

State Your Case

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

Fall 2010

Petrillo & Goldberg, P.C.

ATTORNEYS AT LAW
Just Compensation for the Unjustly Injured

\$1,525,000 for "Second Look" Construction Site Slip and Fall

"The other law firm told me that I didn't have a case saying, 'You can't fault them for a construction site covered with snow and ice.' " This is what our client was told by his prior attorney who flatly rejected this case before it came to Petrillo and Goldberg.

"We decided to take a second look," said certified civil trial attorney Scott M. Goldberg, Esq., who eventually settled this case in pre-trial mediation for \$1,525,000.

"We knew going in that this was going to be a long and expensive battle, but we thought it was cause-worthy," Goldberg said.

"We were able to prove in discovery that the general contractor who was responsible for the work had no snow contingency plan in effect at the time of the accident. A construction expert would later establish that our client, who had arrived for work early, was on an established path when he fell, suffering an injury. We also hired a snow removal expert who indicated that the work site path, although gravel, could have and should have been plowed, salted and sanded - none of which was done. *Continued on page 2*



"Construction site photograph depicts gravel/muddy construction site access route which plaintiff's construction safety expert opined should have been cleared of snow and ice prior to permitting workers upon construction site."



PETRILLO AND GOLDBERG, P.C. NAMED TOP ATTORNEYS

Steven M. Petrillo, Scott M. Goldberg and Scott Schulman have been named Top Attorneys by *SJ Magazine* for the year 2010. This honor has come as a result of nominations from their peers, other attorneys in the legal community.

"We are especially proud to be designated as top attorneys by other practicing lawyers who have seen our work and work ethic on a first-hand basis," said managing partner Steven M. Petrillo. "It is the highest compliment to be recognized by your colleagues in this way."

Look for the attorneys' listing in the August edition of *SJ Magazine*.

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

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INCREASE YOUR COVERAGE – BEFORE IT IS TOO LATE



“It is not fair that I should have to carry more insurance!”

This was part of a recent outburst from one of our frustrated clients after learning that the driver who had caused her accident had only minimal insurance coverage for her injuries.

Scott M. Goldberg’s answer, as always, was that we cannot control what others do, only what we do and the law doesn’t require anyone to buy more than the minimum.

Next I had to speak to her about the minimum coverage that she had purchased. You see, she had done the same thing as the other driver! Had she bought higher uninsured or underinsured motorist limits (UM/UIM) she would have been more fully compensated for her injuries.

That is how you control you own fortunes. Now is the time to call your agent or go to the computer and increase your liability and UM/UIM limits — before it is too late.



Wait Until You Hear This One

We love to hear about wacky laws that make you burst out laughing or scratch your head. After reading these, you’ll wonder why outsiders tease us about living in New Jersey.

Odd travel laws also are on the record. Mercedes Selvira wrote an article about them on the Web site Socyberty.com.

In Virginia, she writes, pedestrians can be fined if they are struck by a car, while in Maine it’s illegal to walk down the street with your shoes untied.

Livestock cannot be transported on a school bus in Florida; however, birds have the right of way on public highways in Utah.

It’s illegal in Massachusetts to drive while shaving; in Tennessee it’s illegal to drive while unconscious and it’s illegal to drive while sitting on someone’s lap in Ohio.

There are also a slew of wacky laws regarding fishing, according to author Ed Katuska of the Norwalk Aquarium Society.

In Idaho, Katuska writes, it’s illegal to fish from the back of a giraffe or camel, while in Ohio, it’s against the law to fish for whales on Sunday. In Pennsylvania, it’s illegal to use dynamite to catch a fish. It is also illegal to use any body part other than your mouth to catch a fish in Pennsylvania.

In Montana, it’s illegal for a married woman to go fishing alone on Sundays and unmarried women may never fish alone. It’s illegal for a man to knit during fishing season.

