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SPRING
2020

The Coronavirus and The Law

The Coronavirus has effected every aspect of our lives, including all legal matters. On March 16, 2020 all of the New York State Courts were closed to all non-essential matters, until at least May 13, 2020. Not only were all courts closed for in-person appearances, the electronic filing of all documents was suspended. No new cases could be commenced. No documents in ongoing cases could be filed. All court appearances which were to be held between March 16 and May 13, 2020 were adjourned by the Courts. Almost all deadlines for legal documents have been extended for at least 60 days.

As of this writing the Courts have remained closed, but judges have been encouraged to render written decisions on fully submitted motions, and hold telephone or Skype conferences where possible. Individual counties and judges are instituting their own rules as to how they will be proceeding until the Courts fully open. At least two sitting judges in Brooklyn have died of the Coronavirus.

Due to the State Order requiring all non-essential workers to stay home, other aspects of lawsuits, such as in person depositions, and medical examinations were put on hold as well. Some depositions have proceeded via video, where all parties were agreeable. We are able to notarize documents remotely via audio-video technology.

All of our staff has been working from home since March 23rd. We have access to our office computers and files, as well as emails and fax. Mail is being received and reviewed, but on a weekly basis. Phone calls are being rerouted to our cell phones. We are receiving any messages left for us. We are doing everything we can to move cases forward. Do not hesitate to contact us if you have a question, concern, or wish to discuss your active or potential claim.

Covid-19 and Medical Professionals

During the Coronavirus pandemic there has been a large influx of persons needing medical treatment. There is no question that many medical professionals have been on the front line of treating patients and putting themselves at risk of contracting the virus.

The State of New York has relaxed the rules as to who may treat patients on an emergency basis. Medical professionals have been called out of retirement. Physician assistants and nurses have been granted additional rights to treat patients.

Because of the emergency situation, and the fear of hospitals being overrun by patients needing critical care, the Governor has directed that: All physicians, physician assistants and nurses, shall be immune from civil liability for any injury or death alleged to have sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak, unless it is established that such injury or death was caused by the gross negligence of such medical professional.

Accordingly, any claim that a Covid-19 patient was injured due to the negligence or medical malpractice of a physician, physician assistant or nurse will be subjected to a higher burden on proving fault (gross negligence rather than regular negligence) than that required in a non Covid-19 case.

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

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

Be Aware of Distracted Driving

Distracted driving is a serious problem on our roadways. Cell phones are the best-known distractor but are far from the only thing keeping drivers' attention off the road. Even though the roads are not as crowded lately as they usually are, we think now is a good time to take a moment and think about what distractions you allow inside your vehicle so that you can make an effort to eliminate them.



Anything a driver does while behind the wheel that takes their attention away from the task at hand – driving – is a distraction. If a driver takes their eyes off the road for only five seconds while traveling 55 mph, they will cover about 300 feet – blind.

To stay safe on the road, put the phone away and keep your attention where it belongs by avoiding the following 4 distractions:



VISUAL DISTRACTIONS

Watching a video, looking at a map, checking out something on the side of the road.



AUDIBLE DISTRACTIONS

A passenger talking to you, music playing too loud.



PHYSICAL DISTRACTIONS

Answering the phone, eating a snack, putting on makeup.



MENTAL DISTRACTION

Thinking about a work problem, shopping list, or weekend plans.

Don't let social media destroy your case

By now we should all be aware that nothing on the internet is private, least of all things posted on social media. Social media sites, like Facebook, Instagram, TikTok, Twitter, YouTube, LinkedIn, etc., make their money by collecting and monetizing information about you. If you are involved in a legal case, it is vitally important that you take every precaution to make sure your social media activities don't end up destroying your case.

The first thing you must do when you begin a legal claim is maximize the privacy settings on all your accounts. For examples, we will use Facebook since that is the most popular of these sites, and one that can easily get you in trouble. The other sites will have similar settings. Start by going to the Settings and selecting "Only Friends" as who can view your profile. Then, under Public Search Listing, check the box that

prevents your profile from showing up in a Google search. Any other privacy options you see, choose the most restrictive. Check back every so often to make sure your settings remain highly private as Facebook updates options regularly.

Next, watch your behavior on the platform. Don't accept friend requests from people you don't know. They may be a private investigator, opposing attorney, or insurance adjuster. What's the point of only allowing your friends to see your profile if you allow an enemy inside your circle? Be mindful of every post you make; anything you post that finds its way into the opposition's hands can and will be used against you if possible. For example, if you are pursuing a worker's compensation claim regarding a shoulder injury, a picture of you playing catch with your child can

be used to show that your injury is not as severe as you claim; even if a simple game of catch isn't the same as what you now can't do at work.

