

FIGHTING FOR YOU

N E W S L E T T E R



SUMMER 2007

ANOTHER VICTORY

Schwartzapfel Partners' Co-Counsel Duane Fiedler is recognized as one of the most qualified, experienced, well credentialed medical malpractice attorneys in New York State. Mr. Fiedler lectured on Medical Malpractice for NYS Trial Lawyers Institute and Practicing Law Institute seminars and appeared in the *New York Law Journal* press as well as on *Court TV* as a commentator. We want to share with you some of the results we have obtained on behalf of our clients who were victims of medical malpractice. Obviously, each case is different based upon the facts and past results do not predict or guarantee future results.

\$5.5M IN A BRAIN DAMAGED BABY CASE

Prior to trial on behalf of an infant brain damaged as a result of failing to timely diagnose fetal distress and terminate the labor in a timely fashion by Cesarean Section. Instead, the doctor allowed the labor to progress resulting in hypoxic ischemic encephalopathy which caused brain damage to the baby.

\$1.5M IN AN ERBS PALSY CASE

Prior to trial on behalf of an infant who sustained Erbs Palsy as a result of a negligent delivery. It was claimed that the delivering obstetrician exerted excessive force on the baby's head so as to irreversibly stretch the baby's brachial plexus.

\$1.5M IN A FAILURE TO DIAGNOSE CANCER CASE

Against the decedent's internist for failing to detect a lesion suspicious for lung cancer on a routine yearly chest x-ray. Instead, the diagnosis was delayed until the following year's x-ray was taken resulting in an approximate one year delay in the diagnosis and treatment of the patient's lung cancer. The delay resulted in metastasis of the cancer and the ultimate death of our client.

Check out www.fightingforyou.com for more information.

New York Foundation for Senior Citizens seeks volunteers

to serve as Ombudsmen in nursing and adult homes. Such volunteers are age 21 and older, willing to complete 36 hours of free training, and serve as volunteer for four hours per week usually close to their home. For more information about becoming a Volunteer Ombudsman, please phone **800-966-4999**.



HEALTHY LIVING

HEART STUDY URGES NAPPING AFTER LUNCH

A study published in the Archives of Internal Medicine found that taking a nap after lunch may improve heart health. Taking half-hour naps at least three times a week substantially reduce the risk of death from heart disease. Exercise boosts brain power U.S. researchers recently reported on CNN that exercise boosts brainpower by building new brain cells in a brain region linked with memory and memory loss.

PROTECTING YOUR CHILD

1. BABY SEATS CAR SEAT SAFETY TIPS:

- Your child should ALWAYS ride in the back seat.
- Never place a child in a rear-facing car safety seat in the front seat of a vehicle that has a passenger air bag.
- Remember that each car safety seat is different. Read and follow the manufacturer's instructions. And read the owner's manual that came with your car on how to correctly install car safety seats. More importantly, before purchasing a new car seat check the consumer safety ratings. Not all seats are safe for your child.



2. BABY SAFETY

REMEMBER, always wear your seat belt! Help your child form a lifelong habit of buckling up. Lead by example!

- Keep chairs, cribs and other furniture away from windows.
- Don't leave a baby alone on a changing table, bed, couch or other furniture. Keep one hand on the baby while changing diapers.
- Do not use baby walkers. They can cause serious injuries to babies.
- Get rid of hazards in the home like folded carpets, electric wires or cords on the floor, and install lighting in unlit stairways.
- Avoid asphalt, concrete or blacktop playgrounds.
- Use safety gates or other barriers at the top and bottom of stairs.
- Don't allow dogs too close to your child. Dog bites can leave disfiguring scars. Over 1/3 of children's emergency plastic surgery is due to dog bites.
- And never leave your child in a pool area unsupervised, even if it is just for a moment to answer the phone!

DO I HAVE A CASE?

QUESTIONS AND ANSWERS

I was a passenger in a car driven by my wife. She lost control, struck a tree and I broke my leg. Do I have a case?

Yes, you can pursue a case against your spouse. However, all policies are not created equal!!! We strongly suggest that you send us your policy to review and confirm that you have the appropriate coverage for this loss. Protect yourself and your family today. Call us and then fax your policy to find out if you are covered.

