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WE TAKE YOUR PERSONAL INJURY CASE PERSONALLY

WINTER
2025-2026

Notable 2025 Results

Every client, and every case, is unique. We provide each of our clients the necessary attention they deserve. Below are some cases of interest we resolved in 2025.

\$500,000 A mother was injured at a trampoline park when she dropped into a ball pit and broke her leg. The proprietor claimed that the attraction did not violate any safety standards and patrons assumed the risk of participating. We were able to show that our client followed all of the posted rules, that the staff failed to regularly redistribute the balls to maintain their depth, and that another patron was injured in the same fashion just months before, putting the owner on notice of a dangerous condition.

\$457,500 Our client, who was blind, tripped over a shunt placed across the sidewalk, which was protecting cables providing temporary power. We successfully argued that the shunt was a safety hazard, because even though it was ramped, it presented an abrupt vertical edge in excess of ADA and local standards, and that no warnings were provided to our client who lived in the building.

\$250,000 An Instacart delivery driver was injured while making a delivery to a homeowner. There was a lack of lighting, and an awkward step which caused a trip and fall.

\$200,000 A married couple was stopped for a red light when their car was rear-ended.

\$100,000 A motorcyclist was injured when a car made a left turn in front of him. The motorcyclist was forced into a controlled slide in an effort to avoid a head on collision.

\$100,000 An Uber driver was injured when while stopped for a red light, a driver backed his car out of his driveway, and into the Uber driver's vehicle.



Marc Miner

Zachary Miner

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Rear End Car Collisions



In a rear end collision, there is an assumption that the rear vehicle is at fault. An occupant of the front vehicle is entitled to summary judgment unless the rear driver can provide a non-negligent explanation.

It is well established that a rear-end collision with a stopped, or slowing, vehicle establishes negligence on the part of the operator of the second vehicle. This rule has been applied when: the front vehicle stops suddenly in slow-moving traffic, even if the sudden stop is repetitive; when the front vehicle, in stop-and-go traffic, stopped while crossing an intersection; when the front car stopped when a traffic light turned yellow; when the front car stopped because it was cut off; and when the front car stopped due to mechanical issues. When such a rear-end collision occurs, the injured occupants of the front vehicle are entitled to Summary Judgment on liability, unless the driver of the following vehicle can provide a non-negligent explanation,

A following vehicle is under a duty to maintain a safe distance between his car and the car in front of his. His failure to do so, in the absence of a non-negligent explanation, constitutes negligence as a matter of law. A bare allegation that the lead vehicle stopped short is insufficient to rebut the inference of negligence on the part of the driver of the following vehicle.

The New York State Vehicle and Traffic Laws set forth the rules of the road in New York. Specifically, as it applies to rear end accidents the relevant rule is as follows:

NYS VTL §1129 Following too closely.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

Accordingly, a driver must leave enough room to stop behind a car it is following, keeping in mind that the car in front of it may make an unexpected stop.

The rear driver may not be at fault if: the front driver backed up into the rear driver; if the front driver changed lanes and then immediately stopped short in front of the rear driver (i.e. cut off the rear driver); or if the rear driver was himself hit from behind by a third vehicle and pushed into the vehicle in front of him, in a chain collision.

In summary, when there is a hit in the rear car accident, the rear driver will be found at fault, unless the rear driver can offer an explanation for the collision that explains why the rear driver was not negligently at fault.

AREAS OF
PRACTICE:

Lawyers you can rely on and a law firm you can trust.

Personal Injury | Car Accidents | Premises Liability | Construction Site Accidents | Medical Malpractice
Trips, Slips, and Falls | Wrongful Death | Dog Bites | Traumatic Brain Injuries | Other Types of Accidents

Cargo

Falling from a Truck

Safety comes first when there is a cargo-related accident. Remain calm and try to move your vehicle away from the flow of traffic. Call 911 to report the crash, request police and medical assistance if there are injuries.

Document the scene, taking photos of the spilled cargo, vehicle damage, and any visible injuries using your phone. Let trained crash scene investigators handle evidence collection in dangerous highway conditions.

If you crash while swerving to avoid loose debris you may share some degree of fault, but the truck driver would likely still be the primary responsible party.

