

UPDATE

2013 NEWSLETTER

CONSTRUCTION ACCIDENT \$7.25 MILLION RECOVERY



Wingate, Russotti, Shapiro & Halperin partners **Phil Russotti** and **Kenneth J. Halperin** obtained one of the New York Law Journal's Top Settlements for 2012 when they settled the case of a union-affiliated painter in his forties who was injured while working at a chemical storage facility in the city of Niagara Falls.



While painting a large chemical tank, our client fell as he ascended the attached ladder that provided access to the scaffold's platform. Because our client had not been provided a harness or any other safety device that could have prevented his fall, he plummeted twelve feet and

sustained brain damage, including memory loss, concentration impairment, speech impairment, anxiety and depression, as well as a torn hip labrum, and a torn rotator cuff.

Phil and Ken would have introduced evidence of \$2,400,000 in loss of earnings. Their meticulous preparation and relentless efforts resulted in the case being settled during the pendency of the defendants' motion for summary judgment, for \$7,250,000. Our firm tries cases all over New York State and had the case not settled, Phil would have tried the case in Federal Court in Buffalo, NY.

This dedication to advocating on behalf of our client resulted in an impressive settlement and is what sets WRS apart from other firms.



ANNOUNCEMENTS

THOMAS M. OLIVA NAMED PARTNER



Wingate, Russotti, Shapiro & Halperin is pleased to announce that as a result of his immense contribution to the firm's success over the last five years, **Thomas M. Oliva** has been made a partner.

Tom is a member of the New York State Bar Association, Hispanic National Bar Association, Puerto Rican Lawyers Association, Queens County Bar Association and the Latino Lawyers Association of Queens County. He was recently named "Latino Lawyer of the Year" by the Latino Lawyers Association of Queens County and was selected for inclusion in the 2012 edition of The Latino American Who's Who.

Tom graduated from Hofstra Law School, where he was a founder of the Latino Law Student Association and served as Treasurer for the Black American Law Students Association in his second year. Upon graduation he went to work for the Bronx County District Attorney's Office spending the majority of his tenure there in the Sex Crimes / Domestic Violence Bureau. It was there that Tom developed a particular compassion for dealing with the difficulties encountered by victims and their families.

Prior to joining WRS, Tom practiced in the field of medical malpractice defending doctors and hospitals as a partner at a prominent New York defense firm for fifteen years.

SIX SUPER LAWYERS SELECTED



Wingate, Russotti, Shapiro & Halperin is proud to announce that in 2012, six of our attorneys were named Super Lawyers. **Phil Russotti, Clifford Shapiro, Kenneth Halperin, William Hepner, Jason Rubin** and **Robert Bellinson** were all recognized as Super Lawyers.

This honor is the product of the investigative procedures by the publisher of Law and Politics, which examines the attorney's standing within the community in which the attorney practices, professional achievements, verdicts and settlements, honors and awards, special licenses and certificates and scholarly lectures and writings, as well as any other outstanding achievements. Bar associations and courts throughout the country recognize the legitimacy of the Super Lawyer selection process.

Wingate, Russotti, Shapiro & Halperin is proud to have six attorneys recognized by their peers for their skill in the field and commitment to their clients.

ATTORNEY ANNIVERSARIES



We recently celebrated WRS attorney **Paula Greco's** 25th anniversary with the firm and **Kathy Kettle's** 20th anniversary at a firm dinner party. Our firm's success is due in large measure to the contributions of these two outstanding attorneys.

MEDICAL MALPRACTICE CONFIDENTIAL RECOVERY AGAINST A NEW YORK HOSPITAL



This medical malpractice action involved a 41 year old woman, who died while undergoing a laparoscopic procedure to harvest a kidney to donate to her brother. After perforating the aorta during the insertion of a laparoscopic cannula, the defendant surgeon continued the surgery despite the inability to control hemodynamic status. The defendant surgeon realized that the perforation had occurred and converted to an open procedure, but negligently failed to control the bleeding, which led to the decedent's death. As a result, the kidney could not be harvested.

The plaintiffs would have contended that if managed properly after converting to an open procedure, the defendant surgeon would have been able to control the bleeding and avoid death. The defendants would have contended that the perforation of the aorta is a known risk of the procedure that in this case occurred in the absence of negligence.

