

THE COMMON LAW

A Newsletter of

THE DEARIE LAW FIRM, P.C.

1-800-2-DEARIE (1-800-233-2743)

FALL 2018

Both Dearie's Awarded National Legal Honor

John C. and John P. recently, in August, were honored with individual selections by The Who's Who Directories 2018-2019 as Top Attorneys in North America. The Award focuses on lawyers possessing outstanding experience and accomplishments in Civil practice specializing in the Personal Injury field.



Medical Malpractice ... 'Deviation' is the key

This legal area occurs when a health care provider, such as a doctor, nurse, hospital or any medical facility gives patient treatment that is considered a "deviation or departure from accepted medical practice."

Frequently called Medmal, while it can happen in virtually any medical treatment situation, three causes of legal action are highly repetitive.

First, Mis-Diagnosis-when your real underlying medical condition is not correctly diagnosed and treated resulting in long term, more serious injury than had it been done properly from the beginning. Second, Failure to Diagnose-often in cancer cases, frequently mammograms, when an X-Ray, CT Scan or MRI are misread leading to a spread of the malignant disease. Third, Surgical Injuries- transpires when during surgery damage occurs to other healthy organs or nerves that if the procedure had been done accurately it would not have lead to longer term complications.

Two circumstances that unfortunately happen a great deal but do not qualify as Medmal are when a Doctor with poor bedside manners ignores or talks insensitively to a patient's family and when a person regrettably endures an exceptionally long wait in a hospital emergency room. Highly upsetting yes, medical malpractice no!



Our firm works closely with Attorney Eliot Wolf, of Counsel, who brings a unique background as both a Medical Doctor and active Trial lawyer. Contact our office with any Medmal questions at 212-980-0404.

Soccer League Support... Almost the Bronx World Cup

Our firm is excited to support over 350 primarily Mexican players on 28 teams competing at the Ferry Point Park soccer fields under the Whitestone Bridge in two leagues-USA-Mex Premier Soccer League and the La Liga Mexicana de Futbol de Nueva York. Proudly, three players from these leagues played in the recent World Cup Tournament.



Construction Everywhere Often Cause Construction Site Accidents

Whether dock builder, sheet metal worker, plumber, carpenter, electrician or any construction worker safety first must always mark every work minute. But still, inevitably accidents happen in such a dangerous space performing dangerous work.

New York State statues provide very strong worker protection especially when injuries occur on construction sites. Job related accidents cover three overall classes: 1-general workplace safety 2-falls from ladders and scaffolds 3-slipping and tripping in the workplace.

Any work place injury entitles the worker to a Workers Compensation Claim automatically but prevents a lawsuit being brought against the injured worker's employer. If a company or individual, other than the worker's employer caused the accident as often happens, then a so called Third Party Action lawsuit can be filed within three years of the accident.

Experienced legal analysis should review every work site accident to explore if you have a Third Party case so call Attorney John C. Dearie if you've suffered an injury at 212-980-0404.

AREAS OF PRACTICE

POST 9/11 VCF • MOTOR VEHICLE • CONSTRUCTION SITE
MEDICAL MALPRACTICE • SLIP AND FALL • BED SORES
BICYCLES • WORKERS COMPENSATION • LEAD PAINT
PHARMACEUTICAL

Our Mobile Law Offices... 20 Years and Still Driving Legal Services

In the late 1990's when federal funding ended for these mobile units as classrooms they then became available, leading our firm to purchase the first one transforming it internally into a mobile law office. Our goal then, remaining today, focuses on assisting injured clients unable to travel to our permanent offices who can simply make an appointment for legal services to be driven to their neighborhood or doorstep.

Among the productive tasks for clients performed on the mobile offices include meeting to discuss the facts and injuries of their accident; to obtain signed medical authorizations; to consult in preparation for a plaintiff deposition; to engage in electronic face to face discussions with their attorney or paralegal on case status and much more.

One of the most frequently asked questions over two decades has been "when will the mobile office be back in my community?" So in addition to responding to individual appointment requests, our firm is preparing a mobile office weekly schedule for all counties aiming to locate our mobile units at major intersections convenient to all county neighborhoods.

The Bronx Weekly Schedule Locations Mailing...



