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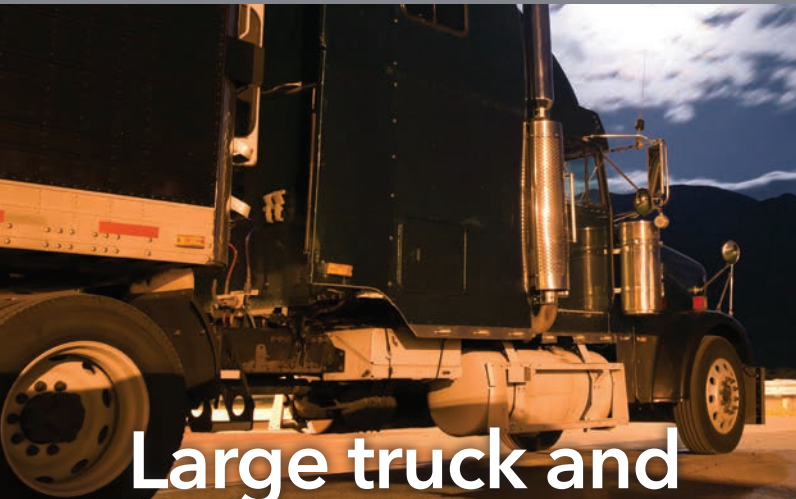
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FALL
2019



Large truck and passenger vehicle COLLISIONS

When a tractor trailer or other large truck collides with a passenger vehicle, it is almost always bad news for the driver and passengers of the smaller vehicle. In fact, 97% of fatalities in these types of accidents are those in the smaller vehicle.

The main problem is the vulnerability of those in passenger vehicles. Large trucks usually weigh 20-30 times as much as a car and sit much higher off the ground. The high clearance leads to the possibility of the car underriding the truck in a crash. This is extremely dangerous.

Large trucks take about 20% to 40% more distance to stop than passenger vehicles. This discrepancy increases in slippery conditions, making accidents more likely. Another factor in large truck collisions is driver fatigue. Large truck drivers are allowed to drive up to 11 hours at a stretch and up to 77 hours over a seven-day period under federal hours-of-service regulations. Some drive even more. Fatigue leads to slower response times and the longer distances required to stop the bigger vehicles adds even more time between the driver seeing something that requires a stop and the truck coming to a stop. The consequences can be deadly.

Those who have been in an accident involving a large truck not only have to deal with an insurance company to collect damages, but also with the company that owns the truck. In these cases, having an experienced attorney on the case can be highly beneficial. If you or a loved one has been involved in an accident involving a large truck, contact our office for a free consultation.

Sharing the road with Semis

7 TIPS

Three out of every four accidents involving a commercial vehicle are caused by a driver in a passenger car! We share the road with semi-trucks (tractor trailers) every day, but many of us remain unaware of the special precautions we should take around them and the special limitations these large vehicles have. To help make the roads safer for everyone, be mindful of the following 7 tips while sharing the road with semis.

- 1. Drive defensively.** Semis are big and heavy, making them slower to react than passenger vehicles. That means it's extremely important for you to anticipate trouble ahead, so you have plenty of time to avoid the semis if anything happens. Defensive driving is the best way to do this.
- 2. Keep a safe distance.** Tire blowouts, sudden stops, and wind-induced blow-overs can happen to semis. Keeping a safe distance gives you time to react to any trouble. Best practice is to leave a four-second following distance when driving behind a semi.
- 3. Avoid blind spots.** Semis are big. That means there are several spots that the driver cannot see. Watch out for blind spots directly in front of the cab, behind the trailer, and along the sides. The worst blind spot is the right side of the trailer; sometimes the driver's view can be blocked for three or more lanes!
- 4. Pass quickly.** When passing a semi, make haste! Leave plenty of space to the side of the truck and don't dawdle. Remember, you'll be in the driver's blind spot while passing.
- 5. Don't cut off a big truck.** Seems like this one is pretty obvious, but even so it is worth a mention because it takes a truck longer to stop than most of us realize. If travelling 65 miles per hour, it can take a semi 200 yards (two football fields!) to stop.
- 6. Turn off the high beams.** Big trucks have big mirrors and big mirrors reflect lots of light. So drop those high beams when approaching a semi so the driver isn't blinded.
- 7. Always use your signals.** We keep coming back to how long it takes a truck to stop or react. That's why it's so important to use your turn signals and to use them early, at least three seconds before a turn, so the truck knows what you're going to do and can adjust.