The decedent was working as a bookkeeper in a family business and was earning approximately \$27,000 per year. She left behind three young children, ages three, eight and eleven. Phil would have contended that the loss of parental nurture and guidance was especially great in the case of the eight year old, as she was a special needs child with cognitive impairments.

The decedent's brother, who was to be the recipient of the kidney, was also a plaintiff, and contended that a legal duty was owed to him, despite the fact that he had not yet been operated upon when his sister died. His claim involved severe emotional distress as a result of losing his sister and not obtaining the kidney. The decedent's brother remains on the transplant list.

Wingate, Russotti, Shapiro & Halperin partner **Phil Russotti** settled the case for a confidential but significant sum prior to the service of a summons and complaint. The claim was settled under a program sponsored by the federal Agency for Healthcare Research and Quality, under the auspices of the Honorable Douglas E. McKeon, Chief Administrative Judge of the Bronx. This was deemed especially helpful as it enabled the parties involved to put the matter behind them as quickly as possible.

MOTOR VEHICLE ACCIDENT \$4.9 MILLION RECOVERY



Our client, a man in his thirties, was standing next to the rear of a truck while working as an assistant mover, when the defendant driver struck a middle car in the rear and propelled it into our client. Our client sustained a fractured tibia and a severe degloving injury to the calf muscle that caused profuse bleeding at the scene, and which necessitated multiple surgical interventions including fourteen debridements, a muscle flap procedure, two skin grafts and an ankle fusion. Our client now walks with a severe limp and requires the use of a cane, as well as significant amounts of pain medication.

Wingate, Russotti, Shapiro & Halperin partner **Phil Russotti** settled the case prior to trial for \$4,900,000.

SETTLEMENTS & VERDICTS

CONSTRUCTION ACCIDENT \$2.2 MILLION & \$1.1 MILLION RECOVERY



Wingate, Russotti, Shapiro & Halperin partner **Kenneth J. Halperin** obtained a settlement at mediation for two plaintiffs in the amounts of \$2,200,000 and \$1,100,000, respectively, for a 46 year old man and 32 year old man, both of whom were injured in an accident on a construction site.



The accident in question occurred during the construction of the Bryant Park Tower located at One Bryant Park

Place, New York, NY. The two plaintiffs were marble setters working in the building lobby setting marble inside a new subway entrance. Suddenly a crane which was operating on the 60th floor of the new tower knocked a 100 pound construction bucket off the building. The bucket smashed into scaffolding that was set up at ground level, which sent debris flying. The plaintiffs who were working nearby were hit by debris and thrown down a flight of stairs.

We proceeded with a case pursuant to Labor Law §200(1) and §240(1). While our motion for summary judgment was pending the defendants agreed to concede liability. The defendants were forced to concede liability due in great measure to the evidence brought out during the deposition questioning by **WRSH attorney Mitch Kahn**. Mitch was able to bring to light the multiple departures committed by the defendants in their failure to protect the workers on the job site.

As a result of the accident, one of our clients sustained a herniated cervical disc that required a one level cervical spine fusion and revision fusion approximately nine months later. He was unable to return to construction work. Our other client sustained a bulging lumbar disc that required a micro discectomy. He also sustained a torn ligament in his ankle that required an arthroscopic procedure. As a result of favoring his leg after the surgery he developed a mild stress fracture in his hip.

The defendants' medical experts contended that both plaintiffs' operations were not related to the accident and that their injuries were preexisting.

MEDICAL MALPRACTICE WRONGFUL DEATH \$2.7 MILLION SETTLEMENT



Wingate, Russotti, Shapiro & Halperin partner **Jason Rubin** obtained a \$2,700,000 settlement in a case involving the death of a 43 year old mother of four as a result of a doctor's failure to diagnose and treat

thrombotic thrombocytopenic purpura (TTP), a rare blood disorder which causes clots to form in the small blood vessels throughout the body.

