



Auto,  
Slip & Fall,  
Medical  
Malpractice &  
Construction  
Accidents

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## Auto Accident in New York State? *Who Pays for Your Medical Bills?*

New York is a “no-fault” state, meaning if you are involved in a car accident (whether you are the driver, a passenger, or a pedestrian who was hit by a car), you are automatically entitled to no-fault benefits from your own insurance, or that of the car you were driving, riding in, or hit by. No matter who was at fault, you can get compensation for medical expenses and lost wages, provided all the proper forms and reports are filed in a timely manner.

These benefits are separate from a claim for your pain and suffering. No-fault covers medical, hospital, nursing, medication, medical supply, physical therapy, and tests related to the injuries you suffered in the accident. The minimum amount for no-fault insurance in New York State is \$50,000.

***Here is some important benefit information:***

- You **MUST** file an application within 30 days from the accident, with the correct insurance carrier. Failure to timely file will result in your having no benefits available. Payments are made by the insurance company until your treatment is finished, or until the no-fault insurance is used up—so long as the no-fault doctors say you still need treatment.
- Under the no-fault law you are entitled to 80 percent of your lost earnings up to a maximum monthly payment of \$2,000.



- You are also allowed up to \$25 per day for other reasonable and necessary expenses incurred because of your personal injuries. Examples include transportation expenses for travel to and from a health-service provider or household help.

As with all things legal, there are exceptions and other deadlines, all designed to shut the doors to your recovery.  
***Let us help you navigate the New York State no-fault system.***



## Construction Site Injuries

Construction sites are dangerous workplaces. Tens of thousands of construction workers are injured and more than a thousand die in accidents involving contact with equipment, explosions, falls, fires, and transportation at sites every year.

Although employers are responsible for keeping construction sites safe, workers can be injured in accidents due to others’ negligence, unsafe equipment, infrequent safety inspections, or OSHA violations.

Common types of construction site accidents and injuries include...

- |                                      |                         |
|--------------------------------------|-------------------------|
| ■ Amputation                         | ■ Falls                 |
| ■ Brain damage                       | ■ Ladder incidents      |
| ■ Broken bones                       | ■ Paralysis             |
| ■ Crane accidents                    | ■ Paraplegia            |
| ■ Explosions                         | ■ Quadriplegia          |
| ■ Electrical shock and electrocution | ■ Roof collapse         |
| ■ Equipment failure                  | ■ Scaffolding incidents |

We can help injured workers obtain fair compensation.

## Were You Injured in an Auto Accident in New York State?

Did you know that if you are involved in a major car accident in New York State and it was entirely the other driver's fault, you may not qualify for any insurance money for your pain and suffering and lost wages? This is because you must prove what is called the "serious injury threshold" as defined under the New York State no-fault insurance law.

Under New York State law, you can bring a lawsuit only if a) your medical conditions meet the "serious injury threshold" as specifically defined, and b) you provide objective medical records and diagnostic tests to verify those "serious injuries."

Those with minor or insignificant injuries have their medical bills and lost wages paid by the no-fault insurance and have no ability to bring a lawsuit for pain and suffering.

As if surviving a horrific car accident isn't difficult enough, in New York State you could have your case dismissed for failure to prove you have suffered a "serious injury." You may not get a dime for pain and suffering unless you have a good lawyer who can:



1. Ensure you file for your no-fault benefits in the limited time you have to protect your right to reimbursement for medical treatment and payment for lost earnings, and

2. Ensure you have the knowledge to get each of your injuries fully diagnosed and treated, and then fully documented by you and your team of medical specialists.

If you have been involved in a car crash in New York, call us at **(212) 227-4000** to see if we can help you receive full compensation for your injuries.



## If You Uber In New York City, You Are Not As Safe As You Think

A newly enacted New York State rideshare law **EXCLUDES** those injured in an accident which occurs in New York City.

- Outside of the five boroughs, the insurance coverage for an Uber or other rideshare vehicle is \$1.25 million per accident.
- Within the five boroughs, coverage is only \$100,000 per injured person and \$300,000 per accident. The injured in NYC get shortchanged when it comes to being adequately compensated for injuries suffered when a rideshare vehicle is at fault for an accident.

If you or a loved one has been involved in an Uber or other rideshare accident in New York, call our office at **212-227-4000**. And as always, be safe.



## **TRY OR SETTLE?** *Should Plaintiff Settle Her Trip-and-Fall Case When She Has a Fractured Leg Requiring Surgery?*



Our injured client, a 61-year-old female home attendant, tripped and fell when an employee at the St. Barnabas Hospital Occupational Therapy Department unthinkingly placed a step stool directly behind our client's feet, just as our client's back was turned to help her own patient. Our client took one step back and tumbled right over the step stool.