THE DEARIE LAW FIRM, P.C.
BRONX MOBILE LAW OFFICE
WEEKLY NEIGHBORHOOD LOCATION SCHEDULE

COMMUNITY	DAY	TIME	MOBILE OFFICE LOCATION
BAYCHESTER, ALLERTON, WILLIAMSBRIDGE	TUES.	10-11 A.M.	WILLIAMSBRIDGE ROAD @ ALLERTON AVENUE
CASTLE HILL, HARDING PARK, CLASON PT	THURS.	1-2 P.M.	WHITE PLAINS ROAD @ LAFAYETTE AVENUE
CONCOURSE, MOUNT EDEN, HIGHBRIDGE	WED.	2:30-5 P.M.	W 170 TH STREET BTWN WYTHE PLACE & WALTON AVENUE
CONCOURSE VILLAGE	THURS.	3-4 P.M.	GRAND CONCOURSE @ 156 TH STREET
CO-OP CITY, CITY ISLAND	TUES.	11:30-1 P.M.	BARTOW AVENUE @ CO-OP CITY BLVD
CROTONA BLVD, BATHGATE, CLAREMONT	THURS.	10-11 A.M.	THIRD AVENUE @ 170 TH STREET
EASTCHESTER, WAKEFIELD, EDENWALD	TUES.	2-3 P.M.	BAYCHESTER AVENUE @ E 233 RD STREET (NEAR SENTON FALLS PK)
FORDHAM	WED.	1-2 P.M.	KINGSBRIDGE ROAD @ JEROME AVENUE
GUN HILL	FRI.	10-11 A.M.	GUN HILL ROAD @ JEROME AVENUE
KINGSBRIDGE, RIVERDALE	WED.	10-11 A.M.	BROADWAY @ W 230 TH STREET
MORRISANIA, MELROSE, HUNTS POINT	THURS.	11:30-1 P.M.	E 163 RD STREET @ SOUTHERN BLVD (NEAR MCDONALDS)
MOTT HAVEN, PORT MORRIS	THURS.	1:30-2:30 P.M.	E 149 TH STREET @ EAGLE STREET (ST. MARY'S PARK)
NORWOOD, BEDFORD PARK	WED.	11:30-12:30 P.M.	MOSHOLU PKWY N @ BAINBRIDGE AVENUE
PARKCHESTER, UNIONPORT	THURS.	3:30 - 5:00 P.M.	METROPOLITAN AVENUE @ WOOD ROAD (NEAR MACY'S)
PELHAM BAY, MIDDLETOWN	THURS.	11:15 - 12:15 P.M.	WESTCHESTER AVENUE @ BUHRE AVENUE
SOUNDVIEW, BRONX RIVER	THURS.	2:15 - 3:15 P.M.	WESTCHESTER AVENUE BTWN STRATFORD & MANOR AVENUES
THE HUB	FRI.	10-2 p.m.	E 149 TH STREET @ THIRD AVENUE

*All Locations Subject to Parking Regulations and Traffic Conditions, but The Mobile Office Will Be Parked Within 1 Block of Designated Intersections

Mobile Office in Bedford-Stuyvesant, Brooklyn.



Mobile Office Director Swannie Batista with Assistant Luis DeLaRosa meet with local residents outside Mobile Law Office on New York Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn. All Mobile Office Coordinators are bilingual- English and Spanish.

For all questions concerning the Mobile Law Offices or to make an appointment or to inquire on their locations for today or anytime simply call Swannie Batista at 718-543-1100.

Welcome Lindsey



Our firm is delighted to welcome Attorney Lindsay Harriman, originally from Long Island, who brings five intense years experience in the personal injury field. Her major legal practice has focused on two high litigation areas of Motor Vehicle Accidents along with Slip and Fall cases.

Additionally, Lindsay has argued ten civil cases before the New York State Supreme Court with one verdict having been published on August 29, 2017 in the Jury Verdict Review Analysis.

Lindsay's legal knowledge plus warm, caring personality will be a great asset to all clients she serves.

Narrowing Asbestos Litigation

For over twenty-five years our firm has been deeply involved in the asbestos litigation practice representing almost five thousand workers in several industries.

Classifying our clients by major work fields focuses on three areas, specifically utility, transportation and construction.

Decades past many of our clients had been diagnosed with non malignant illnesses such as Asbestosis, plural thickening and plaque comprising a segment of currently active cases. As the asbestos legal field has evolved in recent years, presently only cancer based diseases -lung cancer and mesothelioma—resulting from asbestos exposure are litigated.

Numerous asbestos manufacturers decided to moved into bankruptcy, subsequently coming out of that status, by setting up substantial financial Trusts against which plaintiff Claims are filed.

Twice annually for cancer suffering clients a filing window opens in the New York State Supreme Court permitting diagnosed workers to have their cases expedited due to their serious medical condition. Our firm works closely with safety and retiree departments of these

Unions to alert and guide members.

Below shows an example of a recent Transport Workers Union Local 100 Retirees members mailing. Assisting workers with valuable information remains a top goal of our firm.

