

State Your Case

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

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Petrillo & Goldberg, P.C.

ATTORNEYS AT LAW
Just Compensation for the Unjustly Injured

\$427,000 FOR 'TRIP AND STUMBLE' CUSTOMER OF WAWA CONVENIENCE STORE

Most of our cases come from client referrals or referrals from other attorneys who don't specialize in personal injury litigation. But this case already had been rejected by another personal injury law firm before Petrillo and Goldberg took it on. "They had our client on videotape," said firm managing partner Steve Petrillo, Esquire, "and this really spooked the prior attorney."

The video showed that the client merely stumbled, but never

fell, said trial attorney Scott Goldberg, Esquire. It also revealed that the client was laughing and joking, at first, after the incident occurred.

"But two surgeries later, the client was no longer joking," said Goldberg. "We hired a biomedical/biomechanical expert who opined that, even though she never fell, the forces of the incident were enough to cause the injury and surgeries the client eventually underwent."

The case was vigorously defended and contested by Wawa. It settled after Goldberg effectively cross-examined the

defense's medical expert who initially testified that the incident did not cause the injuries that the plaintiff suffered. "The defense doctor claimed that her condition was a natural progression of her pre-existing condition," said Goldberg. "But when I confronted him with the starkly contrasting medical records before versus after the incident, he all but buckled," Goldberg said.

Wawa had all but admitted, through employee testimony, that they had violated their own company policy by causing the tripping hazard in their aisle.

Continued on page 2

What's Inside This Issue...

Page 2

Excuses for Speeding

When Does a Bargain Cost You Money?

Page 3

Workers' Compensation FAQ's

Page 4

Contact Us



Wawa surveillance photos depicted errant banana box violating company policy and plaintiff's "stumble" incident.

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When Does a Bargain Cost You Money?

You see the auto insurance ads every day for policies that “Will get you legal for the least amount possible”. We realize that these are tough times and that the bad economy has touched everyone. It is tempting to get minimal coverage and use the difference for other purposes. It is tempting, but also a potentially devastating mistake.

Let’s say that you agree to buy a minimal policy which gives you only the state minimum in uninsured and underinsured motorist coverage. If you get into an accident and are seriously injured you expect to be entitled to substantial compensation. Well, if the other driver is uninsured the most you can get is your own \$15,000.00 in uninsured motorist coverage. If the other driver has minimal coverage then the law gives you no more and once again you have to settle for \$15,000.00. If you purchase the minimal health insurance, also known as personal injury protection (PIP), then any bills in excess of \$15,000.00 may be your own responsibility. This is what buying the minimum will get you. National statistics show that a large percentage of personal bankruptcies in the United States are a result of uncovered medical expenses.

Under the same facts, if you had purchased more insurance, both PIP and uninsured/underinsured coverage, then the whole situation would be different. If you had purchased \$100,000.00 in uninsured and underinsured (UM/UIM) coverage then you would be able to get up to that amount for your damages (injury and economic). If you purchase the standard \$250,000.00 PIP coverage, then you would have that amount in medical coverage for your treatment and testing. This way you are in control of your destiny and the added premium would be more than offset by your ability to get justice.

The lesson here is that you can avoid being tricked by the commercials that promise so much and deliver so little. The toughest conversation we have with clients is when we have to explain that there is too little coverage for a person with permanent injuries. Protecting yourself with high policy limits and medical coverage will make that conversation unnecessary.

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.

But Officer... Excuses for Speeding

Have you heard this one, Officer? Probably!

We found a collection of “But Officer...” excuses for when a driver is pulled over. We hope you find these pathetic pleas as funny as we did.

- “...I’m almost out of gas!”
- “...I’m not from around here.”
- “...I’m on my way to the hospital.”
- “...I’m in labor.”
- “...I have to get to the store before it closes!”
- “...I only had one drink!”

The next time you’re pulled over, think twice before spitting out a “But Officer” at an officer who’s probably heard them all before.

Instead, drive like you value your life, and the lives of others. Not only will this spare you the expenses of ticket costs, court costs, and increased insurance premiums, but it may also spare those lives you value most.

Taken from website – www.dmv.org/fun-stuff/but-officer.php



WAWA ‘TRIP AND STUMBLE’

Continued from page 1

Accordingly, when their defense medical expert “stumbled,” Wawa settled the case.

Although the case successfully concluded in the end, Goldberg was careful to remind that, “This was a team effort. Everyone on our team — from the early investigation, through aggressive pretrial discovery, the trial preparation — worked hard to achieve a successful resolution. We really believed in this client in this case. It looked so improbable that another reputable firm tossed her out. We just looked at this as adding to the challenge,” said Goldberg. “The client was very pleased with the result. So were we.”

Workers' Compensation FAQ's



Experts who know the way should guide navigating the unclear path of workers' compensation law.

The veteran attorneys at Petrillo and Goldberg are highly experienced in negotiating with insurance companies and litigating workers' compensation cases in court so your chances of obtaining every benefit to which you are entitled is maximized.

For example, even if your employer paid for your medical bills and lost wages, it doesn't mean your workers' compensation claim is completed. Many employers don't want workers to know that they have a right to file a claim for permanent disability settlement.

You may be eligible to receive a permanent disability settlement and a consultation with an attorney from Petrillo and Goldberg can answer your many questions.

Here is a list of questions frequently asked of our attorneys.

I was injured on the job. What should I do?

When workers are hurt on the job, they sometimes don't know what benefits they are entitled to receive or the process of getting workers' compensation benefits.

In addition to notifying your employer and documenting your injury, you should have a prompt follow-up with an attorney who will fight for your rights.

According to New Jersey law, you are entitled to three benefits:

1. **Your Medical Treatment.** Once you give notice of your injury, you are eligible to receive medical treatment paid for by your employer. This treatment must be authorized by the workers' compensation carrier and you must go to the doctors they select. Attorney involvement is critical at this point to make sure that your medical needs are served and that you are treated fairly.
2. **Your Temporary Disability Rights.** After you have begun to receive medical treatment, you may be entitled to obtain temporary disability benefits. This is in place of the income you are losing by not working during your disability period. The workers' compensation carriers often balk at paying this benefit and your lawyer may need to fight on your behalf.

3. **Your Permanent Disability Award.** After your medical treatment has been completed, your attorney can fight to obtain a monetary settlement, which is known as "partial permanent disability." The permanency award is based on a complicated calculation, which takes many factors into account. It is essential that you have a lawyer on your side to ensure you receive all of what you are entitled to get.

Other questions:

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 attorneys at Petrillo and Goldberg are highly experienced in negotiating with insurance companies and litigating workers' compensation cases in court so your chances of obtaining every benefit to which you are entitled is maximized. We fight hard for you to obtain all of your benefits for partial permanent disability, including your money. Please feel free to contact us should you or someone you know sustain an injury while working.



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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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