

## RECENT CASE RESULTS

**\$2,533,000\***

### MOTOR VEHICLE CRASH

Ignoring the Vehicle & Traffic Law has consequences. A Brooklyn jury found both a double parked car and a driver leaving a parking spot accountable for causing a crash. Our client was traveling down 4th Street in Brooklyn where there was a double parked car. As she slowly passed the illegally parked car, another driver was exiting a parking spot and crashed into the side of our client's car. The exiting car claimed he could not see our client's car because of the double parked car was blocking his view. The driver and the insurance company for the double parked car refused to accept any responsibility for the crash, but a Brooklyn jury was not having it and found the double parked car violated the Vehicle and Traffic Law, and ultimately rendered a verdict totaling \$2,533,000.

Attorney: Michael Feldman

**\$1,475,000\***

### MEDICAL MALPRACTICE

Our 53 year old client suffered pain in her breast for four years, which she discussed with her doctor. Both she and her doctor felt a lump in her breast, but after undergoing an annual mammogram she was reassured she shouldn't worry about the pain and was given a clean bill of health. As time passed, she continued to complain of pain and insisted on further testing. Testing revealed the lump had grown and a biopsy confirmed she had stage 2 breast cancer. It was later discovered the initial mammogram was misread and early signs of cancer had in fact appeared on the results. Had the cancer been discovered early, it is likely our client's mastectomy could have been prevented. Jacoby & Meyers, together with co-counsel, was able to settle the case after the doctor's depositions for \$1,475,000.

Attorney: Andrew Finkelstein

**\$1,000,000\***

### PEDESTRIAN KNOCKDOWN

Our client was unloading a work truck on River Avenue in the Bronx when he was struck by an oncoming vehicle. The driver was attempting to pass a tractor trailer that was double parked.

Our client was crushed between two vehicles and sadly did not survive the crash. Our Bronx attorneys were able to successfully settle the case for the victim's estate.

Attorney: Sharon Scanlan

**\$800,000\***

### WORKPLACE BURN

Our client was employed as a home health aide in Nassau, NY. Her employers instructed her to adjust a thermostat located in the basement of her employers' residence. Unfortunately the thermostat did not have a relief valve. When our client attempted to adjust the thermostat hot water shot out at her. She suffered second and third degree burns to her face, neck, and upper body. Our client's recovery was difficult as she had endured painful, permanent injuries. Had her employers properly maintained their water heater thermostat this incident never would have happened. We were able to successfully secure a settlement in the amount of \$800,000.

Attorneys: David Akerib, Sharon Scanlan

**\$525,000\***

### PREVENTABLE FALL DOWN

Supermarkets are busy places. Aisles filled with shopping carts, kids, shoppers and extra product making the aisles smaller than they need to be. No one knows this more than the grocers in the store. That is why our client knew she needed to hold the grocer accountable for looking to his right while walking left, knocking her down and falling on top of her. Our 62 year old client suffered a broken leg and needed surgery to install a metal rod to stabilize the bone. The supermarket denied any responsibility and blamed our client for stepping in front of the grocer...until we showed up for trial. Once they knew we were ready to proceed to trial the supermarket changed its position and ultimately settled before jury selection for \$525,000.

Attorney: Chris Camastro

**\$400,000\***

### MOTOR VEHICLE CRASH

Our client, a 47 year old Yonkers resident, was traveling on Mclean Avenue in Westchester County when the defendant ran a red light causing this crash. He received injuries to both shoulders and his left hand and thumb. After many months of physical therapy and injections, his pain continues. His injuries have affected his life in many ways. He has difficulty sleeping, can't carry or lift heavy items, and can no longer enjoy the activities he has in the past, such as camping with his family.

Attorneys: Gustavo Alzugaray

**Jacoby & Meyers**<sup>LLP</sup>  
PERSONAL INJURY ATTORNEYS

1-877-JM-LAWYER

SPRING 2017

## FIRM PARTICIPATES IN NEW YORK'S ANNUAL MARCH ON FOR BRAIN INJURY

This year firm employees were proud to participate in the Brain Injury Association of New York's (BIANY) March on for Brain Injury.