Semis get all the stuff we want and need to the places we need it to be and we would all have a hard time without them. Following these 7 tips while driving around semis will make your trip safer and allow semi drivers to arrive at their destinations on time and in one piece.

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Areas of Practice:

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

RECENT CHANGES TO NEW YORK LAWS SEXUAL ABUSE, DISCRIMINATION & HARASSMENT

New York's Child Victims Act has expanded the time to sue for sexual abuse, and in many cases revived claims previously barred by the statute of limitations. Previously, the statute of limitations for a civil case involving sexual abuse was at most 5 years from the date of incident, or from the victim's 18th birthday, whichever was later. Now, any person who was sexually abused while under the age of 18, will have until they are 55 years old to file a lawsuit. Additionally, if a lawsuit had not been timely commenced prior to the enactment of the Child Victim's Act, that lawsuit may now be timely brought, so long as it is commenced by August 14, 2020. Thus any person who was 23 years age or older as of February 14, 2019 (the day the CVA was signed) and sexually abused while under 18, may bring a lawsuit for sexual abuse by August 14, 2020, or they will be forever barred from doing so. Any person who was under the age of 23 on February 14, 2019, and sexually abused while under 18, has until they are age 55 to commence such a lawsuit. If someone was sexually abused after turning 18 years old, the old statutes of limitations apply. The foregoing is true whether the claim is against the individual abuser, or the institution the abuser worked (or volunteered) for.

New York's Human Rights Law has been amended to expressly state that employers cannot refuse to hire, attain, promote or take other discriminatory action against a worker for clothing or facial hair associated with their religion.

Section 292 of New York's Executive Law has been amended to make it easier for workers to bring discrimination and harassment claims, effective October 11, 2019. The amendments make clear that an employer may not subject an individual to harassment or discrimination because of the individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, or because the individual has opposed any practices forbidden under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Previously, employers accused of harassment would often defend the case by claiming that the conditions complained about were not severe or pervasive in the workplace, but now it is enough that the worker show that he or she was harassed. Additionally, the worker need not report the claim to the employer or follow a company's policy for addressing the claims, before bringing a claim against the employer. The employer can defend itself by showing that the alleged conduct did not rise above the level of what a reasonable victim of discrimination would consider petty slights or trivial inconveniences.

All New York State employers are required to adopt a sexual harassment prevention policy and conduct sexual harassment prevention training. Training must be completed by October 9, 2019 and be provided annually. A model policy and training can be found at [NY.gov/programs/combating-sexual-harassment-workplace](https://www.ny.gov/programs/combating-sexual-harassment-workplace).



Are we ready for self-driving cars?

In the long run self-driving cars are expected to be safer than cars driven by humans, and reduce injuries and deaths caused by car accidents. In the short run autonomous self-driving cars are likely to be involved in many accidents resulting in injuries, deaths and lawsuits.

A prime example of a company adding danger by releasing new technology without having all the kinks ironed out, is illustrated by the automotive company Tesla and their decision to introduce automobiles with "Autopilot" features to market.

Tesla has been the most aggressive car manufacturer in touting their car's "Autopilot" feature. Tesla claims that the Autopilot feature will engage in life-saving actions, such as evasive maneuvering and immediate braking, in order to prevent accidents. Tesla, however, has been chastised for overstating the capabilities of its Autopilot feature.

