

RECENT SUCCESS STORIES

JURY AWARDS CRASH VICTIM'S

FAMILY \$29,000,000 A jury awarded \$29 million in damages to our clients after the driver died in the aftermath of a car crash on the NYS thruway. It is the largest civil damage verdict in Orange County's history. Our client was killed when a freight container on a flatbed smashed into the bottom of an overpass, causing our client's vehicle to be fatally struck. The impact left the victim suffering from serious internal injuries and brain damage for over 30 days before he died. The wife and daughter of the victim were also in the car.

SANITATION SUPERVISOR GETS \$1 MILLION FOR TRIPPING OVER METAL PLATE IN GARAGE AND RETIRES

A Sanitation Supervisor tripped and fell over a defective metal plate in M5. The City knew about the metal plate but failed to fix it. As a result, our client sustained a knee injury, underwent multiple surgeries and never returned to work. After lengthy negotiations with the City attorneys, a settlement was reached in the amount of \$1,000,000.

JURY AWARDS \$9.3 MILLION FOR FOOT CRUSHED BY SANITATION TRUCK

During a routine collection, a sanitationman, sustained a catastrophic foot injury after a collection truck rolled over his foot, requiring ten operations. The City had prior knowledge that this truck had mechanical problems. As a result, a jury awarded our client \$9,323,652 for pain and suffering and lost pay. He also received a 3/4 accidental disability pension.

SANWORKER FALLS THROUGH BATHROOM FLOOR, JURY AWARDS \$3,800,000

A sanitationman fell through a rotted floor in a bathroom in his Section injuring his knee, lower back and groin, which required surgery. Because the City of New York had received prior written notice about a rotted broken floor, a jury awarded our client \$3,850,000 for his pain and suffering and lost pay.

SANITATION WORKER SLIPS ON OIL IN GARAGE, JURY AWARDS \$5,100,000

After turning down an offer of \$500,000 from the City, a jury awarded our client, a 48 year old sanitation worker, \$5,100,000 in damages. Our client slipped and fell in a puddle of oil, caused by a leaking garbage truck in a New York City Sanitation Department garage, and never returned to work. A co-worker testified that he reported the oil leak to a garage clerk prior to the accident. The client's supervisor witnessed the accident and testified that the garage was poorly lit. The jury rejected the City's argument that our client should have seen the oil spill.

SANITATION WORKER'S FOOT RUN OVER BY PARTNER, SETTLED \$1,500,000

A Sanitation worker was exiting his vehicle to do baskets when his partner decided to pull forward without watching to make sure his partner was safely away from the truck. As a result, the front tire ran over his foot causing severe crush injuries requiring surgery. He never returned to work. The driver testified that he didn't see our client and it was an accident. The case settled for \$1,500,000 plus he was awarded a 3/4 Accident Disability pension.

SANITATION WORKER INJURES BACK WHEN TIRE CHAINS BREAK OFF TRUCK, SETTLED \$1,500,000

A Sanitation worker was watching a co-worker try to dislodge a truck stuck in a salt pile in Manhattan. As the co-worker tried to move the vehicle, the tire chains snapped without warning and struck our client in the back. He never returned to work, had back surgery and received a 3/4 Accident Disability Pension. We also settled his claim against the City for \$1,500,000.

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**NYCERS PENSION DEPARTMENT:
SANITATION WORKER GETS 3/4 PENSION
FOR MVA WHILE DOING RELAY**

A sanitation worker was driving a relay on the West Side Highway when she was cut off by a private motorist, causing an accident. She sustained soft-tissue low back injuries and never returned to work. We were successful in helping her win a 3/4 Accident Disability pension.

**SANITATION WORKER GETS 3/4 ACCIDENT
DISABILITY FOR DRIVING OVER POTHOLES!**

A Sanitation worker was driving a relay on I-95 (under the apartments) when he hit a patch of potholes they he wasn't aware of. His head hit the roof of his cab and he sustained neck injuries. We were successful in helping her win a 3/4 Accident Disability pension.

**SANITATION WORKER GETS 3/4 ACCIDENT
DISABILITY FOR FALLING INTO HOLE IN
PARKING LOT!**

Our client returned to his garage next to the Central Repair Shop in Maspeth during his shift break at night. He walked into an unguarded open hole and fractured his hip. We applied for and obtained a 3/4 Accident Disability Pension for his injury. We also sued the City and settled for \$1,000,000!

IMPORTANT THINGS TO REMEMBER:

- ☞ **If you are a member of Local 831 or 444 (uniformed services), you have the right to sue the City of NY for negligence.**

- ☞ **If you are a civilian and receive Workers' Compensation for an injury, you are barred from suing the City of New York.**

- ☞ **All employees of the Department of Sanitation have a right to file for a disability pension, but only uniformed services are entitled to a 3/4 tax-free Accident Disability pension.**

- ☞ **If you have an accident (on the job or off the job) and the city may be involved, you must file a notice of claim within 90 days. A lawsuit must be filed within 1 year and 90 days of your accident for city cases. Civilian employees can sue the City if they are injured off duty.**

- ☞ **You have 2 years from the date of your LODI to file for an accident disability pension with nycers.**

MOTOR VEHICLE NO-FAULT BENEFITS:

IF YOU ARE INVOLVED IN A LODI WITH A CITY VEHICLE, YOU MAY BE ELIGIBLE FOR EXTRA MONEY, here is how: File for NYS No-fault Benefits with the City Comptroller within 30 days of your accident.

Case in point: Our client was run over by his sanitation truck and forced to retire. Between the LODI date and his COB, he lost 13 months of lost overtime, chart and holiday. We applied for no-fault benefits and the NYC Comptroller paid him \$11,355.47

NYCERS: "HEART BILL" PENSION:

- ▶ This pension creates a *presumption* that eligible members, who develop heart disease after passing a pre-employment physical examination at the time of original appointment, incurred that disease in the performance of duty. Eligible members are entitled to a disability benefit equal to three-quarters of Final Average Salary.
- ▶ **To qualify**, you must prove to NYCERS that due to your cardiac disability you can't do your job. Simply having a heart attack may not be sufficient or having a pre-existing condition is not sufficient.

**PROTECT YOURSELF: GET A CORRECT
"LODI" REPORT:**

If you are involved in a LODI, it is very important that the supervisor fill out the complete report including the "Type of Unsafe Condition," using codes C1 through C9. Try to avoid writing "N/A," this may be interpreted by NYCERS as "Not Applicable" and may result in the denial of your 3/4 accident disability pension. Your Supervisor should write "Not Avail" if he/she can't investigate the unsafe condition.

For more information on these or any other matters, call, write, phone, text, or email:

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The information presented is designed for general information only, it should not be construed to form legal advice nor the formation of a lawyer/client relationship. Any questions about NYCERS pensions - call their medical division at 347-643-3000.