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**PRACTICE AREAS**

- Personal Injury
  - Automobile Accidents
  - Construction Accidents
  - Head and Brain Injury
  - Wrongful Death
  - Slip and Fall Accidents
  - Medical Malpractice
  - Employment and Sexual Harassment
- 
- Free consultation
  - Home or hospital appointments available
  - 24-hour emergency service
  - No recovery, no fee. We do not get paid unless you do.
  - Trial attorneys

# Law Offices of **ASTA & ASSOCIATES**

## **\$1,250,000 settlement for construction worker injured by table saw**

Construction workers are protected by the New York State Labor Law. One requirement of the law is that table saws used at construction sites must be equipped with a blade guard. In this case, an investigation of the accident by **Asta & Associates** revealed that the owners of the construction site and the general contractor provided a table saw to the worker which lacked a blade guard. This is a violation of the Industrial Code of the State of New York. As a result, the worker suffered the amputation of two fingers when his hand went into the blade while he was cutting wood. The firm was successful in bringing an action to recover for the worker's pain and suffering, lost wages, and medical bills caused by the defendants' violation of the law.

*Asta & Associates was successful in bringing an action to recover for the worker's pain and suffering, lost wages, and medical bills caused by the defendants' violation of the law.*

The firm successfully obtained a recovery for a carpenter who was subjected to a hazardous work site while building a library in New Jersey. The worker injured his back when he slipped and fell on ice that the general contractor failed to clear from the site, a violation of OSHA regulations which require a general contractor to keep the work site free from hazards. The worker, who suffered a herniated disc in his back that required a surgical procedure, received compensation of \$425,000.

In a case for discrimination, Asta & Associates brought an action on behalf of two women who were sexually harassed by their supervisor, which created a hostile workplace. The firm brought an action under the Human Rights Law of the City of New York, which provides for unlimited damages, unlike federal law. The case was resolved for \$365,000 prior to trial.

## **DANGEROUS automobile accident myths**

**Myth #1** **If you didn't cause the accident, you have no obligation to do anything.** You still need to protect your rights by checking for injuries, calling the police, notifying your insurance agent, making notes about the accident, and never admitting fault or signing anything.

**Myth #2** **If the accident was the other driver's fault, you will be compensated for your injuries.** This often depends on whether the at-fault driver or the owner of the at-fault car has liability insurance or whether you have uninsured motorist coverage.

**Myth #3** **A fast settlement is always in your best interests.** By signing off on a settlement too quickly, you may give up important rights, particularly if medical conditions appear weeks or months later.

**Myth #4** **If the accident is really minor, you can probably negotiate a settlement on your own, without an attorney.** The other driver's insurance company will assign legal representation to protect its interests. Who will protect your legal rights?



# 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.

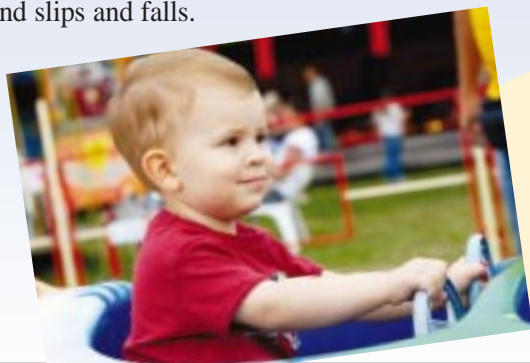
Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



## 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:

- 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.



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

# 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.



<b>HOW SOME PEOPLE SEE IT.</b>	<b>HOW WE SEE IT.</b>
Insurance companies vs. trial lawyers	HMOs vs. patients needing care
Pharmaceutical manufacturers vs. trial lawyers	Drug makers vs. patients requiring safe medications
Car makers vs. trial lawyers	Car makers vs. driver and passenger safety
Doctors vs. trial lawyers	Physicians vs. health insurers
Nursing homes vs. trial lawyers	Nursing homes vs. elderly residents and their families
Manufacturers vs. trial lawyers	Manufacturers vs. injured consumers
Railroads vs. trial lawyers	Railroads vs. drivers injured at crossings
Corporations vs. trial lawyers	Unsafe products vs. harmed consumers
Small businesses vs. trial lawyers	Small businesses vs. injured employees

## REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.**

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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.

## Nursing home NEGLIGENCE

Residential care for elderly nursing home residents may not be delivered as pledged.

Should a safety or injury issue arise, it may be hard to determine causes of problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain what happened.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should get medical care for the loved one, notify residence management of concerns, and seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care, or determine the bases of injuries and hold the responsible parties accountable.

## GANGRENE

A 75-year-old nursing home resident died after developing painful gangrene and undergoing an above-the-knee amputation. Her daughter sued the facility, alleging negligence for staff reductions and failure to provide adequate treatment. A jury awarded a significant amount for pain and suffering.



## Stop-sign accidents

According to Insurance Institute for Highway Safety 1999-2000 research estimates, nearly 700,000 vehicle accidents occurred at stop signs. About a third involved personal injuries.

Drivers who failed to stop at stop signs or who stopped at stop signs but failed to see oncoming traffic accounted for approximately 70 percent of all automobile accidents.

**Broadsided** After being broadsided by another vehicle that ran a stop sign, a driver suffered multiple serious injuries that required her being placed in a drug-induced coma for several months, followed by six months of rehabilitation and physical therapy. Unable to ever work again, she enlisted the services of an attorney who filed suit against the responsible driver. A jury awarded significant damages.

## PRODUCT LIABILITY

### Refrigerator-ejected ice cubes

Consumers injured by products with serious defects in design, manufacture, or improper or incomplete explanation of dangers or proper use can hold marketers accountable.

When their new refrigerator-freezer's icemaker began randomly ejecting ice cubes, purchasers complained to a retailer, who attempted repairs.

Several days later, their adult daughter slipped on an ejected ice cube and suffered a serious fall, leading to painful herniated disk replacement surgery and future physical therapy for recurrence of pain.

The couple sued the manufacturer and retailer for defective design and failure to repair a dangerous problem. The parties settled.