Decedent presented to the hospital in December 2007 with weakness, bleeding gums, headaches, dizziness and shortness of breath. Significantly, she had been diagnosed with TTP two years earlier at the same hospital and had been successfully treated with plasmapheresis (a blood purification procedure). Upon presentation to the hospital in 2007, a hematology consult was requested. The hematologist made a diagnosis of Evans Syndrome, a rare autoimmune disorder in which the body makes antibodies which destroy red blood cells and platelets, and recommended treatment with corticosteroids, intravenous immune globulin and platelets. Shortly after being administered platelets, the decedent coded and died. An autopsy was performed which determined the cause of death to be cardiac complications of TTP (occlusive blood clots of the myocardial arterioles).

Jason claimed that the medical evidence strongly pointed to the diagnosis of TTP, and that the hematologist negligently diagnosed and treated decedent for Evans Syndrome. Specifically, decedent had a history of TTP two years earlier and was therefore prone to relapse. Her peripheral blood smear showed schistocytes (fragmented red blood

cells) in the bloodstream, a finding consistent with TTP, and the Coombs test was negative, a finding consistent with TTP and inconsistent with Evans Syndrome. Jason contended that administration of platelets, which promoted the formation of blood clots, as well as the failure to administer plasmapheresis, caused decedent's death.

CONSTRUCTION ACCIDENT \$2 MILLION SETTLEMENT



Wingate, Russotti, Shapiro & Halperin partner Tom Oliva settled the case of a 32 year old undocumented construction worker who was injured on a job site in Brooklyn for \$2,000,000, during jury selection in Kings County Supreme Court.



Our client was an iron worker who was retrieving equipment from the work site. The equipment, a lift designed to hoist steel beams on the jobsite, had to be brought down five stories to the main floor. The stairway on the job site had no handrails or safety rails, so our client decided to lower the equipment down an unprotected shaftway with a helper. Unfortunately the weight of the equipment was too much to handle and our client was pulled head first into the shaftway, falling five stories. He was immediately taken by ambulance to a Brooklyn hospital.

Our client injured his back, knees, face and left arm. His left arm suffered a compound fracture of both the radius and ulna, requiring an open procedure to implant hardware to fix the fracture. Eventually, our client underwent arthroscopies of both knees and a lumbar fusion. The owner and employer both had limited insurance coverage for the job site.

This settlement was due in large part to the talents of **WRS attorney Mitch Kahn**, who worked up the case during the discovery phase. Through intense

questioning at depositions, Mitch was able to establish multiple lapses in the chain of command, which should have been in place to protect the workers on the job site. Tom subsequently settled the case for \$2,000,000.

PREMISES LIABILITY MILD TRAUMATIC BRAIN INJURY \$1.7 MILLION VERDICT



Wingate, Russotti, Shapiro & Halperin attorney Robert J. Bellinson obtained a \$1,700,000 verdict in New York Supreme Court on behalf of our client who sustained a closed head injury.



Our client, a 62 year old professional guitarist, was injured while visiting a veterinarian's office in March 2009. During an appointment to get his new puppy examined, a metal ventilation grate fell from the ceiling and struck him in the head. Although there was no bleeding or loss of consciousness, in the days and weeks following the accident our client began to experience headaches, dizziness and various cognitive problems. Despite being treated by several doctors over the ensuing years, our client never recovered from his head trauma. Despite his prior law firm not wanting to proceed with his case, **WRS** thought that our client was believable and indeed suffering from mild Traumatic Brain Injury. We matched our commitment to our client with the resources necessary to achieve victory in court.

During the discovery phase **WRS attorney Paula M. Greco** produced the plaintiff for his deposition and also conducted one of the defendant's depositions.

In a trial that lasted about four weeks and had sixteen witnesses including experts in Bio-Mechanics, Cognitive Neurology and headache disorders, Rob

SETTLEMENTS & VERDICTS

was able to show the jury that mild TBI is indeed a real injury, rarely diagnosed by MRIs or x-rays. Rob called as witnesses the client's wife and two professional guitarists who trained with our client and could tell the jury about the changes before and after the accident, thereby demonstrating to the jury that our client was suffering from real cognitive deficits as a result of the accident.

