



...And Justice for All

GOLDSTEIN & BASHNER
Personal Injury Law

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Valentine's Day—Lawyers, Lovers and Lawsuits

As we approach the holiday of giving flowers and chocolate, I want to remind our readers how the legal world intersects with our relationships. First, the relationship you have with your lawyer should be based on the same characteristics that you have in other relationships: Honesty and communication. Without the ability for each party to share their thoughts in a comfortable and easy manner the relationship is doomed.

Second, as we recently wrote in one of our blogs you may be in love but don't be a fool. Do not take and share any kind of seductive photos with your partner. You never know where those pictures will end up if there is the unfortunate breakup. Finally, injuries suf-

fered by one spouse can have a direct impact on the other spouse. You should always discuss with your lawyer how your injury claim may affect your ability to help your spouse with everyday activities. Of course you should not leave out how your intimacy issues may have changed from your injury claim.

We hope you enjoy your Valentine's Day with somebody special and please feel free to call us with any future suggestions.

Happy Valentine's Day!

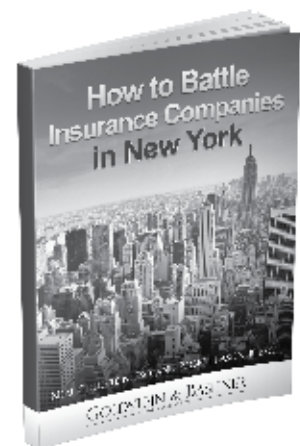
Have You Read?

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: LIRR Worker Suffers Extensive Injury

We recently resolved a case for a Long Island Rail Road worker who was severely burned when working on the tracks near the Jamaica station. He was asked to work near a part of the track that the railroad decided not to de-energize. Since the work was in a tight space he came into contact with the electrified rail which caused a fire resulting in his burns. He was hospitalized for several weeks and had to have skin grafts. We were able to show through the discovery process that the railroad didn't turn off the power before having our client work in the area. If the power had been turned off there would never have been an accident. What was the railroad thinking? Could it be that keeping the trains running on schedule is more important than safeguarding workers? Is this smart policy? This man had tremendous pain and suffering. Thankfully he is back to work full time. He was very satisfied with our resolution of the matter which settled for a significant amount of money.



The Office Blogs: Drunk Fans Cause Injuries at NFL Football Game -- Who's Responsible?

What happens when you combine football, beer, and 70,000 avid fans? Someone is bound to get hurt, which is what happened to Rebecca Dunn at a Cincinnati Bengals game. The scene is one that could easily play out at any Jets or Giants game--Dunn claims two drunk fans, who were served several drinks at the stadium, fell on her and broke her nose and finger and caused bruises, sprains and other injuries. Now she is suing the two fans as well as the Bengals, the beer vendor, and the county-owned football stadium for negligence, alleging they continued to serve alcohol to "noticeably intoxicated" fans at a 2009 NFL game. Does she have a case?

She just might have several cases. Certainly it is easy to argue that the two fans are partially to blame for their own actions, but what about the others? When sports teams play games, they have an obligation to ensure their fan's safety. This means having proper crowd control, security, and safe conditions. If alcohol is served, providers may be held partially responsible for damages that result from an overly intoxicated individual. Many arenas now have measures in place concerning alcohol. For example, Madison Square Garden trains its staff in alcohol management and has policies regarding alcohol purchase. Yankee Stadium and Citifield have special alcohol-free seating sections.

In this case, was there enough security at the stadium? How long were these fans pushing, shoving, and acting recklessly without anyone stopping them? Did the same beer vendor continue to serve these fans drinks knowing they were over the limit of what they could handle? Just how well are vendors walking around a stadium able to monitor each of the fans? And for that matter, how much is too much to drink? Some fans might handle six beers without a problem while others might pass out at two. Also, whether sports fans are rowdy because they have had too much to drink is not always clear-cut, as we have seen many sober fans at stadium act just as senselessly.

These are just some of the questions that need to be asked in cases such as this one. It can happen just as easily at Madison Square Garden or Nassau Coliseum. Over the years, Goldstein and Bashner have dealt with many cases involving alcohol vendors and negligence throughout the New York and Long Island areas. We have helped to see that these accident victims have received compensation for any damages that they may have sustained. If you've been injured at a sports event or anyplace else due to an alcohol-related accident, there may be numerous parties liable. Please contact us for a free evaluation. We'll discuss your case, let you know what to expect from the legal process, and answer any questions you have.



Did You Know?

