



# ...And Justice for All

**GOLDSTEIN & BASHNER**  
Personal Injury Law

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## Stuck In Between

At the office we feel stuck between summer and fall. Yes, summer is officially over but we hate to see it go. We like the sun, the beach and all the outdoor activities. But, the Fall gives us the opportunity to see change in the temperature (chilly mornings), clothes and even in the activities we partici-



ate in. Of course somewhere in the back of our minds what we think about are the upcoming holidays.



In this issue of ....**And Justice for All** we have some interesting articles about motorcycles, tree stumps and fancy sidewalks. We have had great comments about our last issue — keep them coming!

## Have You Read? Falling In All The Wrong Places

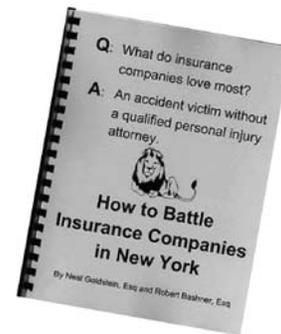
In this report, Goldstein and Bashner address:

- ◆ What is a case vs. what is not a case
- ◆ Examples of accidents *not* involving trips or slips
- ◆ Why special consideration is given to city cases

**AND**

**We tell you the number one problem that gets most lawyers and their clients into trouble with fall cases.**

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



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## **Case of the Month: Tree Stump Causes Injuries**



In this trip and fall case, which took place in Brooklyn, a woman tripped over a small tree stump in front of an apartment building. She was walking her two dogs when she moved aside to let a runner pass. As she moved aside she stepped on the grass between the sidewalk and the curb. There she tripped on a small tree stump. Our client broke her wrist, had hand surgery and developed RSD (reflex sympathetic dystrophy syndrome). We sued the building owner and the City of New York, since they own the portion of land between the sidewalk and the curb. The City of New York was quick to blame the owner of the building. A representative from the City was deposed and admitted to the knowledge of the tree stump. He told us that the tree stump was not removed because of a New York City policy that states if a tree is two years or younger it will be replaced for free of charge. The client injured herself almost a year after the City discovered the stump. This case was settled before trial.

**Who is to blame?**

## **The Office Blogs: Fancy Sidewalks Cause Real Injuries**



It's not out of the ordinary these days to see granite or marble sidewalks outside of some of Manhattan's more luxurious buildings. But while such walkways may be aesthetically pleasing, they also present numerous safety hazards. Not only do these "distinctive" sidewalks present safety concerns, but they also make premise liability cases extremely difficult.

Yes, granite or marble sidewalks can jazz up the exterior of a building, but they can often present dangers that your typical concrete sidewalk may not. For instance, when it rains, you will see that surfaces made of granite and marble become far more slippery than those made of concrete. Because one is often more prone to slip and fall on such surfaces, property owners may be responsible for putting down mats during poor weather conditions.

As you can see, just like your average concrete sidewalk, property owners are liable for maintaining those jazzy granite and marble walkways. What do I mean by the phrase maintain? Well, just like concrete walkways, "distinctive" sidewalks must be even and smooth (free of an excessive bumps, ditches, or cracks), must safely transition into any adjacent pathways, and must have a minimum coefficient of friction that allows for non-slip walking.

It can often be hard to prove that a property owner has been negligent. Often, lawyers must hire engineers in order to test the sidewalk to see if it meets standards of safety. Many cases have been won and lost based on such examinations. Therefore, slip and fall cases often become extremely complicated and difficult.

However, if neglect on behalf of property owners can be proven, then they may be liable for any resulting slip and fall accidents that occur. I have seen many such accidents lead to serious injuries. Accident victims who have suffered injuries as the result of a property owner's negligence are entitled to full compensation for the injuries that they may have sustained. At Goldstein & Bashner, we have worked with many slip and fall victims and have helped them to attain the compensation they deserve.

### **Did You Know?**

- ◆ In New York, it is against the law for children to pick up or collect cigarette and cigar butts.
- ◆ A person may not walk around on Sundays with an ice cream cone in his/her pocket.

## A Friend of the Firm: **Joe LiBrandi, Private Investigator**

As personal injuries lawyers, we sometimes need to use a private investigator. Joe LiBrandi is a highly skilled private investigator. Joe, Bob and Neal have been friends for many years and work together closely. We recommend Joe for any of your investigation needs which might include surveillance, locating missing people and neighborhood watch.

**Joe LiBrandi**  
snooopsinvestigation.com  
877-956-4354  
631-236-9012



## Happy Halloween



We hope you are enjoying ...*And Justice for All*. Please be sure to let us know if you have any suggestions for future editions. This newsletter is for YOU—we welcome your ideas and comments.

**Contact us at**  
[info@eglaw.com](mailto:info@eglaw.com)

## Personal Injury News: **What to Know About New York Motorcycle Accident Cases**

So, you're a motorcyclist and you've been in an accident. Now what? Well, first and perhaps most importantly, you should become familiar with [New York's No-fault law](#). Many lawyers falsely believe that the No-fault law is the same for car and motorcycle operators. However, No-fault treats these two groups very differently.

For car drivers, No-fault will cover some of your accident related expenses such as hospital bills and lost wages. Although No-fault will cover car accident victims, the law makes it difficult for these victims to put forth lawsuits for pain and suffering. In order to go forward with one of these lawsuits, any accident related injuries must be "severe." No-fault essentially defines severe "damages" as a fracture, loss or limitation of a body part, the death of a fetus, or a death.

For motorcycle accident victims, the case is extremely different. No-fault doesn't cover motorcyclists. Therefore, motorcyclists must use their private insurance (if available) in order to pay for any accident related expenses. However, unlike car drivers, motorcyclists can sue without having to meet a "severe" injury threshold. This makes motorcycle accident lawsuits much easier to put forth.

It's important for motorcyclists to truly understand how they are covered, and what steps they should take after an accident has taken place. Our [New York and Long Island motorcycle accident attorneys](#) have helped numerous accident victims throughout the area.



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



In our last issue, we discussed a recent case of moshing. Moshing, which is done at concerts, is defined as a form of dancing, usually to heavy metal music, where dancers freely bump into each other in an area known as a mosh pit. Two weeks ago we filed a Notice of Claim against the County of Nassau which operated the Nassau Coliseum, the place where the accident occurred. Our investigation continues but it appears there might be a number of responsible parties for this

accident including security guards, promoters of the concert and possibly the musical group playing at the time of the accident. Under New York Law, victims who incur injuries as a result of a mosh pit may be entitled to compensation. We will continue to work to find out who is responsible for the compensation of the seventeen year old boy who suffered injuries from a mosh pit.





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Personal Injury Law

## Ask the Attorneys

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to pay for your wages and medical care but a qualified lawyer is needed to pursue any legal claims that you may have for pain and suffering. These cases are, in some cases, handled differently than a regular accident case. As an example these cases can be heard in Federal or State Court. Another example is that you may have a significant lien that must be paid back to the railroad if you are successful in your pain and suffering case. Your lawyer should go over these issues with you.

**Question:** I work for the Long Island Railroad. I was injured while lifting some heavy equipment. What are my rights?

**Answer:** If you are an employee of The Long Island Railroad chances are that you are covered by the Federal Employees Liability Act (otherwise known as "FELA"). The law states that if you were hurt while working on the job as a railroad employee, you have an absolute right to recover money for pain and suffering if there was **any** negligence on the part of the railroad. The railroad in most cases will continue

Photo: Neal Goldstein, left; Robert Bashner, right

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