Truck drivers are required by federal law to properly secure their cargo before traveling. Truck drivers who do not inspect their cargo, use adequate restraints or fail to adhere to federal regulations can be held liable if their negligence leads to a crash and causes you harm. This includes crashes caused by other drivers' reasonable attempts to avoid unsecured loads in traffic.

Multiple parties can share responsibility when loose cargo causes an accident.

- ▶ The truck driver
- ▶ The trucking company
- ▶ The cargo loading company
- ▶ Maintenance companies

Companies responsible for truck maintenance may be liable if a mechanical failure caused cargo to fall. Poor maintenance of tie-down points or cargo restraint systems can create dangerous conditions.

Most cargo incidents result from preventable human errors rather than unavoidable mechanical failures. Federal regulations exist specifically to prevent these dangerous situations:

- ▶ Faulty tie-down systems
- ▶ Improper load distribution
- ▶ Skipped safety inspections
- ▶ Overloaded Vehicles
- ▶ Weather-Related Loosening
- ▶ Worn or Defective Equipment
- ▶ Rushed loading
- ▶ Lack of Driver training

If you have been injured due to falling cargo, please call our office today. Our seasoned attorneys are here to help.

Winter Driving Tips

Dangerous weather, such as snow-covered roads, icy bridges and reduced visibility, can make winter driving a challenge. Sometimes it is inevitable that you must drive during these slippery times. Here are some ways to help you stay safe.

Important vehicle features to check before driving in the winter:

- ▶ Tires
- ▶ Anti-freeze
- ▶ Vehicle lights
- ▶ Battery
- ▶ Brakes
- ▶ Fluids

Before Going Out on the Road:

It is a good idea to stay home when winter weather arrives but sometimes it is unavoidable. Before going out in dangerous weather plan a map that sticks to primary roads and gives plenty of extra time to arrive at your destination.

Before leaving the house, here are some steps to make sure you are ready to go:

1. Clear away snow and ice
2. Place emergency items in your vehicle:
 - ▶ Emergency blanket
 - ▶ Flares
 - ▶ Working flashlight
 - ▶ Portable charger for your cell phone
 - ▶ Water
 - ▶ First aid kit
 - ▶ Emergency triangles
3. Make sure all your lights are working

Driving During Winter Weather:

Driving in winter weather presents various challenges. Things such as black ice, dense fog or snow squalls can pop up out of nowhere. Drivers owe a legal duty of care, even in bad weather, which means those who cause a crash during these road conditions are still held liable for the damages.

You may not be able to control other drivers on the road but you can take some precautions to keep yourself, and others, safe in winter conditions.

- ▶ Reduce your speed
- ▶ Increase following distance
- ▶ Avoid cruise control
- ▶ Be extra cautious on bridges and overpasses
- ▶ Avoid distractions

Remember, it is safer for you to stay at home during winter weather. Even if you drive well in winter conditions, it is better to avoid venturing out. However, if you find yourself in difficult driving conditions, it is a good idea to follow these tips to keep you safe!



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Back Pain Could Be More

Back pain is one of the most common medical complaints in the U.S., affecting millions of people each year. When doctors minimize back pain suggesting it is caused by poor posture, muscles strains and even age degeneration instead of looking deeper, it can be very frustrating. Not all back pain is benign. Sometimes, your back pain can be a red flag as an early sign of a more significant medical condition that requires prompt medical treatment.

Many patients with severe, persistent back pain are not taken seriously. Symptoms can be brushed off. Life threatening spinal cord injuries like cancer, infections or neurological disorders can go undiagnosed until it is too late.

Hearing that your pain is nothing when your body is telling you otherwise isn't just negligent; it can also put your health and life at risk. Missteps in your diagnoses can amount to medical malpractice, if a reasonable standard of care was not followed and you suffered harm as a result.

If you are experiencing persistent or worsening back pain, especially with additional symptoms like weakness, fever, numbness, or loss of control over bodily functions, you should:

- ▶ Advocate for yourself
- ▶ Don't be afraid to ask for imaging or a second opinion
- ▶ Keep records of your visits and test results
- ▶ Be specific about your symptoms
- ▶ How do these symptoms affect your daily life
- ▶ Seek emergency care if symptoms worsen

If you believe your doctor missed something serious, speak to a medical malpractice attorney. You may have a legal right to compensation for medical costs, lost income, pain and suffering and more. Call our office today. We are here to help.