Due to the clear severity of our client's injuries, she was immediately taken to St. Barnabas's emergency room with excruciating pain in her left leg. In fact, she had suffered a fracture of the left femur, a broken thighbone. The thighbone is one of the strongest bones in the body, but the fall was so forceful and broke the bone so badly, the doctors at St. Barnabas told our client only surgery could repair it.

The doctors, however, were unable to perform the surgery, because our client's leg was severely swollen around the fracture site. As a result, her fracture did not heal properly and she was left with pronounced shortening of her left leg. This in turn led to difficulty walking, standing, working, and performing even the simple usual and customary daily activities of living, like shopping and cleaning. Later, our client was forced to have a total left knee replacement to alleviate the leg shortening. Despite the surgery, our client suffers from continuing pain, as well as limitation and restriction of motion in her leg. She was

never able to return to work as a home health aide because of the injuries.

We sued St. Barnabas Hospital on her behalf for damages, including past and future pain and suffering, lost earnings, and extensive medical bills. We argued that St. Barnabas as a matter of law was responsible for the acts of its employee and that the employee was negligent and created

a trap when he placed the step stool directly behind our client without giving her any warning or notice whatsoever. She never had a chance.

Prior to the trial, the lawyers for St. Barnabas Hospital offered the plaintiff \$50,000 to settle the case. This would never compensate her for her losses, and she rejected the offer, deciding instead to place her trust in us and the jury system.

We tried the case in the Supreme Court Bronx County before a judge and jury. After all of the witnesses testified, the jury found St. Barnabas Hospital 100 percent responsible for the accident. The jury understood the extent of the plaintiff's pain, suffering, and limitations, and compensated her with \$2.4 million in damages.

While our client will never be whole again and will always suffer from the effects of the fall caused by St. Barnabas, a Bronx jury vindicated our client. She made the right decision going to trial.



## **GOING UP?** *Elevator and Escalator Injuries May Be More Common Than You Think*

When you go to the airport, mall, office, or even home, chances are good that you'll be taking a ride to your desired floor. Luckily, elevator and escalator installation, repair, and maintenance is highly regulated for your safety. Of course, the reason being that these everyday pieces of machinery are inherently dangerous without such rigid safety standards.

According to the Consumer Product Safety Commission (CPSC), in 2012 an estimated 22,674 people were injured while riding on or being in the vicinity of an elevator or escalator.

Information compiled by the U.S. Bureau of Labor Statistics and the CPSC shows that about 30 people per year are killed in accidents involving elevators or escalators. Injuries stem

from clothing and limbs getting caught in doors, stair treads, railings, and mechanical escalator parts, as well as entrapment in elevator cars and misleveling cars. Injuries range from lacerations and broken bones to dismemberment, paralysis, and death. Poor maintenance and repair is a key cause of elevator and escalator accidents, which would make them seem like typical premises liability cases; however, since outside companies are responsible for maintenance and repair, determining liability can be tricky.

If you or a loved one was injured in an elevator or escalator accident, call our office for a case evaluation.

# Deadly Errors

Over the last several years, numerous reports have come out warning about the dangers lurking in one of the places that people should feel safe—hospitals. The *Journal of Patient Safety* estimates that there are as many as 400,000 preventable deaths attributed to medical errors in hospitals each year. In fact, if these deaths were included by the Centers for Disease Control and Prevention in its leading-cause-of-death rankings, based on the journal's estimation it would rank third.

According to the study, events that cause preventable deaths are due to five categories of errors:

**COMMISSION**—When a wrong action is performed, or when the right action is performed incorrectly.

**OMISSION**—When a member of a medical team doesn't perform an action necessary for the patient to recover.

**COMMUNICATION**—If healthcare providers fail to discuss critical care, warnings, or risks with a patient, the lack of communication can cause harm or death.

**CONTEXT**—When prescribing treatments and therapies, physicians must take the physical and mental abilities of the patient into account.

**DIAGNOSTIC**—Testing errors that result in no treatment, delayed treatment, or the wrong treatment.

If you or a family member has been the victim of a preventable hospital error, you may be entitled to compensation for losses. Contact our office today.



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## Preventable Medical Errors *The Sixth-Biggest Killer in America*

Preventable medical errors kill and seriously injure hundreds of thousands of Americans every year. Errors include physician diagnostic mistakes, incomplete or deficient patient records, medication-prescription slip-ups, staff fatigue and overwork, procedural safety-check lapses, and others.

Experts believe that if doctors, nurses, dentists, technicians, and other staff were simply more careful, they would make fewer errors.

The Institute for Healthcare Improvement approximates that 15 million incidents of medical harm occur each year. HealthGrades, a leading health-care-rating organization, found that Medicare patients who experienced patient-safety incidents had a one-in-five chance of dying as a result.

Even though one-third of Americans say that they or one of their family members has experienced a medical error, and one in five say that a medical error has caused either themselves or a family member serious health problems or death, surveys show that Americans vastly underestimate the extent of medical errors.