THE JOB YOU DID AT THE TRANSIT AUTHORITY EXPOSED YOU TO ASBESTOS!

The legal process gives you a speeded-up preference if your medical condition has changed and you have been diagnosed with either Stage III or Stage IV LUNG CANCER, OR MESOTHELIOMA.

The Window for Litigation OPENS Thursday, August 16, 2018 & CLOSES on Monday, October 22, 2018.

Have you been diagnosed **within the last three years** with illnesses linked to extensive asbestos exposure?

- Airbrake Maintainer
- Bus Maintainer
- Car Inspector
- Car Maintainer
- Mechanical Maintainer
- Power Distribution Maintainer
- Power Electrical Maintainer
- Cleaner
- Signal Maintainer
- Structure Maintainer
- Track Worker

Your job title exposed you to asbestos/asbestos based products during your working days. **Serious diseases have been medically linked to asbestos exposure**

THOUSANDS OF TWU LOCAL 100 MEMBERS WERE EXPOSED TO THIS TOXIC ENVIRONMENT!

Your exposure to asbestos products could take 20+ years to effect your health. Contact The Dearie Firm if you've been diagnosed with Stage III lung cancer or mesothelioma. You may be entitled to a financial settlement.

Michael Tutrone
Retiree Association
Director, TWU Local 100

SEE THE REVERSE SIDE FOR CONTACT INFORMATION →

Post 9/11/01 The World Trade Center and Victim Compensation Fund

The recent 17th anniversary of the most frightening horrific day we have all shared reminds us once again of the remarkable courage fellow citizens demonstrated rushing to the World Trade Center seeking only to help.

It is with special law firm pride, we legally represent almost one thousand victims suffering from injuries sustained in the toxic post towers collapse leading to cancers and non malignant illnesses. Additionally, numerous clients have endured costly economic loss caused by physical inability to continue their working lifestyle.

The federal \$7.6 Billion 9/11 Health and Compensation Act (also known as The Zadroga Law), signed into law by President Obama in 2010, has provided fiscal compensation to qualified responders.

Critical to understand that even today seventeen years after 9/11 eligible persons diagnosed with a Covered Condition injury can still file a VCF Claim if they were in one of the target zones.

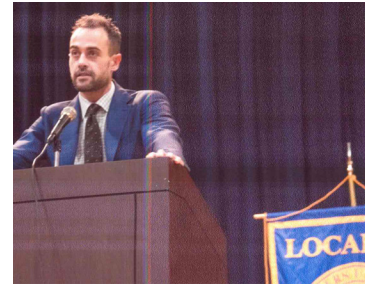
From the beginning, the Victim Compensation Fund (VCF) has made Awards to individuals meeting two criteria. One- the person must have had presence at a crash site during the time period 9/11/01 to 5/31/02. Two- the person needs to be diagnosed with a physical injury determined as the result of the after-crash environment.

There exist basically four crash site zones, namely, all geography South of Canal Street in lower Manhattan (the prime zone) plus Staten Island's Fresh Kills Landfill, barges moving debris and NYC Morgue.

Most importantly, an individual must be diagnosed with an illness identified as a Covered Condition by the National Institute for Occupational Safety and Health (NIOSH) which links human exposure to the toxic WTC atmosphere. Almost fifty types of Cancer and several Respiratory Illnesses are included.

Please review carefully the entire listing of Covered Conditions in the box below.

Attorney John P. Dearie heads our firm's 9/11 VCF Department. Feel free to contact him by phone: 1-800-2DEARIE (1-800-233-2743) or e-mail: JPD@DearieLaw.com.



John P. Dearie addressing the Utility Workers Union Local 1-2 explaining the Victim Compensation Fund program to members at Union meeting in Manhattan.

COMPREHENSIVE LIST OF COVERED CONDITIONS

HEAD & NECK

- Malignant neoplasm of lip
- Malignant neoplasm of base of tongue
- Malignant neoplasm of other and unspecified parts of tongue
- Malignant neoplasm of parotid gland
- Malignant neoplasm of other and unspecified major salivary glands
- Malignant neoplasm of floor of mouth
- Malignant neoplasm of gum
- Malignant neoplasm of palate
- Malignant neoplasm of other and unspecified parts of mouth
- Malignant neoplasm of tonsil
- Malignant neoplasm of oropharynx
- Malignant neoplasm of nasopharynx
- Malignant neoplasm of piriform sinus
- Malignant neoplasm of the hypopharynx
- Malignant neoplasm of other and ill-defined conditions in the lip, oral cavity and pharynx
- Malignant neoplasms of nasal cavity
- Malignant neoplasm of accessory sinuses
- Malignant neoplasm of the larynx