"Since 1982, BIANYS has provided information, resources, advocacy and support to individuals and their families impacted by brain injury in New York. BIANYS provides a variety of programs to New Yorkers including, but not limited to, Family, Advocacy, Counseling and Training Services (F.A.C.T.S.), statewide education and training programs, professional symposia and annual conference, public policy advocacy, prevention programs, resources and support groups including the Family Helpline and National Brain Injury Information Center (NBIIIC)." -The New York State Brain Injury Association

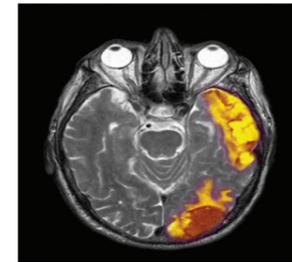
Learn More: [JMLawyer.com/brain-injuries](http://JMLawyer.com/brain-injuries)

Brain / vascular accidents often cause severe chronic pain and various other ailments, many of which are permanent. Brain injuries can have devastating effects on both those who suffer the injury and their family.

Brain injuries are commonly associated with motor vehicle accidents, motorcycle accidents, slip and fall accidents, and construction accidents.

Jacoby & Meyers has a NeuroLaw Trial Group dedicated to providing legal representation to victims who have suffered a brain injury.

Our NeuroLaw Trial Group members consist of attorneys who have years of experience working with victims of brain injury and have a deep understanding of the obstacles brain injury victims endure.



## FIRM PARTNER SECURES \$5.7 MILLION DOLLAR VERDICT IN TRAGIC WRONGFUL DEATH CASE

In early November a tragic wrongful death case that began in 2006 finally concluded when our legal team was able to secure a sizeable settlement on our client's behalf.

Our clients in this case were the parents of an 8 year old girl who tragically died in a preventable school bus accident.

"In the tragedy that garnered media attention 10 years ago, Amber Sadiq was an 8-year-old schoolgirl in the path of a runaway bus. The unattended yellow school bus had been parked on Nostrand Avenue in Crown Heights but was broken into through the emergency exit doors, which in accordance with the law were kept unlocked. A troubled 8-year-old intruder, playing bus driver, then managed to release the emergency brake. He fled but the heavy bus was on a grade, and within a short distance had rolled to where the girl had just crossed the street while holding hands with her brother. The boy escaped injury, but his sister was pinned under a wheel and died." - The Brooklyn Eagle

With the tireless work of Michael Feldman and the Jacoby & Meyers legal team we were able to secure much deserved \$5.7 million dollars in compensation for our clients.



Artist rendering of Trial Attorney, Michael Feldman

To see more case results visit [JMLawyer.com/winning-cases](http://JMLawyer.com/winning-cases)

\*Prior results do not guarantee future results

New York Locations: Manhattan, Bronx, Hempstead, White Plains, Middletown, Kingston, Newburgh, Wappingers Falls, Albany, Syracuse

New Jersey Locations: Newark and Edison

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## POTENTIALLY DANGEROUS PRODUCTS AND SERVICES: A SAFETY OVERVIEW

### NEW YORK CAR DEALERS FAILURE TO NOTIFY

"An investigation by the AG's [Attorney General Schneiderman] office found that while many prospective car buyers reasonably assume that any known and existing safety issues have been repaired or disclosed by the dealer, that is often not the reality of car buying in New York. As part of its investigation, the Attorney General's office surveyed advertisements, monitored vehicles covered by safety recalls, and identified auto dealers that advertised vehicles with unrepaired safety recalls." - NY.GOV

The investigation uncovered hundreds of vehicles had been sold with serious safety recall issues, including unintended acceleration, airbag problems, vehicles with potential fire risk, steering, brake loss, and more.

The AG reached a settlement which requires dealers to provide consumers with notice of vehicles' safety defects prior to purchase.

To check for recalls visit: [nhtsa.gov/recalls](http://nhtsa.gov/recalls)

### METAL IN POPULAR FOOD NEARLY ONE MILLION POUNDS OF CHICKEN PRODUCTS RECALLED

The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) reports Ok Food Inc. has issued a recall for close to one million pounds of breaded chicken products due to possible metal contamination. The chicken nuggets served at NYC schools are amongst those included in the recall. The New York City Department of Education has pulled chicken nuggets from school menus. The effected brand names include: Great Value, Smart Foods 4 Schools, Chickentopia, Tender Bird, and Spring Rivers Farm.