The defendants tried to argue that the accident could not have caused these cognitive deficits, and contended that even if our client was suffering from cognitive problems, they were most likely as a result of the aging process. By precisely focusing on the actual results of our client's neuro-psychological testing, specifically the limited areas of cognition, memory and visio-spatial issues, Rob was able to prove to the jury that our client's complaints were textbook mild TBI symptoms, and that while most patients recover, a small minority of patients never recover. The jury agreed that our client's injuries were real, serious and permanent, and the case resulted in a \$1,700,000 verdict for our client.

CONSTRUCTION ACCIDENT \$1.6 MILLION SETTLEMENT



Wingate, Russotti, Shapiro & Halperin partner Kenneth J. Halperin obtained a \$1,600,000 settlement for our client, a 55 year old construction worker who fell approximately six feet from a ladder while he was cutting a pipe in the ceiling above him. While our client was cutting the pipe, the pipe fell and struck the ladder, causing the ladder to collapse. **WRSH attorney Mitch Kahn** established during deposition questioning that the general contractor failed to follow proper safety standards, which included providing the plaintiff with clamps to



prevent the pipe from falling after he made the cuts. Additionally, they failed to provide a co-worker to hold the ladder or other safety devices to ensure that the ladder remained erect while our client was on it.

As a result of the accident, our client sustained a fractured wrist that required surgery, a herniated disc in his lower back that required surgery and a torn ligament in his knee which also required surgery.

PREMISES LIABILITY \$1.5 MILLION SETTLEMENT



Wingate, Russotti, Shapiro & Halperin partner Kenneth J. Halperin obtained a \$1,500,000 settlement for a 39 year old man who was injured while visiting the defendants' premises. Plaintiff was standing outside the property and leaned back on a pole fence that was behind him. When he leaned on it, the top rail of the fence came loose causing him to fall backwards over the ledge and onto the ground approximately six feet below.



During the course of discovery we deposed four employees of the defendants and discovered that one of them knew that the top rail of the fence was loose and tried to fix it by simply tying a wire hanger around the pole. They failed to perform a proper repair. After the accident the defendants had the fence properly repaired by an outside contractor. We were able to obtain summary judgment on the issue of liability.

As a result of the accident, our client sustained a mild traumatic brain injury, a torn rotator cuff, which required arthroscopic surgery and a fractured wrist that required an open reduction and internal fixation.

Due in part to the extensive preparation of the plaintiff during both his deposition and his further deposition by **WRSH attorney Paula M. Greco**, and her representation of the plaintiff during both proceedings, Ken was able to obtain a settlement for our client in the amount of \$1,500,000.

MOTOR VEHICLE ACCIDENT \$1.5 MILLION SETTLEMENT



This motor vehicle accident involved a 43 year old woman who was rear-ended by a New York City Department of Sanitation truck. We moved for summary judgment on liability, which was granted.



Our client was examined and treated by numerous physicians, including a pain management specialist, orthopedic surgeons, spinal surgeons and traumatic brain injury specialists. She was also evaluated by an economist and a vocational rehabilitation expert. Our client suffered both past and future lost earnings, physical and psychiatric impairments, as well as the need for vocational rehabilitation. Her injuries included a confirmed severe depression and anxiety symptoms of post-traumatic stress disorder, multiple disc herniations in her neck from C1-C6 requiring epidural injections and numerous trigger point injections of cortisone. She was required to undergo an operation which consisted of an anterior cervical decompression with partial corpectomy C5-6, decompression of the spinal cord, bilateral foraminotomy C5-6 and anterior cervical fusion C5-6 using Danek cornerstone allograft and finally a titanium plate fixation. Our client also suffered from chronic pain syndrome as well as a confirmed traumatic brain injury with associated impaired working memory, impaired long term recall, significant impairments in attention, memory, verbal

and language skills and sensory motor tasks secondary to whiplash injury and brain concussion.

The matter was litigated by **WRSH associate Michael Fitzpatrick** and settled by **WRSH partner Clifford Shapiro** before trial for \$1,500,000.

