensatory and punitive damages, plus attorney fees and prejudgment interest.

# FOR YOUR SAFETY

## Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.**, has recalled 152,000 “Sky Champion” Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers
- ✓ **Babies “R” Us, Burlington Coat Factory/Baby Depot, Meijer Distribution, Inc., Nebraska Furniture Mart, ShopKo, Target Stores, and Wal-Mart** have voluntarily recalled 600,000 Simplicity Brand Drop Side Cribs with sides that can detach and trap or suffocate infants.
- ✓ **Worldwise, Inc.**, has called back 223,000 SlyDog™ Retractable Dog Leashes that have metal collar clasps which can bend or break, causing the leash to recoil suddenly and forcefully, and harm users.
- ✓ **Wolf Appliance, Inc.**, has recalled 24,000 Wolf Appliance Gas Ranges. Delayed gas ignition in the 18-inch oven can cause a burst of flames when the range door is opened and burn users.
- ✓ **Razor USA, LLC**, asks buyers to return 103,000 Razor® PowerWing™ Three-Wheeled Scooters, which have sharp edges on foot-platform undersides that can cut children.
- ✓ **Giftco, Inc.**, recalled 36,000 Harry Potter Bookends. The paint contains excessive levels of lead, violating the federal lead-paint standard.

# ID THEFT

The Federal Trade Commission’s (FTC) 2006 Identity Theft Survey Report showed that 8.3 million adults were victims of some form of identity theft in 2005.

According to the FTC’s Consumer Response Center, five common ways that wrongdoers steal unsuspecting victims’ legal, financial, and personal information are:



*If you believe you have been a victim of fraud through ID theft, seek legal counsel.*

- 1 Dumpster diving**—rummaging through trash containers for bills or other personal papers.
- 2 Skimming**—stealing credit/debit card numbers using special electronic storage devices while processing actual transactions.
- 3 Phishing**—imitating real financial institutions or companies by sending fraudulent e-mails or pop-ups to computers.
- 4 Changing addresses**—using postal forms to divert mail to unlawful addresses.
- 5 Theft**—stealing purses, wallets, and mail—even employee records.

# AS WE SEE IT

Some politicians or media commentators complain one-sidedly about our civil justice system and trial attorneys. Often, they phrase the issues as they appear in the left-hand box of the chart below.

We have had the benefit of helping people who have been harmed by others’ carelessness, such as people injured by drunk and reckless drivers, negligent property owners, or by the actions of uncaring corporations.

We think the way we view our civil justice system and trial attorneys is more accurately stated in the right-hand box.



## HOW SOME PEOPLE SEE IT.

Insurance companies vs. trial lawyers  
 Pharmaceutical manufacturers vs. trial lawyers  
 Car makers vs. trial lawyers  
 Doctors vs. trial lawyers  
 Nursing homes vs. trial lawyers  
 Manufacturers vs. trial lawyers  
 Railroads vs. trial lawyers  
 Corporations vs. trial lawyers  
 Small businesses vs. trial lawyers

## HOW WE SEE IT.

HMOs vs. patients needing care  
 Drug makers vs. patients requiring safe medications  
 Car makers vs. driver and passenger safety  
 Physicians vs. health insurers  
 Nursing homes vs. elderly residents and their families  
 Manufacturers vs. injured consumers  
 Railroads vs. drivers injured at crossings  
 Unsafe products vs. harmed consumers  
 Small businesses vs. injured employees

RETURN SERVICE REQUESTED

## Referrals

*Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.*

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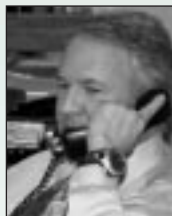
The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

## OTHER NOTABLE RECENT SETTLEMENTS

We at **Rappaport, Glass, Greene & Levine** are proud of our reputation as aggressive litigators willing to take the fight to the insurance carriers. It is our privilege to represent injured victims who sometimes face massive medical bills and severe, life-changing disabilities. Here are some of the cases that we have brought to successful conclusions in the last few months:

- A **\$670,000 settlement** for a girl whose feet and ankles were burned and permanently scarred from an accident. *Charles J. Rappaport*

- A **\$602,500 settlement** for a 47-year-old meat packer whose lungs were permanently damaged by her exposure to concrete dust from ongoing construction work at the supermarket where she worked; the damage prevented her from ever returning to this form of employment. *Michael S. Levine*



Partner Michael Levine

- A **\$550,000 settlement** for a passenger who suffered multiple fractures—of the sternum, clavicle, and femur—in a two-car accident. *Michael G. Glass*

- A **\$300,000 settlement** for a 62-year-old truck driver who suffered back injuries when another truck driver backed his 18-wheeler into the plaintiff's truck, forcing the plaintiff into early retirement. *Michael S. Levine*

- A **\$300,000 settlement** for a patient whose life expectancy was shortened by several months because the urologist failed to obtain clear margins on a tumor biopsy, accelerating recurrence of a kidney cancer. *Michael G. Glass*

- A **\$200,000 settlement**, during trial in Manhattan State Supreme Court, for a 73-year-old pedestrian who suffered a fractured pelvis after she was hit by a car in midtown Manhattan. *Charles J. Rappaport*



Partner Charles Rappaport

- A **\$150,000 settlement** for a woman in her 50s who had continuing pain and needed additional surgery after a doctor cut a nerve in her hand while operating on her for carpal tunnel syndrome. *Matthew J. Zullo*

- A **\$100,000 settlement**, after jury selection, for a woman whose career as a movie extra was put on hold after she was injured while riding in a car that was hit by a New York City police car pursuing another vehicle for a traffic violation. *Charles J. Rappaport*

## NYC police officer...

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an operation to release an entrapped ulnar nerve in his left elbow.

As a result of this accident, the police officer was forced to retire (at age 42) after 13 years of service. **RG&L partner Matthew Zullo** represented this man, who was awarded \$2.5 million by the jury. The jury found that the plaintiff was responsible for damages for pain and suffering as well as the loss of past and future income and benefits. They also found that the defendant was responsible for punitive damages, but did not reach an amount since the case was settled after verdict for compensatory damages. The client said he is putting some of the money into an annuity that will pay for the college educations of his three small children.

## \$1.75-million award... *(continued from front page)*

represented the man in the ensuing lawsuit against the City of New York, which owned the jail, and secured a \$1.75-million settlement at a mediation while an appeal was outstanding on the issue of the City's liability for the plaintiff's accident. The settlement will provide the plaintiff with enough money to let him live the rest of his life with financial security, something that was taken from him by the City's negligence.

"Although I cannot return him to where he was physically before the accident occurred, I am able to give him and his family financial security for the remainder of his life," said Levine. "He will not have to worry about how he is going to provide for his family now that he is incapable of ever returning to his chosen profession."