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What is the Federal Employer's Liability Act?

Enacted in 1908, the Federal Employer's Liability Act (or FELA) is a law that protects railroad workers who get injured on the job. It also covers injuries due to asbestos exposure, chronic stress, and cumulative trauma injuries.

Rather than receiving workers' compensation, railroad workers will be able to sue their employer for negligence. The law covers all railroad workers who are involved in interstate commerce, including all major freight railroads such as CSX, Norfolk Southern, and short-line railroads like Amtrak.

While many companies wish to replace FELA with traditional workers' compensation, labor unions fight to maintain the act.

How Does a FELA Claim Work?

In order to successfully win a FELA claim, the railroad worker must show that their injury was directly caused by a supervisor's or associate's negligence or carelessness, or from faulty equipment. Railroads are obligated to provide a safe work environment for all employees. If they violate that law, the railroad itself could be held responsible.

It is important to note that the amount of negligence that needs to be shown (referred to as "burden of proof") is less than the degree of fault that a plaintiff needs to establish in a traditional negligence claim.

What Damages Does FELA Cover?

FELA is much more comprehensive than workers' compensation and covers lost wages, medical bills, and all loss or harm caused by the railroad's negligence. FELA uses the creed of "comparative negligence," meaning that a jury determines the percentage of negligence for which each party is responsible. This, in turn, establishes the percentages of benefits allocated to the employee.

If a railroad worker dies, the following can be recovered under FELA:

- Financial benefits and support the family lost due to the death, including wages and health insurance;
- Loss of services the deceased would have provided (child care and household chores);
- Any pain and suffering attributed to the railroader's death;
- Loss of the railroader's attention, care, training, and guidance for the plaintiff's minor children.

A personal injury attorney can help you or a loved one file a FELA claim.

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Five things a landlord owes a tenant

As of 2020, approximately 43 million housing units are occupied by renters in the United States. That is roughly 43 million leases involving landlords and tenants. There are landlord-tenant laws on the books in all 50 states. Some laws may vary from state to state. Below are five basic obligations every landlord must follow no matter what state a renter lives in.

1. An obligation to manage the security deposit - Every landlord has the right to charge a security deposit. It never belongs to the landlord, but is there in case the renter damages property, fails to pay rent or breaches the lease in any other way. Landlords are obligated to follow specific rules on storing the deposit or returning the deposit.

2. An obligation to disclose ownership - Every landlord is required to disclose the names and addresses of anybody who is authorized to manage the building, make repairs, collect the rent, address complaints or issue notices. This is so the tenant knows the correct contacts.

3. An obligation to deliver possession of unit - The landlord is responsible for having the rental unit vacant and ready on the move-in date in the lease. A tenant moving in may be able to pursue legal action against the landlord if the property is not ready.

4. An obligation to maintain the unit - The landlord is legally required to keep the rental property clean, safe and

habitable for the tenants. The landlord must ensure building codes are being followed, perform all necessary repairs and maintain basic services like heat, water and plumbing.

5. Obligations subject to the limitations of liability - A landlord is relieved of liability in many states once they sell the rental unit and notify the tenant of new ownership or management. The new owner then becomes liable for the terms of the lease agreement. The landlord can either transfer the security deposit to the new owner and notify the tenant in writing or return the security deposit to the tenant, minus any appropriate deductions.

Areas of Practice:

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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

Prevent injuries in school sports



Sports can be a great tool for children to learn attributes that can carry them through life, like teamwork, sacrifice, dedication, hard work and discipline. Sports also carry the risk of injury. Kids in particular are vulnerable for a host of reasons. Children under the age of 8 are particularly vulnerable as they are less coordinated and have slower reaction times. As kids mature, they do not all weigh the same or grow to the same height, which can create situations where injury could occur. With bigger children come increased forces. Two 60-pound football players colliding generate much less force than two 200-pound players.

This fall, as your kids return to school and the sports they love, keep in mind the following to make sure they enjoy their favorite sport safely.

Use proper equipment – Children should always wear the necessary safety equipment, whether it is football, hockey or bicycle riding to name a few. The equipment also needs to fit properly to ensure the best protection.

The most common athletic head injury is concussion. Research published by the University of Washington Medicine's Sport Health and Safety Institute and Seattle's Children's Research Institute in December 2018 found five out of every 100 football players aged 5 to 14 sustains a concussion each year.

Play on appropriate surfaces – Any football fields, baseball fields or running areas should be checked for holes that could cause a trip or a fall. High impact sports like running and basketball should be conducted on surfaces like wood or composite rubber instead of less-forgiving ones like concrete or asphalt.

Ensure there is adult supervision/commitment to safety – Find leagues and teams that make the same commitment to your child's safety as you do. Make sure coaches have training in things like CPR and first aid. Is the coaching philosophy win at all costs or is it a well-balanced one?

Make sure your child gets proper preparation – Make sure your child knows how to play the sport before they set foot on a field or court. Kids also should receive sufficient warm-up time and practice time before games. Rest breaks and staying hydrated are also important for both practices and games.

Four types of pharmacy negligence



Prescription medicines can work wonders for the sick or injured. However, when a pharmacist makes a mistake, the consequences could be dire and lead to hospitalization, injury, or even death.

While mistakes do happen, pharmacists have a duty to their patients to act responsibly.

What is Pharmacy Negligence?