In August 2019 a Tesla Model S being driven in Russia, allegedly in Autopilot mode, struck a tow truck, and burst into flames. In March 2018 a Tesla Model X crashed into a barrier in California, while

in Autopilot mode, killing the driver. Two other deadly crashes occurred in 2016 while Tesla vehicles were in Autopilot mode.

Recently, a lawsuit, *Banner v. Tesla*, was filed by the family of a deceased driver. The death occurred in Florida when the driver of a Tesla Model 3, collided with a semi-trailer that had ran a stop sign, in March of 2019. The family of the driver named both Tesla and the semi-trailer driver as defendants, claiming that the vehicle the decedent was operating failed to engage in evasive maneuvers, despite the fact that the car's "Autopilot" feature was enabled. A preliminary report from The National Transportation and Safety Board (NTSB), confirmed that the autopilot feature was indeed enabled and that it failed to attempt any evasive maneuvers. The deceased attempted no evasive maneuvers himself and is survived by his wife and three children.

A car accident involving a vehicle in Autopilot mode which causes injuries, raises litigation issues not present in the average car accident. If the driver is injured, a suit may be brought against the car's manufacturer for the

Autopilot feature not working properly. The driver himself may be negligent for not being attentive to surrounding conditions while the Autopilot mode is in operation. In New York, a driver is required to keep at least one hand on the steering wheel at all times. If a pedestrian or person in another vehicle is injured due to a car being driven on Autopilot, both the "driver" and owner of the car in Autopilot may be negligent, as well as the car's manufacturer. A normal negligence case can thus become a product liability case.

As we rely more on technology to operate vehicles, we must be aware that there are likely to be bumps in the road towards greater safety. Every car accident will need to be scrutinized to determine if faulty software or technology played a role in the accident. Lawsuits against the manufacturers of faulty Autopilot systems will serve not only to compensate the injured, but to deter manufacturers from putting dangerous Autopilot systems on the road and encourage them to put safety over profit. It may be that the government will have to take a stronger role in making sure such features are safe.



What are clients are saying:

"I was in an accident that required surgery along with a lot of doctor visits. I was fortunate enough to have Mr. Miner as my lawyer. The job he did was top notch. He kept on top of my doctor visits and his firm did a unbelievable job keeping in touch with me through everything. Mr. Miner also was generally concerned about my health and I received numerous phone calls after my neck surgery just to see how I was feeling and if I needed anything to help with my recovery. He is very professional and moved my case along very quickly and got me the best possible outcome. This is a top-notch firm. Thank you, Marc, for everything." - Chris F.



ZALMAN SCHNURMAN & MINER P.C.

The greatest professional compliment we can receive is when one of our clients refers somebody to our firm. Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your confidence in us and pledge to care for these "VIPs" as well as we care for you.

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Most U.S. pedestrian deaths since 1990



The number of pedestrian deaths in the United States in 2018 was higher than any year since 1990, according to a study by the Governors Highway Safety Association. The group estimates that 6,227 pedestrians were killed.

While the cause of this increase cannot be proven beyond a doubt, there are three likely factors leading to the increase. First are smartphones. Pedestrians and motorists are both susceptible to distraction from these intoxicating devices. Speaking of intoxication, the second factor is alcohol and drug use. In about half of the fatal crashes, either the driver or the pedestrian was intoxicated. The third factor may surprise you – SUVs. With more Americans choosing SUVs over cars, we are seeing more accidents involving SUVs (obviously). Because of the height of SUVs,

a pedestrian who is struck by one is much more likely to suffer more severe injuries to the head or upper torso than those hit by a car.

According to Richard Retting, a consultant and former top traffic safety official with the city of New York who authored the report, pedestrian deaths had been decreasing until 2009. That's the year smartphone sales and data usage began to spike. While this correlation needs further study to prove phones are the cause of the increase in pedestrian deaths, Retting suspects the link is real. "Cellphone use is one of the few metrics I can find that shows a consistent change, a large-scale change, year after year," Retting said.

For us to stop this rise and make our streets safer, all pedestrians and motorists need to keep their attention on the road!