

# State Your Case

A Personal Injury Law Update Provided by the Law Offices of Petrillo & Goldberg, P.C.

Winter 2010

## Petrillo & Goldberg, P.C. ATTORNEYS AT LAW *Just Compensation for the Unjustly Injured*

### \$460,000 FOR 'BERM JAYWALKER'

This was another extremely challenging case successfully concluded recently by the Petrillo and Goldberg personal injury litigation team.

Our client was leaving her doctor's office. Instead of using the steps available to cross a grassy decline leading to her parked vehicle, our client tried to cut across and walk down the grassy berm. To make matters worse, the grass was wet. She fell, broke her leg and required numerous agonizing surgeries.

The case looked nearly impossible from a liability standpoint until our aggressive investigation revealed the presence of an old defunct sprinkler system pipe that was difficult to see just below the sidewalk at the top of the grassy decline. It turned out that the old defunct sprinkler pipe had apparently caused the plaintiff's fall when she tried to take a shortcut to her vehicle parked nearby.

We hired an expert who testified that the old sprinkler pipe constituted a code violation and hazard. But the defense hired an expert who disputed that and argued that the "jaywalking" and not the pipe was the true cause of the plaintiff's fall.

"The case was aggressively and extensively litigated before trial," said certified civil trial attorney Scott Goldberg. "After numerous conferences, depositions and the use of a professional mediator, we were able to successfully settle the case *without trial* - which is what our client wanted."

Everyone involved in the case, even the supervising trial judge, agreed that, had this case gone to trial, there was the significant possibility for a defense verdict on liability. The case settled to the plaintiff's satisfaction without trial.

Goldberg again praised the Petrillo and Goldberg "team approach" for a

successful resolution of the case. "I think just about everyone in the entire office worked long and hard on this case," said Goldberg. "We meant business, and it showed at every turn. I don't think we could have done as well as we did despite the enormous liability difficulties encountered in the case but for the diligence, sweat and hard work that our entire team put forward in this case."

We found the obscured pipe, aggressively asserted our theory of the case and the results proved favorable to all.

### BEWARE OF THE GECKO

There's an adage as old as free trade itself, "You get what you pay for." The same holds true for your auto insurance.

You can't watch television anymore without being pummeled by the auto insurers' advertising about how much they can "save" you in purchasing auto insurance. "But you should beware the Gecko," advises certified civil trial attorney Scott M. Goldberg.

"Frequently, these advertising auto insurers are just selling less coverage - hence the lower price," adds Goldberg.

"Nothing disappoints us more than seriously injured clients who are left 'high and dry' because neither they nor the driver responsible for the accident have sufficient coverage for medical expenses or compensation."

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Standing from left -  
Scott Schulman and Steven M. Petrillo  
Seated from left -  
Jeffrey Thiel and Scott M. Goldberg.

## 'Tis the Season

The holiday season is upon us again and AAA estimates 30 million people will be traveling by car for celebrations this year. That's a lot of people behind the wheel.

Unfortunately, many of these drivers drive irresponsibly or, even worse, under the influence of intoxicating substances. Nothing puts more of a damper on the holiday spirit than an injuring or disabling motor vehicle accident. So it is important to know your rights, duties and obligations if you are injured in an accident due to the irresponsible, negligent or intoxicated driving of another.

Here's what you should do if you're involved in an automobile accident.

- Always keep your driver's license, registration and proof of insurance with you in the car. You can receive a ticket if you don't have these items.
- Stay calm. Assist anyone who was injured.
- Call the police to report the accident and do not leave the scene.
- Do not admit fault. Do not discuss the accident with anyone other than the police, your lawyer or your claims representative.
- Exchange vital information with the other drivers involved in the accident. Write down the name, address, phone number, license number, insurance company and policy numbers for all drivers involved in the accident.
- Get names and phone numbers of witnesses at the scene.
- Keep a diary of all significant details concerning the accident.

- Obtain physical evidence. Take pictures of your car, any skid marks from the accident and the accident scene. Transmit this information to your attorney promptly.
- If you are not taken to the hospital by ambulance, you should go to the ER or see your doctor as soon as possible. Although you may not be bleeding or in pain immediately, the accident can be the cause of serious physical problems that manifest themselves later. Also, keep a health journal noting your doctor visits, procedures, X-rays and tests.
- Call your lawyer as soon as possible. Do not sign anything sent to you by the other driver's insurance company until you have discussed it with your lawyer.
- Inform your insurance company about the accident within 24 hours.

If you have any concerns or questions about a recent car accident, contact the staff at Petrillo and Goldberg at 856-486-4343 for a free consultation.



## LAUGHABLE LAWS OR LAWSUITS



Did you forget to smile today? If you did, you just may be breaking the law. These wacky laws are actually on the books.