Pharmacy negligence happens when a pharmacist or pharmacy staff member makes an omission or mistake due to careless procedure or operation. Examples of pharmacy negligence include:

- **Incorrect Drugs:** This happens when a pharmacist dispenses the wrong medication to a patient. This can happen if they misread a doctor's handwriting, mixed up patient prescriptions, or gave a patient a prescription with a similar name.
- **Missing Instructions:** Placing the wrong instructions or no instructions on a medication label can result in numerous complications.
- **Wrong Dosage:** Giving a patient an incorrect dosage can cause dangerous side effects or death.
- **Lack of Drug and Patient Review:** Pharmacists should always check if a medication will interact dangerously with other medicines the patient is currently taking.

What to Do After Pharmacy Negligence

If you or a loved one has suffered an overdose because of pharmacy negligence, you need to call 911 and get immediate medical assistance. Getting professional treatment after you've consumed the wrong medication, or too much medication is essential.

Once your health is stable, contact the pharmacy and notify them about the error. This alerts the pharmacy that their protocols and internal safety systems aren't working. You should also consider contacting a medical malpractice attorney.

Finally, change pharmacies when you're in the midst of a formal complaint or litigation.

It's crucial to know the correct dosages of the medications you're taking, how they interact with your other medicines, and how to take your medicine properly. This can protect you against potential pharmacy negligence.



Peloton: new fitness craze products recalled

At the height of the COVID-19 pandemic, more people started working out at home. As a result, fitness empire Peloton Interactive sold millions of internet-connected treadmills and exercise bikes. However, during the last couple of months, the company has paused sales and recalled more than 125,000 machines after the equipment was linked to injuries and death. In a separate recall, the US Consumer Product Safety Commission (CPSC) also urged people to stop using Peloton equipment immediately.

Peloton's recall came three weeks after the CPSC first warned consumers about the potential risks associated with the treadmills, and more than a month after the death of a six-year-old child.

The design of the Peloton treadmills, which leaves a large gap between the floor and moving belt, is central to the CPSC's investigation.

The company is developing safer modifications on the recalled machines and will offer full refunds to any customer who requests one.



Sudoku

The long, interesting history of the Sudoku is quite a puzzle. The name Sudoku comes from the Japanese characters Su (meaning 'number') and Doku (meaning 'single'), but the puzzle was not invented in Japan. Sudoku originated in Switzerland and then traveled to Japan by way of America. Sudoku was first published in the late 1970's in New York by the publisher Dell Magazines, known for specializing in puzzles that tested logic and ability. Sudoku has deep roots in ancient number puzzles.

	2				7		4	9
		4	1			5		
		5	6				1	
		9	4	2				6
	6						7	
4				9	6	2		
	3				1	4		
		6			5	3		
1	9		3				8	

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4 biggest slip-and-fall hazards to avoid this season

As the weather cools off and the days get shorter, people start looking forward to the holiday season. However, this enjoyable time can be littered with hazards that can increase the chances of a slip-and-fall accident. Did you know that over 25,000 slips-and-falls happen every day in the United States? To help you avoid an injury this season, here are four slip-and-fall hazards to watch out for.

1. Lack of Proper Lighting

As the sun starts to set earlier, the colder months can spell disaster for those walking around outside. Areas that aren't well-lit, including parking lots and walkways, can put you at risk. To stay safe, ensure all outdoor areas of your home or business have plenty of light.

2. Wet Leaves

Though the fall foliage is gorgeous to look at, it can also be dangerous. Piles of wet leaves can pose a threat to your family and visitors. Always rake dead leaves off your driveway and walkways. When you're out in public, keep an eye out for soggy leaves that have made their way into the entryway of buildings.

3. Slippery Floors

Colder temperatures produce more ice, sleet, and snow. This excess moisture will inevitably make your floors more slippery. Fully dry your floors or put down mats in high-traffic areas. While out and about, wear shoes with good tread.

4. Holiday Decorations

Adorning your property with festive décor and lights is a joyous activity for many families and businesses. If you plan on decking the halls, ensure all the wiring for lights doesn't pose a tripping hazard. Keep wires off the ground. If you put decorations in your yard, keep wires in areas without a lot of foot traffic.

With these four tips, you can enjoy the holiday season while avoiding injuries.

What **our clients** are saying:

I would recommend them to anyone who has a need for a good lawyer. They're also very responsive and professional.

– **Beverley M.**

I had an excellent experience working with Marc Miner. He is extremely professional and thorough. Always responsive. Terrific negotiator.

– **Susan G.**

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When are auto accidents covered by workers' comp?

When one thinks about workers' compensation insurance, it likely involves on-the-job accidents happening in the office or on the factory floor. Did you know that you can also be eligible for workers' compensation benefits if you are involved in a work-related car accident?

Whether or not an injury sustained by an on-the-job auto accident is potentially covered by workers' compensation insurance depends on the conditions surrounding the vehicle's use at the time of the event. The insurance carrier's claims department will investigate each claim individually to see if the bodily injury is covered.

In the majority of cases, an injured employee will be covered by workers' comp if the accident happened in the course and within the range of an individual's employment. Applicable factors can include whether or not the employee was driving from one worksite to another, or if the excursion involved making deliveries or running errands for an employer, or if the trip involved transporting a fellow employee somewhere or if the employee is working remotely and being compensated for travel time to and from home. An accident happening on an employee's commute to work is one example of something that would generally not be covered by workers' compensation insurance. There are times where it might be covered, depending on the employer's insurance contract with the carrier.

If you are injured in a work-related car accident as either a driver or a passenger, it is important to submit a notice of loss to your company's workers' compensation insurance carrier right away. Workers' compensation cases and auto accident case can be difficult and become increasingly so when combined. Seek out legal assistance from somebody qualified and experienced in both matters to get the remedy you deserve.