Safety Considerations When Using Portable Heating Devices

It's that time of year when the weather gets colder and people start to wear coats, scarves and gloves to warm themselves from the chilly air. As the air gets cooler, you may need options for keeping warm inside your home. One option is to use a portable heat source. Portable heating devices can be a great choice for taking away the cool air. However, there are dangers that can arise with their use. Here are a few things to consider when using a portable heating device.

- ▶ Portable heaters are made in different sizes. Verifying the space that you are trying to heat will help you find the type and size of heater you need. Don't try to heat an entire room with a portable heater but focus the heat in the direction that you need it.
- ▶ Maintain at least 3 feet from anything flammable. This includes curtains, couches or blankets. If you are using this device in an office keep all papers away from the heater. Also, make sure that the portable heater is in a location away from people and pets to avoid anyone burning themselves or tripping over the cord.
- ▶ If your device is older, check it before use. Look for frayed electrical cords or a loose plug. Make sure that the device is clean and free of dirt, dust and debris before use. Look out for potential hazards, like sparking, irregular smells and flickering lights that may indicate an electrical issue.

Always stay cautious and use safe practices when dealing with portable heaters. Basic safety practices with portable heating devices will help you prevent fires and injuries in both your family home and business, while keeping you warm in these colder months.

Winter Word Search

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| O | E | I | B | T | Z | D | T | E | U | K | E | N | B | J | L | B | F | S | F |
| J | R | N | G | H | O | G | B | L | U | S | T | E | R | Y | Q | C | E | P | C |
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SNOW BOARDING
SNOW ANGEL
COMFORTER
SNOWBALL
BLUSTERY
HANUKKAH
DECEMBER
PINETREE
ICESKATE
EARMUFFS
SLEDDING
TOBOGGAN
JACKET
SHIVER
HEATER
POLAR

MERRY & HAPPY CHRISTMAS NEW YEAR

*The end of the year brings no greater joy
than the opportunity to wish you season's
greetings & warm wishes this holiday season.*

May your new year be filled with

Joy, Peace & Prosperity.

From all of us at,



Zalman Schnurman & Miner P.C.

**2026 Calendar
Magnet Inside!**

**Our website has been updated.
Check it out at: 1800LAWLINE.COM**

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What **our clients** are saying:

In each newsletter we feature a five-star review one of our clients posted on social media. If you are a satisfied client and have not yet left us a review on Google, or another site, it's never too late. We would love to hear from you.

★★★★★ *"Marc Miner, and his Firm were the kindest and most professional and compassionate attorneys, who really helped to win and resolve a very tricky case." – A.M.*

★★★★★ *"Everything was quick and efficient! I appreciate all their help and definitely recommend". – J.S.*

UNINSURED? Here's the Cost ...



Many drivers on the road do not have car insurance. When you are not at fault, not having insurance does not stop you from making a claim against the other party. In some states you can still make a claim against another person even if you don't have insurance on your own car. However, when you don't have insurance on your own car, you are at the mercy of the other negligent driver to be responsible. You rely on the other person's insurance to take care of you.

The other person was at fault, so why won't the other person's insurance take care of it?

Because they don't have to. The at-fault carrier won't make any payments until they accept that the driver with their car insurance is completely responsible. While the insurance company is figuring that out, your car sits in the storage yard. You have no rental car. You are completely dependent on the insurance company of the person that hit you. That insurance company does not want to pay you if they have an excuse.

What are some of the excuses that the at-fault insurance company will use?

- ▶ *We have not spoken to our insured*
- ▶ *We have not received the police report*
- ▶ *We have to assign a new adjuster*
- ▶ *We don't have to pay you because you don't have insurance*

While this drives business to our law office, having insurance on your own car can make your life a whole lot easier and less expensive.

What do you have to do while the other person's insurance figures things out?

Pay out-of-pocket:

- ▶ For a rental car
- ▶ For the towing expenses
- ▶ For the storage
- ▶ For the repair of your vehicle

We are here to help but you can help yourself as well, by keeping your car insured.