- In Bernards Township, it is illegal to frown, as the town is a "Frown-Free Town Zone."
- It is against the law to frown at a police officer.
- Pickles cannot be consumed on Sundays in Trenton.
- If one is convicted of driving under the influence of alcohol, he or she may never apply for a personalized license plate.
- No street-side trees may be planted that "obscure the air" in Blairstown.
- You may not dance or wear shorts on the main avenue in Caldwell.

### Editor's Note:

Welcome to Petrillo and Goldberg's newsletter, *State Your Case*. Periodically you can read about our work in the field of personal injury and workers' compensation law. For those who are Internet savvy, be sure to check out our redesigned Web site - [www.petrilloandgoldberg.com](http://www.petrilloandgoldberg.com) and sign up for the firm's e-newsletter. See you in the paper! Cheryl Squadrito.

- Citizens are not permitted to park their own boat on their lawn in Cranford.
- In Cresskill, all cats must wear three bells to warn birds of their whereabouts.
- It is illegal to offer whiskey or cigarettes to animals at the local zoo in Manville.
- In Mount Laurel, it is illegal to get drunk and annoy others in your house.
- In Newark, it is illegal to sell ice cream after 6 p.m., unless the customer has a note from his doctor.
- In Ocean City people may not slurp their soup.
- Pinball machines may not be played on Sunday in Ocean City.
- Raw hamburger may also not be sold in Ocean City.
- Automobiles are not to pass horse-drawn carriages on the street.
- It is illegal to delay or detain a homing pigeon.
- Profanity is prohibited in Raritan.

## Workers' Compensation: Second Injury



In significant workers' compensation claims, questions regarding the Second Injury Fund go on and on. "We've even had clients get mad at us, at first, until they see how effectively it works," joked workers' compensation expert and firm partner Scott Schulman, Esquire.

The Second Injury Fund is maintained by the state. It helps employers who hire previously injured workers who later suffer total disability injuries on the job. It also significantly helps workers' compensation claimants who become permanently disabled due to work accidents.

An employer who hires a previously injured worker faces higher risks if the worker gets injured at work. "The cumulative effect of a prior injury coupled with a new disabling injury can be extremely costly to the employer," explained Schulman.

"We use the Second Injury Fund to help pay the total disability claims of injured workers whenever possible," Schulman said. "If the state agrees a worker is totally disabled, we fight to compel the state to contribute to the overall disability claim."

By doing this, the case is much more likely to favorably and successfully resolve for the injured worker. If the

employer understands that by agreeing that a worker is totally disabled such that the state's Second Injury Fund will contribute significantly to the award, employers are much more inclined to favorably pay full disability claims without drawn-out trials.

"This result is a win-win situation," Schulman said. "The case gets resolved faster for full disability and the employer's workers' compensation insurer gets help in paying the full claim."

Many of our clients who qualify have significantly benefitted from this technique in accessing the Second Injury Fund. If you think you qualify for this fund or have questions about a work-related injury, call Scott Schulman directly at (856) 486-4343.



*The highly competent lawyers at Petrillo and Goldberg represent clients with personal injury claims, workers' compensation claims, slip-and-fall cases and automobile accident victims.*

*For more: [www.petrilloandgoldberg.com](http://www.petrilloandgoldberg.com).*

### Beware the Gecko *Continued from page 1*

You should be an educated consumer. Before you buy your cut-rate auto insurance, check to see if you're giving up or reducing your PIP or medical expenses coverage.

AND check to see if you've purchased enough uninsured and under-insured coverage to protect you and your family members from significant injuries caused by a negligent driver with no or insufficient coverage.

"The only thing worse than being seriously injured in an accident caused by a negligent or drunk driver," warns Goldberg, "is to find out that there is no or insufficient coverage available to cover your medical expenses and to compensate your family for your injuries."

So...when you go to renew your auto insurance, buyers, beware! Make certain that you're not selling yourself and your family short.

"One final thing," adds Goldberg. "Be careful of which insurance company you place coverage with. We have found that the same insurance companies that are advertising so much on TV to sell cheaper coverage tend to be the ones which fight legitimate claims the hardest."

Speak to one of the attorneys at Petrillo and Goldberg, P.C. if you have any questions about your auto insurance coverage.



*Scott Schulman*

### **Petrillo and Goldberg Philosophy**

Our Firm's Philosophy:

The lawyers at Petrillo and Goldberg strive to provide professional, aggressive, and conscientious representation to our clients who are seriously injured victims in the community. All of our clients are worthy of the hard work and competence that our litigation team brings to each and every case we handle.

# Petrillo & Goldberg, P.C.

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*The lawyers at Petrillo and Goldberg want you to call us if you're ever injured in an accident or at work. We want to be your law firm. If you have a legal matter that needs attention, please contact us. If we cannot handle your case, we will refer you to a competent firm that can. Please feel free to refer us to your family, friends and neighbors for their personal injury or workers' compensation legal needs. We welcome the opportunity to help you.*

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