

**RECENT SUCCESS STORIES:**

**JURY AWARDS CRASH VICTIM'S**

**FAMILY \$29,000,000** 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 struck by a tractor-trailer. 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.

**CORRECTION OFFICER WITH PSYCH PROBLEMS ALLOWED TO CARRY GUN AND ATTEMPTED SUICIDE, SETTLED DURING TRIAL FOR \$7.25 MILLION**

•Correction Officer dealing with psychotic episodes shot herself in the head after her employer, who originally removed her gun allowed her to take it home. She survived the suicide attempt but she suffers severe spastic quadriplegia, and she is totally paralyzed from the neck down. She now requires the services and care of a nursing home. Her care costs about \$123,000 annually.  
•Our office successfully brought an action against the City of New York alleging that the Department of Corrections negligently allowed her to retain her firearm. After a lengthy trial, the matter settled before jury deliberations for \$7.25 million dollars.

**SANITATION SUPERVISOR GETS \$1 MILLION FOR TRIPPING OVER METAL DOOR SADDLE AND RETIRES**

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, Sanitationman, Spoto, 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 was forced to take a 3/4 pension.

**SANWORKER FALLS THROUGH BATHROOM FLOOR, JURY AWARDS**

**\$3,800,000** Sanitationman, Caiazza, fell through a rotted floor injuring his knee, lower back and groin, which required surgery. Because the City of New York had received prior written notice of the rotted floor, a jury awarded \$3,850,000 for 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 and his wife, \$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 and avoided the accident.

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## **PENSION DEPARTMENT:**

### **SANITATION WORKER GETS 3/4 PENSION FOR MVA WHILE DOING RELAY**

Sanitation Worker, Gager, was doing 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 her 3/4 accident disability pension.

### **SANITATION WORKER GETS 3/4 ACCIDENT DISABILITY PENSION AFTER BEING STRUCK BY TIRE CHAINS**

Sanitation Worker, Colon, was in a Manhattan Salt Pit watching a co-worker try and dislodge a truck from the salt pile when the tire chains suddenly broke and struck him in the back. He sustained a severe low back injury, never returned to work and was about to be medically separated. Our office was able to intervene and win his 3/4 accident disability pension.

### **IMPORTANT THINGS TO REMEMBER:**

☞ NYCERS may impose an earnings limitation in 2009 to all pensions;

☞ If you are injured on the job due to a defective city vehicle, cracked sidewalk, a hole in your garage floor, broken step, broken floor, poor drainage, poor or broken lighting, a persistent leak, an oil spill, a downed truck, don't wait: **FILE A NOTICE OF CLAIM WITHIN 90 DAYS OF YOUR ACCIDENT WITH THE NYC COMPTROLLER;**

☞ 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;

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

For more information, go to:

[www.SanitationLawyer.com](http://www.SanitationLawyer.com)

Email: [tstrier@tjslaw.com](mailto:tstrier@tjslaw.com)

## **NO-FAULT BENEFITS:**

**IF YOU ARE INVOLVED IN A LODI WITH A CITY VEHICLE, YOU MAY BE ELIGIBLE FOR EXTRA MONEY FROM THE CITY, 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 in September 2005, he was officially retired in October 2006. For those 13 months of lost overtime, chart and holiday, 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 win, you must prove to NYCERS that due to your cardiac disability that 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.

For more information on these or any other matters, call, write 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