

CONNECTING OUR STORIES

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Beyond

THE
COURTHOUSE

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Goldstein & Bashner

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Can Tourists File A Claim If Injured While Visiting New York City?

We all have family and friends who have visited us over the years since we are so close to New York City. The Big Apple is a top travel destination for people all over the world, especially around the Holidays. According to the Center for an Urban Culture, nearly 63 million visit NYC each year, adding to the 8.4 million people already living in the city.

With that many people in one area, there are bound to be accidents, especially in taxi cabs or at tourist attractions. When visitors to the state suffer injuries while here, many do not know how they are going to pay for medical expenses, and they may be unable to work. Many people wonder whether they can file a claim to recover compensation for these losses, but they are not sure where to file. Many people contact an attorney in the state where they live, only to be told that they need to file a claim and contact a lawyer in New York, where the injury happened.

How does an injured tourist prove they have a claim?

It is always important to review the specific facts of the case since there are four elements a person must be able establish to have a successful claim.

- 1. Duty of Care** – Everyone has a duty of care to keep those around them safe. This means everyone must act in a reasonable manner, so they do not hurt others.
- 2. Negligence** – When a person breaches their duty of care, or acts carelessly or recklessly, they are considered negligent. This is the legal concept most personal injury claims rest on.
- 3. Causation** – This element of proof requires a plaintiff to show that another person's negligence caused their injuries.
- 4. Damages** – In addition to sustaining injuries, a person must also be able show that they suffered damages, or losses, as a result.

For example, if a tourist suffered a sprained ankle, but simply “walked it off” with no medical treatment or disruption to their trip, there are no damages.

What if the injured tourist is partially at fault?

Visitors to New York often wonder if they can still file a claim if they contributed to the accident that caused their injuries. In most cases, they can. New York is a comparative fault state, meaning that when an injured individual (the plaintiff) was partly to blame for their accident, they can still claim compensation for their injuries. The courts will determine the plaintiff's percentage of fault and reduce any compensation they are awarded by that same percentage.

How long does a tourist have to file a claim?

In New York, the statute of limitations, or the amount of time a person has to file a claim, is typically three years from the date of the accident. Exceptions can be shorter (like when the injured party wants to sue the government) or longer (instances where the injuries were not discovered right away) depending on the circumstance. If claims are not filed within the appropriate time limit, courts may bar injured tourists from receiving any compensation at all.

Does a tourist need to come back to NYC to see if they have a case?

If your loved one was injured



as a tourist while visiting the state, we would be happy to speak with them over the phone to determine if they have a claim after reviewing the facts of the case if they are too far to travel back here, and all of our case evaluations are complimentary and confidential. But no matter who the tourist seeks out for advice, it is important for them to understand that the lawyer they speak to must be located in New York, licensed to practice in the state, and truly know the laws that pertain to their case.



Legacy Lessons: Sharing Your Story Helps Others

I recently had the opportunity to share stories and support with the MS Society of Long Island after accepting their invitation to be a mission speaker. I was so grateful for the opportunity to everyone involved for allowing me to share and encourage the group to continue their wonderful work. Having the support of the MS Society means so much to families and I was honored to be a part of an organization that provides such great resources to those with Multiple Sclerosis – if only my mother and I would have been so lucky when she was battling MS. By sharing my story, I hope to bring hope and encouragement to those who feel like giving up, especially since MS takes such an emotional toll, in addition to a physical one. Being vulnerable and talking about the challenges you face gives others the courage to face their own struggles and know that they are not alone. What stories have you shared with others in hopes of helping them get through a tough time?



Recipe of the Month

Goat Cheese & Spinach Stuffed Chicken Breast with Caramelized Mushrooms & Onions

Light but extremely flavorful, this dish is perfect for a cold winter's night. Try it paired with roasted butternut squash or brown rice.

INGREDIENTS:

- 4 chicken breasts
- 2 Tablespoons olive oil, divided
- 4 cups fresh spinach
- ½ teaspoon garlic powder
- 2 oz goat cheese (approx. ¼ cup)
- 1 white onion, sliced
- 8 oz sliced baby portabella mushrooms
- 1 teaspoon fresh thyme
- 1 Tablespoon balsamic vinegar
- Freshly ground salt and pepper

DIRECTIONS:

1. Preheat oven to 375°F. Use a sharp knife to "hasselback" each chicken breast by cutting 6 slits into the top of each breast, making sure not to cut all the way through to the bottom of the chicken breast. Drizzle each chicken breast with a little olive oil then season with salt and pepper. Set aside.
2. Place a large ovenproof skillet over medium high heat and add in ½ tablespoon of olive oil. Add in spinach and season with garlic powder. Cook, stirring occasionally, until spinach is fully wilted. Transfer cooked spinach to a medium bowl and add in goat cheese. Stir until well combined. Stuff each slit with the spinach/goat cheese mixture.
3. Add 1 tablespoon of olive oil to the same skillet.

Add in sliced onions, mushrooms, fresh thyme, balsamic vinegar and season with a little salt and pepper. Sauté until onions begin to caramelize and mushrooms turn golden brown. Make room for the chicken by moving the mushrooms and onions to the sides of the skillet. 4. Add chicken to the skillet, making sure there is a little bit of room between each chicken breast; you may need to rearrange the mushrooms and onions. Transfer to oven and bake for 20-30 minutes until the chicken is fully cooked and meat thermometer reads 165°F.



Celebrating & Giving Thanks As An Office Family

It was wonderful to break bread and voice our gratitude for each other and our clients during our firm's Thanksgiving luncheon. It truly felt like we were at the family table at home!



Remember When: "Go Outside and Play In The Snow!"

Snow days never used to be a reason to stay inside all day to play video games. If there was snow on the ground, kids were expected to go outside and play in it. It didn't matter if it was building a snowman or an igloo, sledding, making snow angels, or just roughhousing on snow mounds; you weren't allowed inside until your nose felt ready to freeze off of your face and you could no longer feel your fingers! **What was your favorite childhood activity in the winter?**



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RAVING FAN OF THE MONTH

“From start to finish, Goldstein and Bashner was there for all of my questions and concerns. Their friendly and professional staff exceeded my expectations. I would definitely use them again or recommend them to anyone seeking legal help.” – Sondra



Faulty Elevator Causes Severe Injuries To Worker, Maintenance Company Settles

Our client was a vibrant 70-year-old working for the County of Nassau with no plans to retire anytime soon. While getting off the elevator, she tripped and fell since it did not level properly with the floor. She was brought to the emergency room with a very bad broken shoulder. In fact, there would have been surgery had it not been for her age and other non-related health issues. As a result of the injury, she could no longer work, and the evidence would have pointed to an employee who would have worked another five years. Indeed, she had worked for almost forty years with very few absences. To everyone's satisfaction, the parties agreed to a six-figure settlement paid by the elevator maintenance company's insurer. We believe that had the case gone to trial, there would have been evidence that this elevator, which had been around a very, very long time, had numerous problems. Although the client was older, the insurance company settled, we believe, because of the evidence that would have been presented at trial.