WRONGFUL DEATH \$1.45 MILLION RECOVERY



Wingate, Russotti, Shapiro & Halperin partner Tom Oliva settled an extremely complicated case of liability during trial in the amount of \$1,450,000. The case was against a

Long Island trucking company and a hospital and surgeon for the pain, suffering and death of our client, a 48 year old father. The case started when our client was rear-ended by the defendant trucking company's motor vehicle while stopped at a red light. Although both cars suffered damage, both were able to drive away. Later that day, our client went to a small storefront medical office, was given pain medication and was sent home. Our client went to a chiropractor for the next eleven months, and continued to see several doctors for neck, back and knee pain. Eventually our client underwent knee surgery for a torn medial meniscus. As a result of unrelenting neck pain, he eventually consented to cervical disc surgery to treat herniated discs in his neck.

Unfortunately, after surgery, our client developed an expanding hematoma in his neck, a complication of the surgery. The surgeon and hospital failed to timely intubate him and he quickly went into cardiac arrest. He died shortly thereafter, never regaining consciousness. Our client was making \$26,000 per year working in an auto glass shop, and left behind a wife and a 14 year old daughter from a previous marriage.

SETTLEMENTS & VERDICTS

MOTOR VEHICLE ACCIDENT \$1.1 MILLION RECOVERY



Our client was the driver of the middle vehicle in a three car chain accident in which he was hit in the rear by a commercial truck. The front vehicle occupants claimed our client hit them first. As soon as the case arrived at our office **Wingate, Russotti, Shapiro & Halperin partner Bill Hepner** added parties to the action, so the case could be remanded from Federal Court, back to state court. The referring attorney had overlooked a key party, which allowed the defendants to remove the action from state court where it was initially filed, to Federal Court.

Federal Court is a notoriously bad forum as the judges have a lot of control over jury selection. By analyzing the case and coming up with a strategy to correct the error of our client's previous law firm, Bill was able to add a few hundred thousand dollars of value to the case. Had this case been tried in court, a jury may have disliked the fact that our client, who was only 30 at the time of the accident, had spent approximately ten years in jail.

Our client sustained neck and back injuries for which he had fusion surgery with hardware. Though this case failed to settle at mediation, the mediation laid the groundwork for continued settlement talks.

Due in part to the preparation of the plaintiff during his deposition by **WRSH attorney Paula M. Greco**, and her representation of the plaintiff during that proceeding, Bill was able to convince the defendants that despite our client's convictions and the particularly unseemly underlying facts of those crimes, he would be able to convince a jury to award our client a substantial verdict. This was accomplished due to the reputation of both our firm and our attorneys among our peers. Bill settled the case for \$1,100,000.

MOTOR VEHICLE ACCIDENT \$925,000 SETTLEMENT



Wingate, Russotti, Shapiro & Halperin associate Joseph Stoduto obtained a settlement in the amount of \$925,000 on behalf of our client, a 35 year old man from Kings County. Our client was driving his vehicle along a local roadway in Brooklyn when a commercial vehicle suddenly pulled out of a parking space into the lanes designated for moving traffic causing a serious collision.

As a result of the accident, our client suffered injuries to his shoulder, neck and back, which required surgery. Shortly prior to the trial of this matter, Joseph was able to settle the case for the amount of \$925,000.

CONSTRUCTION ACCIDENT \$900,000 RECOVERY



Wingate, Russotti, Shapiro & Halperin partner Bill Hepner obtained a settlement of \$900,000 for our client, a 52 year old warehouse worker who was hit by a careless forklift driver who was unloading a truck and stacking merchandise.

Our client was standing on a small platform on which his work table was mounted and was about to step off, when the defendant came quickly around a turn in the crowded warehouse loading dock and knocked him to the ground. To add insult to injury, the defendant forklift driver then ran over our client's foot. Our client sustained a questionable fracture of his foot, and had some back pain, which over the following months and years developed into a painful condition ultimately requiring him to undergo lumbar spine fusion surgery. He attempted to go back to work but could

not continue. The defendant claimed that our client stepped off of the platform into the path of the oncoming forklift.

However, due in part to the extensive preparation of the plaintiff at several of his depositions by **WRSH attorney Paula M. Greco**, as well as her rigorous questioning of all defendants, Bill was able to settle the case at a private mediation in the amount of \$900,000.