MESOTHELIOMA

PROSTATE CANCER

SOFT TISSUE

- Malignant neoplasm of peripheral nerves and autonomic nervous system
- Malignant neoplasm of other connective and soft tissue

SKIN (NON MELANOMA)

- Other malignant neoplasms of skin
- Scrotum

MELANOMA

- Malignant melanoma of skin

DIGESTIVE SYSTEM

- Malignant neoplasm of the esophagus
- Malignant neoplasm of the stomach
- Malignant neoplasm of the colon
- Malignant neoplasm of rectosigmoid junction
- Malignant neoplasm of the rectum
- Malignant neoplasm of other and ill-defined digestive organs
- Malignant neoplasm of the liver and intrahepatic bile ducts
- Malignant neoplasms of retroperitoneum and peritoneum

RESPIRATORY SYSTEM

- Malignant neoplasms of the trachea
- Malignant neoplasm of bronchus and lung
- Malignant neoplasm of heart, mediastinum and pleura
- Malignant neoplasm of other and ill-defined sites in the respiratory system and intrathoracic organs

RARE CANCERS – defined as “any type of cancer that occurs in less than 15 cases per 100,000 persons per year in the United States.” Some examples of cancer that meet the “rare cancer” definition include, but are not limited to, the following:

- Neuroendocrine malignancies
- Malignant neoplasm of the male breast
- Malignant neoplasm of the gallbladder/biliary tract
- Malignant neoplasm of the small intestine
- Malignant neoplasm of the thymus
- Malignant neoplasm of the central nervous system
- Malignant neoplasm of the adrenal gland
- Gastrointestinal stromal malignancies
- Malignant neoplasm of the penis

FEMALE REPRODUCTIVE ORGANS

- Malignant neoplasm of ovary

URINARY SYSTEM

- Malignant neoplasm of bladder
- Malignant neoplasm of the kidney except renal pelvis
- Malignant neoplasm of renal pelvis
- Malignant neoplasm of ureter
- Malignant neoplasm of other and unspecified urinary organs

EYE & ORBIT

- Malignant neoplasms of eye and adnexa

THYROID

- Malignant neoplasm of thyroid gland

BLOOD & LYMPHOID TISSUE

- Hodgkin's disease
- Follicular (nodular) non-Hodgkin lymphoma
- Diffuse non-Hodgkin lymphoma
- Peripheral and cutaneous T-cell lymphomas
- Other and unspecified types of non-Hodgkin lymphoma
- Malignant immunoproliferative diseases
- Multiple myeloma and malignant plasma cell neoplasms
- Lymphoid leukemia
- Myeloid leukemia
- Monocytic leukemia
- Other leukemias of specified cell type
- Leukemia of unspecified cell type
- Myeloid malignancies
- Other and unspecified malignant neoplasms of lymphoid, hematopoietic and related tissue

CHILDHOOD CANCERS – defined as “any type of cancer diagnosed in a person less than 20 years of age.”

BREAST

- Malignant neoplasm of breast

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OUR FOUR LAW OFFICE LOCATIONS:

SOUTH BRONX

391 E 149th St, Suite 514, Bronx, New York 10455 • 718-543-1100

MANHATTAN

515 Madison Ave, Suite 1118, New York, NY 10022 • 212-980-0404

BROOKLYN

26 Court Street, Suite 2402, Brooklyn, New York 11242 • 929-287-3100

NORTH BRONX

3265 Johnson Ave, Suite 200, Bronx, New York 10463 • 929-358-7100

24 HOUR TOLL FREE

1-800-2-DEARIE

(1-800-233-2743)

For any questions or to make an appointment with the Mobile office contact, Swannie Batista at

718-543-1100

www.dearielaw.com

We Speak English, Spanish, Polish, Russian and Chinese

Recent Case Results

Over the past six months, since our firm's last The Common Law newsletter, below are some personal injury case results which we felt you would find interesting.

- NYC Dept of Transportation Carpenter exposed at WTC.....\$1,549,000
- Nursing home patient developed bedsores tumors\$255,000
- Construction worker tripping on unmarked ramp requiring knee surgery\$600,000
- Utility worker exposed to Asbestos in enclosed powerhouses\$1,940,000
- NYPD Officer exposed to 9/11 toxic environment \$2,026,000
- Laborer tripped on rocks at job site in Brooklyn.....\$275,000
- Riding bicycle in lower Manhattan struck by large commercial truck\$250,000
- Operating Engineer working at WTC on 9/11/01.....\$1,347,000
- MTA Mechanic in Coney Island maintenance department exposed to Asbestos\$3,115,000
- Passenger rear ended in motor vehicle accident in Queens.....\$315,000