Catching a fish by lasso is not permitted in Tennessee, while, in California, you may not shoot any type of game from a moving vehicle unless you intend to shoot a whale.

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 and sign up for the firm’s e-newsletter. See you in the paper! Cheryl Squadrito.

Construction Site *Continued from page 1*

“This case was further complicated because, due to his injury, our client had amnesia of the actual event. Accordingly, we were required to hire an accident reconstruction biomechanical expert to explain to a jury just how our client’s work site slip and fall injury occurred.

“It all came together beautifully,” said Goldberg. “What looked like an impossible case to prove to a prior attorney, we were able to turn into a winner!”

“The case was also hotly contested on damages,” said firm associate Jeff Thiel, Esq., who conducted pre-trial depositions on the case. “They claimed our client was malingering, could readily return to work and was fully functioning mentally. Obviously our client’s doctors felt otherwise.”

“So pleased was the client with our efforts that, without request or prompting, the client also decided to move his workers’ compensation claim to our office from the office that told him he did not have a case,” said Scott Schulman, Esq., the Petrillo and Goldberg partner who handles workers’ compensation claims for the office.

“We are now pursuing a total disability workers’ compensation claim on behalf of the client,” Schulman added.

REFERRALS

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 – 856-486-4343. 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.

Workers' Compensation FAQ's

An injury on the job can have devastating consequences on your health, your finances and your family. State laws are in place to protect injured workers, and the attorneys at Petrillo and Goldberg, with offices in Pennsauken and Woodbury, N.J. and Philadelphia, make sure their clients understand those laws and receive proper care and compensation.

When will I receive disability benefits awarded by a workers' compensation judge?

According to the N.J. Department of Labor and Workforce Development, the workers' compensation insurance carrier has 60 days, by law, to process the payment. After that time, you may be entitled to interest on the delayed payment. It is realistic to expect payment between six and eight weeks from the date of the execution of the judge's order.

What do I do if I don't like the doctor referred to me by my employer's insurance carrier?

State law gives the employer the right to select the health-care professionals to provide care for injured workers; however, "if the employer refuses or neglects to provide services reasonable and necessary to cure and relieve the worker of the effect of the injury or restore function where possible, the employee may take action by filing a motion for Medical and/or Temporary Disability Benefits." Petrillo and Goldberg can assist employees in such cases.



Who is eligible to receive benefits from the Uninsured Employers Fund?

According to the state Department of Labor and Workforce Development, "when a formal workers' compensation claim is filed with the Division of Workers' Compensation and the employer is found to be uninsured, a motion to join the Uninsured Employers Fund is submitted by the worker or his/her attorney. If an award is made for temporary disability benefits and/or medical expenses, the Uninsured Employers Fund will make payment of the temporary disability benefits and reasonable and customary medical expenses included in the judge's order."

How soon after an award are benefits paid from the Uninsured Employers Fund?

It takes approximately 90 to 120 days after the date of an award for payments to be made from the Fund,

according to the state Web site. This includes a 45-day period when your employer is allowed to make full payment of awarded amounts, docketing of liens in the Superior Court, as well as the approval and payment voucher process required to make payments, the Web site states. No payments may be made prior to an award by the courts of the Division of Workers' Compensation and the docketing of amounts owed.

Does the workers' compensation law give special compensation to minors?

A minor who suffers a disability because of a work-related injury or illness is entitled to all of the same benefits as any other employee, according to the Division. Benefits for temporary disability, permanent disability or death are double the amount normally awarded if the minor was employed in violation of child labor laws.

Are workers' compensation benefits taxable?

No. Those benefits are not taxable.

What are the time limits for filing a claim?

A two-year statute of limitations applies to workers' compensation cases. A formal claim petition must be filed within two years of the date of injury or the date of last payment of compensation - whichever is later. In cases of occupational illness, for example - asbestosis, lead poisoning or hearing loss, the claim petition must be filed within two years from the date the worker first became aware of the condition and its relationship to employment.

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.



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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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