MEDICAL MALPRACTICE \$875,000 RECOVERY



During a three week trial, **Wingate, Russotti, Shapiro & Halperin partner Jason Rubin** settled a medical malpractice case involving the failure to diagnose ulcerative colitis, resulting in toxic megacolon, bowel perforation and the need for colectomy with ileostomy.

Our client, a 46 year old woman who had recently been diagnosed with hyperthyroidism, presented to the emergency room of defendant hospital with complaints of nausea, vomiting, severe diarrhea, tachycardia, tachypnea and shortness of breath. She was diagnosed with severe hyperthyroidism, was admitted to the hospital and was started on a course of medications. Her hyperthyroidism improved significantly, but she still had persistent, severe diarrhea. A gastroenterology consult was requested and performed, and it was the opinion of the gastroenterologists that the diarrhea was secondary to hyperthyroidism and may take longer to resolve. It was decided that if the diarrhea persisted, a colonoscopy would be performed.

Our client continued to have significant diarrhea and complained of bright red blood per rectum. She was seen by a covering gastroenterologist two days later, who performed an abdominal examination revealing mild diffuse abdominal tenderness. A study indicated

that there were many white blood cells in the stool. Despite these findings, no further workup was performed and, in fact, our client was not seen by a gastroenterologist the following two days even though she continued to have profuse diarrhea. Our client's severe abdominal pain continued. A physical examination revealed rebound tenderness and guarding. A CT scan was performed which revealed toxic megacolon and perforation. She then underwent an emergency colectomy with ileostomy. Examination of the surgical specimens by a pathologist revealed that she had severe ulcerative colitis throughout the entire colon. She had a stormy post-operative course, developing sepsis and acute respiratory distress syndrome as a result of the perforation of the bowel and severe muscle weakness requiring months of physical therapy.

At trial, Jason claimed that the gastroenterologists at defendant hospital were negligent for not performing a sigmoidoscopy or colonoscopy, as our client had exhibited several signs and symptoms of bowel inflammation. Additionally, Jason claimed that the gastroenterologists failed to follow their own plan to perform a colonoscopy if the diarrhea persisted, which it did despite the resolution of hyperthyroidism. He argued that an endoscopic examination of the colon would have led to a diagnosis of ulcerative colitis prior to the perforation of the colon. Had the diagnosis been made earlier, our client could have been treated with corticosteroids in therapeutic dosages, preventing the need for a colectomy.

MOTOR VEHICLE ACCIDENT \$875,000 RECOVERY



Our client, a 22 year old woman, was stopped at a traffic light when her vehicle was rear-ended by a school bus. As a result of the collision, her vehicle was propelled into the vehicle in front of hers, and she sustained

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serious injuries to her neck and back which ultimately required surgical intervention. The defendants contended that our client caused the accident because she stopped short, and that the traffic light was green at the time of the impact. Furthermore, they contended that our client's injuries were not caused by the accident.

Wingate, Russotti, Shapiro & Halperin associate **Adam J. Roth** was able to win summary judgment on the issue of liability. Furthermore, due to the damage to our client's vehicle, Adam was able to convince the defendants that our client's injuries were, in fact, caused by the accident.

Despite the fact that the case would not have been tried for at least two years, the case settled at a court ordered mediation for \$875,000.

CONSTRUCTION ACCIDENT \$537,500 SETTLEMENT



Wingate, Russotti, Shapiro & Halperin partner **Kenneth J. Halperin** obtained a \$537,500 settlement for a construction worker who fell nine feet while holding onto a scaffold railing that collapsed. The accident occurred when our client was instructed to go onto a scaffold and unclasp a metal beam from a crane. However, our client was unable to do so from the scaffold. He had to leave the scaffold and step onto an adjacent pipe in order to reach the metal beam. While he did that he was holding onto the side rail of the scaffold. As he reached for the beam the rail broke and he fell.

WRSH attorney **Mitch Kahn** was able to highlight at one of the defendant's depositions that safety equipment was not provided to our client, making it impossible for him to accomplish the task in a safe manner.



The defendants attempted to blame the plaintiff for failing to do the job in a safer manner by requesting a man lift or a ladder, and contended that he should never have left the safety of the scaffold. Ken contended, however, that our client faced the same problem that all construction workers face while on the job – that they do what they are told to do, with the equipment they are provided, and do it as best they can. Ultimately the defendants agreed and paid a sum that represented the full value of the case.

