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...And Justice for All

GOLDSTEIN & BASHNER

Personal Injury Law

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Volume 1, Issue 1
July/August 2010

In This Issue

Summer Memories 1

Have You Read? 1

Case of the Month—
Defendant Pays Out of
Own Pocket to Settle
Case 2

The Office Blogs—New
York and Long Island
Social Host Responsi-
bility—When Being the
'Cool Parent' Goes
Wrong 2

Did You Know? 2

A Friend of the Firm—
Ira Rosenberg:
Criminal Lawyer 3

Personal Injury News—
Can You Be Held Liable
for Defamation on
Facebook? 3

Office News 3

Ask the Attorneys 4

Hot, Sultry, Steamy Nights

Yes, we are in the middle of a very hot summer. This is the kind of summer I remember as a kid. I remember the sand on the beach being extra hot and the cold air coming out of the freezer from the Good Humor truck. I also remember my grandmother's

old Westinghouse fan blowing whatever cool air we could get in her un-air-conditioned Brooklyn apartment. Those were the days.

With this issue of ...And Justice for All we tried to give you some interesting reading material to

supplement your summer reading. We have a great article on the consequences of being a "cool parent." We also tell you about some "odd" laws here in New York. If you have any thoughts or options for future articles let us know!
- Neal Goldstein

Tell Us Your Best Summer Memories



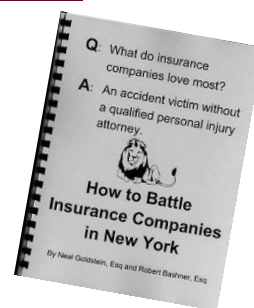
Email us at info@eglaw.com and tell us your best summer memories. We will pick out the top two and give each a **\$50.00 gift card** to Barnes and Noble to help with your summer reading.

Have You Read?

How to Battle Insurance Companies in New York

In the book, Goldstein and Bashner:

- Discuss the 5 deadly sins that can wreck your case
- Teach you the tricks insurance companies play
- Explain why you might not need a lawyer
- Describe why it may be time to get a second opinion
- Provide a list of resources that might help you with your case



We actually give this 26 page report away for **FREE**.

Call 516-222-4000 to order your copy which will help you understand the insurance company mentality. It took us hours to write this book, but it's yours for **FREE!**

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Case of the Month: Defendant Pays Out of Own Pocket to Settle Case

This motorcycle accident which was pending in Suffolk County involved our client who was a motorcycle driver and the defendant who was making a left hand turn. The defendants claimed that our client crossed over the opposite lanes of traffic and struck their vehicle. The evidence was clearly in our favor. The plaintiff had multiple arm and leg fractures and was hospitalized for weeks and received inpatient rehabilitation for many months. The main issue in the case was that the defendants were underinsured. The defendant's insurance policy was only \$100,000.00. The insurance carrier tendered their policy early on in the case but unlike many attorneys who would have given up at that point we proceeded through extensive discovery and went to trial. After a long exhaustive liability and damages trial, the jury was sent to deliberate. During deliberations defense counsel made numerous offers and before the jury reached a verdict the matter settled for \$800,000.00. The defendants agreed to pay \$700,000.00 out of their own personal funds which is very, very rare. It was only through the determination of our client, together with our firm's perseverance that such an extraordinary result was achieved. Most personal injury lawyers will not bother to pursue the defendant's personal assets. We believe that it may be considered detrimental to our clients not to attempt to find out if the defendant has assets beyond his insurance policy. In this case our determination paid off for our client.

"It was only through the determination of our client, together with our firm's perseverance that such an extraordinary result was achieved."

Did You Know?

- In New York City a woman is permitted to go topless in public provided it's not being used as a business. They can also ride the subway topless (since its okay for the men to do it too).
- In New York, flirting could lead to a \$25 fine. This old law specifically prohibits men from turning around on any city street and looking "at a woman in that way."

The Office Blogs: New York and Long Island Social Host Responsibility—When Being the 'Cool Parent' Goes Wrong



Who doesn't want to be known as "the cool parent?" You know--the hip adult who lets their children and their children's friends drink. The parent who turns a blind eye to underage drinking parties and is a real pal to their kids. Every parent wants the 'cool' title. But sometimes being a cool parent can also turn you into a criminal.