### UBER/LYFT: HOW SAFE ARE THESE SERVICES?

One of the most frequently discussed safety concerns with ridesharing apps like Uber and LYFT is the lack of training employees receive. Nearly anyone can become an Uber driver, as long as they have personal auto insurance, a license, and meet a few other requirements. Many of these drivers do not have any training or experience with transporting clients, making it potentially dangerous for them to be on the road with passengers all day long. Uber drivers are not Uber employees, but rather they are independent contractors. This can quickly become an issue in the event of a car crash. Uber drivers may be quick to deny injury claims or could have inadequate insurance coverage to compensate injured passengers.

Further, Uber uses software applications that can take a driver's attention off the road. Because of this, accidents may easily be the fault of the rideshare drivers. Other issues including sexual assault and physical assault have been reported. For more information visit: [www.nycuberaccident.com](http://www.nycuberaccident.com)

## PROUD NEW MEMBERS THE NATIONAL SAFETY COUNCIL



We are proud to say we are now members of the National Safety Council. The National Safety Council provides individuals and organizations with the tools they need to reduce the likelihood of preventable injuries and deaths. "The National Safety Council saves lives by preventing injuries and deaths at work, in homes and communities, and on the roads through leadership, research, education and advocacy."-NSG.org. Read our blog to learn more about current issues in safety news.

## LACKING SAFETY MEASURES FEDERAL INVESTIGATION INTO NJ TRANSIT

The findings of a recent federal investigation into the NJ Transit revealed the transit has been operating with seriously lacking safety systems in place. A number of safety rules and precautions that are known to prevent injuries and death, including testing train brakes and using the train horn at crossings, had not been enforced. There was also evidence of employee cell phone usage during operational times. The findings of the investigation were cited at a legislative hearing with State lawmakers and executives from the NJ Transit on November 4th, 2016. Both parties agreed the findings were completely and utterly unacceptable.

On September 29th, 2016 a NJ Transit train entering the Hoboken station terminal failed to come to a stop at the platform and instead crashed into a station wall. One woman died and over a hundred others were injured.

Although the federal investigation offered unprecedented insight into the shortcomings of the NJ Transit, authorities have yet to conclusively state what caused the fatal Hoboken crash. Recent reports indicate the train engineer may have been suffering from undiagnosed sleep apnea.

Sleep apnea is a serious medical condition that occurs when a person stops breathing during sleep. Sleep apnea can effect one's ability to perform everyday activities, like driving. Sleep apnea is especially dangerous for those who operate large equipment and those involved in mass transit. Officials are now working to increase awareness regarding the importance of sleep apnea screening and treatment.

If you or a loved one were hurt in a train crash contact us today.

## ATTORNEY SHARON SCANLAN PARTICIPATES IN HOOPS & SWISH FUNDRAISER

Sharon Scanlan was able to net 42 shots in 2 minutes at the October Rotary Hoops & Swish Fundraiser.

Sharon raised \$100 for disabled American Veterans.

Well done, Sharon!



## NEW BRONX OFFICE LOCATION

Our Bronx office is now open! We are now located on: 656 East Fordham Road Bronx, NY 10458.

To find our nearest location visit [JMLwyer.com/locations](http://JMLwyer.com/locations)

## NURSING HOME FORCED ARBITRATION WHAT RESIDENTS AND THEIR FAMILIES SHOULD KNOW

Hidden within many nursing home contracts is a legally binding 'forced arbitration clause.' Forced arbitration clauses essentially silence abused and neglected residents by eliminating their right to legal redress in a court of law.

Issues are settled by third party arbitrators. Arbitrators are selected by the nursing home and are not required to have a legal background.

In addition, "forced arbitration is often binding and sealed, meaning that what the arbitrator says, goes, and no one else will know the outcome, including other consumers in the same position. There is no appeal option available to consumers who feel they have been wronged". -Consumer Reports

Because the process of admitting a loved one to a nursing home can be emotionally and financially taxing, it's not uncommon for the elderly (or their loved ones) to sign a contract including a forced arbitration clause without knowing or understanding the clause's implications.

