

Wingate, Russotti & Shapiro, LLP

E-Update Newsletter

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[Phil Russotti wins \\$11.1 million for Construction Accident](#)



[Phil Russotti](#) recently obtained an \$11.1 million verdict in Queens County Supreme Court, for a 53 year old man who was injured on a construction site at a New York City High School. Our client fell ten feet onto his head from a ladder causing a traumatic brain injury evidenced by dementia and organic mood disorder.

This was a vigorously contested case because our client had failed a number of neuropsychological tests designed to uncover malingering by intentionally giving wrong answers. The defense seized upon this to insist that the plaintiff was exaggerating his disabilities. The defense also claimed that depositions given by the Plaintiff in this case and in an unrelated automobile accident proved that the plaintiff was not cognitively impaired but was lucid and had normal memory. However, with the assistance of a neurophysiologist and psychiatrist, Phil showed that our client suffered a dramatic personality change which altered his life by preventing him from working or being the constructive member of society he had been prior to the accident. Phil called the client's wife, two children and three life long friends to corroborate that Plaintiff lost all interest in his prior activities, and that the relationships with his family and friends permanently deteriorated after the accident.

[\(READ MORE\)](#)

[Partner Obtains \\$794,000 for Trip and Fall Accident](#)

WRS Partner [Kenneth Halperin](#) obtained a verdict in the amount of \$794,000.00 for a 48-year-old woman who was injured when she tripped and fell on a broken step leading into the lobby of her building.

The accident in question occurred in a vestibule leading into the lobby of the plaintiff's apartment building. The accident occurred when plaintiff's left foot went into a portion of a step from which a tile was missing. As a result, she lost her balance and fell backwards onto the landing below the staircase. The evidence at trial established that the crack in the tile started to form approximately four years earlier and grew in size to the point where the concrete was now exposed. Defendants argued that if the crack was present for approximately four years and plaintiff knew about it, then she was at fault for failing to simply avoid it on the day of her accident. They also argued that a misstep and/or the fact that she was wearing sandals could have contributed to her fall. [\(READ MORE\)](#)

[New Counsel: Robert Bellinson](#)



"The hallmark of our legal system is that everyone- regardless of wealth, race, or ethnicity - is equal under the law, has the same opportunity to come to Court and have their case decided upon the facts, the evidence and the law. I am proud to stand up in Court as a Trial Lawyer and my record demonstrates this commitment to my clients."

Rob was an honors student at Ithaca College, where he graduated in 1986. After graduating from Brooklyn Law

School in 1989 he was admitted to practice in 1990. Rob was a former Democratic candidate in New York City's Silk Stocking District on the Upper East Side in two campaigns for the New York State Senate. He almost unseated long time Senator Roy Goodman, although he was vastly outspent by the Republican incumbent, in the closest challenge Goodman faced in decades. Rob then entered private practice where he has tried to verdict scores of cases and has successfully recovered in excess of \$10 million for his clients. [\(READ MORE\)](#)

SMART TALK

SUM Coverage, Better Than None

By Scott Stern, Esq.

A few weeks ago, my friend John increased his automobile insurance policy limits to \$300,000. He recently bought some real estate and said that he cannot sleep now that he has attachable assets; he is constantly worrying what will happen if he seriously hurts someone in an accident. I asked if he also obtained corresponding SUM coverage, which stands for Supplemental Underinsured Motorist Coverage. When he said he did not think so, I told him not to throw away his sleeping pills. [\(READ MORE\)](#)

Neonatal Herpes and Prevention

By Colleen Kirchhoff, Esq.

Neonatal herpes, either type I or II, is a serious viral infection of the infant which needs immediate hospitalization and treatment. Overall, two (2) out of 1000 mothers that have positive herpes simplex cultures at delivery, whereupon they have no clinical symptoms. According to the literature, there is a shedding of the virus for approximately three (3) weeks during a maternal infection outbreak. Transmission of neonatal herpes requires direct contact between the mother and infant. In the majority of cases, the infection is transmitted during labor and delivery. However, there is also known infant exposure post-delivery, if either parent has a cold sore or herpes outbreak (type I). [\(READ MORE\)](#)