While many parents are busy trying to be liked by their children, they often neglect what are known as social host liability laws. Social host liability refers to the notion that parents can be held responsible for providing minors with a drinking environment. Not only can parents be punished for knowingly allowing minors to consume alcohol, but they can also be held accountable for any later actions that may result from those who may be intoxicated.

So when the party ends, and the drunken teenagers disperse, guess who's liable for that entirely preventable drunk driving accident? Yes, you! When these type of accidents occur, parents can face both criminal and civil sanctions. This means that you can be sued for any damages and injuries that may result. As in the rest of the country, the New York and Long Island areas have their share of underage drinking. So, parents, the next time your underage child asks you if it's alright to have some friends over for a few beers, don't be 'cool,' be responsible.

A Friend of the Firm: **Ira Rosenberg, Criminal Lawyer**

Ira Rosenberg specializes in Family and Criminal Law. He has been a friend of both Neal and Bob for many years. Bob and Ira went to law school together. Today, the three of them work together closely, referring each other cases. We highly recommend him should you be in the need for an attorney specializing in either family or criminal law.

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**Welcome
to Our
NEW
Monthly
Newsletter**

We're pleased to bring you the premiere issue of **"....And Justice for All."** Please feel free to send us your comments and any suggestions for future issues. This newsletter is for YOU! Send any suggestions to info@eglaw.com.

Personal Injury News: **Can You Be Held Liable for Defamation on Facebook?**



A cyber bullying case that took place in Oceanside High School was recently dismissed by a State Supreme Court Justice. The verdict came despite the plaintiff's charges of defamation. The Oceanside graduate claimed that four of her ex-classmates had wrote false and deeply hurtful things about her in a private Facebook group. In the group, the defendants suggested that the girl took part in bestiality and that she even contracted AIDS.

The plaintiff had initially included Face-

book, the students' parents, and the students in the lawsuit, however, Facebook was later dropped as a defendant because of a federal clause that states website operators aren't liable for content posted on their sites.

The judge, Randy Sue Marber, dismissed the plaintiff's 6-million dollar lawsuit and added that, "The entire context and tone of the posts constitute evidence of adolescent insecurities and indulgences, and a vulgar attempt at humor. What they do not contain are statements of fact."

In addition, the judge added that the parents cannot be held liable, since it is nearly impossible for them to control their children's' online behavior.

The plaintiff was deeply disappointed with the verdict, but indicated that it was still vital that she stood up for those who have been victims of defamation. There are also reports that the plaintiff may appeal the judge's verdict.

Office News: **What the !\$?&%\$ is Moshing?**



- ◆ Recently, we have been retained by a client during an outdoor concert at Nassau Coliseum. Apparently, the crowd forms a mosh pit in which, mostly teens start to forcefully bang into each other. While this may sound strange, this is common place. Our client was injured in an effort to get away. We are investigating this matter as it appears that this is an increasingly common problem. If you are aware of anybody who has been injured at a concert please have them call our office as we may be able to help them.
- ◆ Senior Partner, Neal Goldstein, was appointed to the serve on the Board of Directors for the New York State Academy of Trial Lawyers. The academy fights to protect and preserve the civil justice system. Neal finds the academy's mission to enhance the image of trial lawyers to be especially important. We want to let you know that besides working on cases, we do what we can to uphold and protect the system that provides you with your civil rights.



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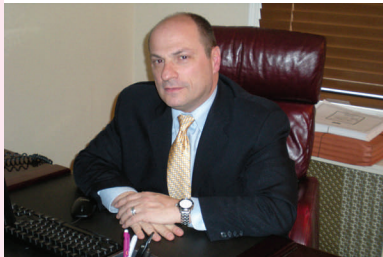
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Personal Injury Law

Ask the Attorneys



**For a FREE
No Obligation
Case
Evaluation
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Today
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Question: I was in a restaurant in New York City when I slipped and fell while walking to the restroom. Do I have a case?

Answer: Restaurants in the New York metropolitan area owe its patrons an obligation to keep the premises safe from any conditions that could cause injuries. While not responsible for every accident that occurs on its premises most injuries result from a floor that was not properly maintained, a failure to maintain a banister by the steps, and even poor lighting. A restaurant is no different than any other retail outlet. They must keep their premise in conformity with proper building standards and adhere to all building codes within the county which it is located as well as the state of New York.

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