- Valentine's Day is the second most popular greeting card occasion, 188 million cards are exchanged annually.
- Valentine's Day originated from the ancient Roman festival of fertility, which was held every year on February 15th.

A Friend of the Firm: RC Dugan's Bar-Lounge-Grill

RC Dugan's has been a Long Island Hotspot since 1997. It is a bar, grill and lounge open seven days a week until 4 am in the morning. It is a great place to watch the game or have a drink with friends. Their famous wings have won Best Wings

2008 by the Long Island Press. Our friend and owner of RC Dugan's, Rich Cammarata, will take 20% off the food bill of anyone who says they saw this article.. Be sure to mention it next time you're there!



Personal Injury News: New York Accident Victim Ordered to Hand Over Facebook and MySpace Accounts in Personal Injury Case



In the current Long Island case Romano v Steelcase, State Supreme Court Justice Jeffrey Spinner ordered the plaintiff, Kathleen Romano, to open up her private Face Book and MySpace postings to a chair company she is suing in a personal injury case.

Romano claimed she was so severely injured when her chair collapsed that she was limited in her activities and that the accident had damaged her "enjoyment of life." However, her Face Book and MySpace pages contradicted these claims with evidence that she had traveled to Florida and Pennsylvania, and with a picture that showed her smiling happily away from her home despite

her claim that she was largely confined to her house and bed. In a motion filed by Steelcase, the chair company, the Justice ordered Romano to authorize MySpace and Face Book to turn over all their historical records of her pages. This included not only the public portions of her pages, but those she had set strict privacy setting for as well as those she may have recently deleted.

"To permit a party claiming very substantial damages for loss of enjoyment of life to hide behind self-set privacy controls on a website, the primary purpose of which is to enable people to share information...risks depriving the opposite party of access to material that may be relevant to ensuring a fair trial," wrote Justice Spinner in his ruling.

This was the first ruling of its kind by a New York court, and the plaintiff's lawyer has said he is planning an appeal.



Office News: Insurance Company Caught with their Pants Down

Goldstein and Bashner recently caught a very well known insurance company engaging in dishonest and unfair practice to get out of paying a claim from a car accident. They probably would have gotten away with it, too, except that they mistakenly faxed over the wrong medical report.

A client of personal injury lawyer Robert Bashner, had a claim rejected by a very well-known national insurance company, he was taken by surprise since the insurance company sent over a medical report from their doctor agreeing that the injuries were caused by the accident and surgery was warranted. He soon found out that the report

had been sent in error, and he was given a second medical report that contradicted the first and denied medical coverage.

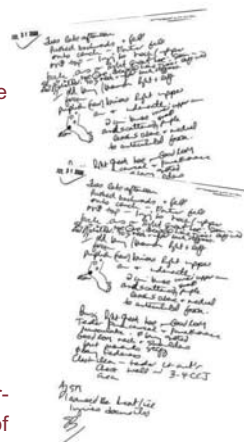
Our client had suffered a bad neck and back sprain from the accident that ended up requiring a complicated and expensive operation. The insurance company hired a doctor to review the records to see if the injuries and subsequent surgery were causally related to the accident. That doctor concluded that the surgery was related and that the bills should be paid. Did the insurance company pay the bill? No. Instead they hired a second doctor to look over the report, and this doctor concluded that no causal

relationship between the accident and the surgery had been established. The client's medical claim was denied. However, when Robert called the company to see the report, he was mistakenly sent the first doctor's report—the one that clearly indicated the operation was necessary and related to the accident. This is an outrageous example of the big, powerful insurance company taking advantage of the little guy and ripping her off.

As a long-time practicing personal injury lawyer, we knew insurance companies engage in this type of dishonest behavior but it is difficult to prove. However for this case we have proof—copies of two opposing

medical reports for the same client sent over by the insurance company."

This is why it is so important to try and get all the reports and paperwork from the insurance company when they deny coverage. This type of behavior is just outrageous, and more oversight is needed to protect the rights of accident victims.





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Personal Injury Law

Ask the Attorneys

**For a FREE
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Evaluation
Contact Us
Today
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Question: If my underage children drink in the house with their friends, will I be held personally liable for allowing minors to drink and for any damages that may occur as a result of the children being intoxicated?

Answer: Yes, because of social host liability laws, parents can be held personally responsible for knowingly allowing minors to drink and for all damages and injuries that may come as a result of an individual's drunkenness. Parents can face legal punishments and civil lawsuits. Many parents in the New York and Long Island areas have had to face such consequences. For more information on the subject, you can read a blog we recently wrote about social host liability laws.

Photo: Neal Goldstein, left; Robert Bashner, right

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