If you believe your loved one has been abused or neglected contact an experienced nursing home abuse and neglect attorney as soon as possible. Because it is often difficult to understand the legalities of contracts and what options you do or do not have, it's wise to seek the guidance of a legal professional.

Unfortunately nursing home abuse and neglect occurs far more frequently than most realize.

A recent report concerning nursing home abuse emphasized the abhorrent conditions present in many nursing homes in New York State. In response to this, Jacoby & Meyers LLP formed a Nursing Home Abuse and Neglect Elder Law Lawyers Group to address these issues. Symptoms of abuse include:

- Pressure Ulcers (bed sores)
- Dehydration
- Malnutrition
- Unsanitary conditions
- Emotional disturbance
- Head or fall down injuries
- Preventable infections

For more information about nursing home abuse or neglect visit: [JMLawyer.com/nursinghome](http://JMLawyer.com/nursinghome).

## YOU SHOULD BE SMILING WHEN YOU CROSS THE STREET, HERE'S WHY:

You may be surprised to learn that data collected from the National Safety Council suggests drivers are more likely to stop for pedestrians crossing the street if the pedestrian is smiling.

This may come as a shock to some, especially to pedestrians who live in the five boroughs and know better than most how dangerous city streets can be for pedestrians, regardless of their facial expression. A vast number of pedestrian injuries occur when drivers make blatant errors, like jumping the curb or failing to yield for a traffic sign. So how does smiling tie into pedestrian safety?

In recent years pedestrian distraction has become a major issue in New York and across the world. Everyday distracted pedestrians cause injury to either themselves or others. So while practicing smiling as you cross a street may encourage drivers to pause while you cross, it actually does much more than that.

Remembering to smile as you cross is a way of being present; your focus will shift from your phone and other distractions where it should be, safety navigating the traffic in front of you.



## OUR CLIENTS ARE TALKING

Do you have something to share about your experience with us? Visit [jmlawyer.com/review-us](http://jmlawyer.com/review-us) and submit a review!

"I am so glad I contacted Jacoby & Meyers after I was struck by a car in Manhattan. I was hit by a cab while trying to cross the street and was seriously injured. My legal team at Jacoby & Meyers worked hard to get me a fair settlement, to them I just want to send my heartfelt thanks for all of their support and hard work. Their knowledge and guidance was very helpful. We greatly appreciate all the time and direction that was dedicated to my case. Thank you!" -Hawa B.

"I had an excellent experience! Highly recommend! I called the injury lawyers at Jacoby & Meyers in NYC after the apartment building in New Rochelle I was walking by didn't clean up the snow and ice on their sidewalk and it caused me to fall. I knew I needed to hold the property owner accountable and the attorneys at Jacoby & Meyers definitely did that. Sharon Scanlan fought for me until she got a fair settlement before a trial at the courthouse in White Plains in Westchester. Everybody I dealt with at the law firm was helpful and nice. I know I didn't have the easiest case, but they got me a great settlement." -Angel B.

"I was crossing a street in Brooklyn, with the light and in the cross walk, when a car crashed into me. I live on Long Island and wanted an injury firm that was familiar with NYC cases but could help me out in Suffolk county. I picked Jacoby & Meyers and they were great. I worked in a rehab center and know it is important to pick the best service provider and I think Jacoby & Meyers is the best injury firm out there. Everyone was so nice and helpful and was always there for me. I was hurt much worse than I originally thought and eventually needed several surgeries. Fortunately the lawyers at Jacoby & Meyers were able to settle my case for all the available insurance and I did not need a trial. They explained every step along the way and put me in a position to make an informed decision about my case. I definitely would recommend using them if you have a serious car crash." -Carolyn B.

"I was in a car accident in Westchester, in Briarcliff. I loved my lawyer, David Gross. He did a good job. He was on top of everything, he really did his part. Not too many people get into a car accident and are able to successfully claim compensation within just a year. I would recommend the firm to anyone in a car accident." -Ikiyana Z.