Finally, protect yourself from any mistakes your friends might inadvertently make. On Facebook, select the option "Only Me" for who can see your tagged photos. That way, if a friend posts a picture of you, you will have the option of keeping it private.

The best strategy when in the middle of a lawsuit is to stay off social media entirely. If this is not possible or just highly unpleasant to you, follow the above advice to limit your exposure and give yourself the best chance at winning your claim.



Lemon Asparagus Pasta

Ingredients:

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|--|---|
| 1 lb. penne pasta | 1 lemon, zested and juiced |
| 1 lb. thin asparagus, trimmed and cut into 2" pieces | 1 tsp. kosher salt |
| 3 tbsp. extra-virgin olive oil, divided | 1/2 c. freshly grated Parmesan, plus more for serving |
| 1 small onion, diced | 1/2 tsp. freshly ground black pepper, plus more for serving |
| 2 cloves garlic, thinly sliced | 1/4 c. fresh parsley, finely chopped |
| 1/2 c. heavy cream | 1/2 tsp. crushed red pepper flakes |
| 1 c. dry white wine, such as Sauvignon Blanc | |

Directions:

1. Bring a large pot of salted water to a boil. Add penne and cook according to package directions, until al dente. Reserve 1/2 cup pasta water, then drain. Set aside.
2. Meanwhile, in a large skillet over medium-high heat, heat 1 tablespoon oil. Cook asparagus until crispy, then season with pinch of salt. Transfer to a plate and set aside.
3. Heat remaining 2 tablespoons oil over medium heat. Cook onions and garlic until softened, about 5 minutes. Add heavy cream, white wine, lemon juice, and zest. Bring mixture to a boil, then simmer for 5 minutes. Add in salt, Parmesan, and black pepper. Reduce heat to low and mix until well combined.
4. Turn off heat and mix in pasta, asparagus, and parsley until well coated. Add small amounts of pasta water until you reach desired consistency. Serve with more grated Parmesan, cracked black pepper, and red pepper flakes.

Asparagus season may run through the spring months from March to June but it hits its prime in April. If you can get your hands on some quality in-season asparagus, give this recipe a try. We shine a spotlight on the star ingredient with a supporting cast of creamy white wine sauce, deeply infused with fragrant lemony notes and a nice salty Parmesan kick.

The key to acing this dish is to cook the asparagus until its tips are crispy and stalks slightly blistered. The slight char will add a whole other dimension to the enticing flavor of this vegetable.



We are all climbing the walls while working from home. Even Zorba.





Workers Compensation and Covid-19

Many people have been deemed essential workers and have had to continue working and interacting with the public during the Covid-19 pandemic. Medical professionals, police officers, EMTs, bus drivers, supermarket employees, sanitation workers, and many others have been working hard to provide necessary services, while putting themselves at risk.

Worker's Compensation benefits exist for employees who have been injured in the course of their employment. Fault is not relevant.

For those employees who have contracted the Coronavirus as a result of their work, they are likely entitled to worker's compensation benefits to pay for any lost wages, medical expenses or permanent damages.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please call the appropriate legal professional.

First wrongful death case brought against

JUUL

Juul is the country's largest e-cigarette company, controlling 70% of the market share, so it's no surprise that they are facing the bulk of the backlash to the vaping trend. As evidence piles up proving the dangers of vaping, lawsuits continue to be filed against the company behind the ubiquitous nicotine-delivering devices. Many have focused on a misleading marketing campaign, allegedly targeted at teens, that downplays the risk of addiction and negative health effects of vaping. Now, the first of what may be many wrongful death suits has been filed.

The mother of an 18-year old Florida boy is suing Juul after her son died in his sleep due to vaping-related breathing

complications. The suit claims the company's marketing misled the boy into believing vaping was safe. The boy suffered from asthma when he was very young but had been symptom-free for years. He led an active, healthy lifestyle, full of BMX riding and skateboarding. Since he began vaping at 15, he suffered from breathing and lung complications. His official cause of death is listed as asthma.

Studies presented in the case show that Juul can cause asthma and exacerbate its symptoms. As these problems began to affect the boy, the highly addictive nature of Juul proved to be a serious issue. Addicted to a product that was killing him, the victim was encouraged to quit. Juul pods contain high levels of nicotine, the

same addictive drug found in cigarettes. For a teen, nicotine withdrawal symptoms are stronger than for adults. Because of the marketing implying the product was not addictive, he did not take it seriously enough to do what needed to be done.

While Juul may be a useful tool for adult smokers to use to quit their deadly habit, the company's misleading marketing aimed at teens has created a health emergency as a whole new generation is becoming addicted to nicotine. The Federal government is finally beginning to regulate the product, but harm has already been done. If your teen has become a "vaper", contact our office to find out if there is any legal recourse against the company responsible.