As a result of the accident, our client sustained a fractured humerus which required surgery. He missed four months from work and then returned in the same capacity that he was in before the injury.

MOTOR VEHICLE ACCIDENT \$200,000 SETTLEMENT



Wingate, Russotti, Shapiro & Halperin, LLP associate **Nicole M. Gill** obtained a settlement in the amount of \$200,000 on behalf of our client, a 44 year old man, who was struck by the defendants' vehicle after stepping into the street in the Bronx.

As a result of the accident, our client suffered significant injuries to his back and right knee, which resulted in post-traumatic arthritis in his knee and would ultimately require a future knee replacement. Nicole was able to negotiate a settlement at trial after our client testified. Our theory was that the defendants were negligent in failing to observe our client prior to impact and failed to use reasonable care under the circumstances. Given the possible exposure the defendants faced, they opted to settle the case.

THOMAS OLIVA RESPONDS TO NY LAW JOURNAL ARTICLE ON BEHALF OF LATINO LAWYERS ASSOCIATION



The New York Law Journal recently printed an article attacking the movement to realign New York State's highest court, The Court of Appeals, to reflect the demographic breakdown of the court. An attempt by upstate Republicans to wrestle control of the court away from downstate interests, the article referred to the process as "infected" when considering gender (read women) and ethnic background (read Hispanic, African-American or Asian) in considering qualified candidates.

In a move spearheaded by **WRSH partner Tom Oliva**, the Latino Lawyers Association of Queens, the Puerto Rican Bar Association, the Hispanic National Bar Association and the Long Island Hispanic Bar, have responded to the article in protest. Tom's letter was also circulated among the Metropolitan Women's Bar Association, the New York State Bar Association and the Metropolitan Black Bar Association who, as a result, are contemplating their own protests of this attack on the fundamental idea that the courts we appear in should reflect the people who seek its protection.

NEW ASSOCIATE

BRIELLE C. GOLDFADEN



Brielle C. Goldfaden joined Wingate, Russotti, Shapiro & Halperin in May 2012 after working as a personal injury and medical malpractice attorney at another New York firm. She has experience in all aspects of litigation and works hard to obtain substantial recoveries for her clients. Brielle is licensed to practice law in New Jersey and New York. Brielle's interest in fighting for the rights of injured people began long before her formal schooling, as she is the daughter of a partner in a prominent personal injury firm in New Jersey. After graduating from Boston University with a degree in Political Science, Brielle attended Seton Hall University School of Law. There, she began honing her litigation skills and was selected to join the Juvenile Justice clinic representing indigent youths in Newark, NJ. Brielle has dedicated her career to representing injured people and their families.

Brielle was recently selected by her peers to be included in both The Best Lawyers in America, 2013 and Best Attorneys in New York, 2013 for her work in the practice area of Medical Malpractice Law.

REFERRALS

We want you to think of us as your law firm. If you have a legal matter that needs attention, let us know. If we can't handle the matter, we will refer the case to a competent law firm that can. Please feel free to refer us to your friends and family for their legal needs. We welcome the opportunity to help. We invite you to visit our website at www.wrslaw.com to learn more about our firm. Our website includes our firm profile and attorney biographies, as well as significant settlements and verdicts.

Please note that this newsletter is published for our clients and friends and is not a substitute for legal advice. If you have any further questions or comments, seek advice from professional counsel. Comments, questions or ideas can be sent via email to wrs@wrslaw.com. We look forward to hearing from you.

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Wingate, Russotti, Shapiro & Halperin is proud to have six of its Attorneys listed in “Super Lawyers” Publications.

For more information about the Super Lawyers selection process, go to http://www.superlawyers.com/about/selection_process.html

NEWSLETTER

WINGATE, RUSSOTTI, SHAPIRO & HALPERIN, LLP

PRACTICE AREAS

- Construction Accidents
- Medical Malpractice
- Premises Liability
- Products Liability
- Motor Vehicle Accidents
- Wrongful Death
- Birth Injuries
- Brain Injuries

PARTNERS

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William A. Wingate 1927 - 2009