I slipped and fell at work. I hurt my back. Do I have a case?

Yes, in addition to Worker's Compensation benefits you may be entitled to money from a third party defendant for your pain and suffering. Even if you have retained a workers' compensation attorney, you owe it to yourself to get a second opinion, let us evaluate whether you are entitled to more money.

While working at a construction site, I fell from a ladder and broke my arm. Do I have a case?

Yes, not only are you entitled to Worker's Compensation benefits, you also may be able to collect more money from the owner of the property, the general contractor or other third parties. New York State has special laws to protect construction workers. Call us now. Even if you have retained a workers' compensation attorney, get another opinion. Let us evaluate whether you are entitled to more money.

I was at my uncle's house. I fell on his front steps and injured my knee. Do I have a case?

Yes, you are entitled to medical payment benefits under the homeowner's insurance policy. In addition, you may be entitled to more money for your pain, suffering and loss of earnings, etc., if the steps were broken, cracked, not maintained properly or violated building codes. Call us now at 800.966.4999!

I was stopped at a red light and hit in the rear by another car. I hurt my neck and back and have been going to a chiropractor but haven't missed any time from work. Do I have a case?

Yes, in many cases the law allows a recovery for pain and suffering even when the injuries do not prevent the individual from working. Call us to discuss the facts of your case, the activities you can no longer do because of your injuries and the law. Protect your rights today!

Unfortunately, accidents usually occur as a result of human error. People are human, they make mistakes and often you, your family or friends are injured and pay the price for someone else's negligence. Call us at 800-966-4999 to help you, your family and friends protect your rights.

DEFECTIVE DRUG RECALL

FOSAMAX Many women over the age are 50 are prescribed Fosamax to stop bone loss. Many of these women have reported a serious side effect from Fosamax, Osteonecrosis of the jaw (ONJ). ONJ causes the jawbone to die. Surgery to remove the bone may be required. Other side effects include ulcers of the esophagus, acid regurgitation, bone and joint pain, constipation, nausea and abdominal pain.

CONTACT RENU SOLUTION Over a year ago, Bausch and Lomb Inc. was forced to remove their very popular Contact ReNu Solution with MoistureLoc and their Multi-Purpose Saline Solution after an outbreak of a rare eye infection was linked to the products. Now, similar contact solutions by other manufacturers have had the same effects.

TRASYLLOL A recent national study has found that Trasylol may be linked to serious complications including kidney failure and heart problems. The study found the drug increases the risk of heart failure and heart attack by nearly 55%.

If you or a loved one think you may have been injured by any drug or product, please contact our firm immediately by calling **800.966.4999** or when visiting our new website at www.fightingforyou.com, fill out an inquiry form online. Someone will contact you shortly.



TEEN DRIVER SAFETY QUIZ

In what percentage of teen driver fatalities was the teen not wearing a seat belt?

- a. 10% b. 33% c. 50% d. 67%

d. 67% - wearing a properly adjusted seat belt is one of the simplest safety precautions one can take to increase the odds of surviving an accident.

What common occurrence causes 535 fatal automobile crashes a year?

- a. Driving distraction c. Blowouts and flat tires
b. Excessive Speed d. Alcohol

c. Blowouts and flat tires - Examining your tires and maintaining them at the proper pressure are two simple things you can do to prevent future accidents.



FIRM NEWS

BRIAN SACHS BECOMES NAMED PARTNER. FIRM NAME CHANGES.

Congratulations are due to Brian Sachs, who was recently promoted to named partner! Brian's commitment and dedication to our clients is exemplary and an inspiration to all of us at Schwartzapfel Partners. In recognition of Brian's accomplishments and status, the firm's name has officially been changed to Schwartzapfel Truhowsky Marcus Sachs P.C.

NEW OFFICE

Schwartzapfel Partners recently opened two brand new facilities. **Our new facility in Jericho is conveniently located in central Long Island near the LIE, Northern State Parkway and Wantagh Parkway.** There is public transportation to our building's back door!

Our NYC office is now conveniently located on 42nd Street at Grand Central Station easily accessible by the Shuttle, **7 4 5 6** and Metro North. Our new offices are stunning!

VISIT OUR NEW WEBSITE!!!

Schwartzapfel Partners recently launched a brand new website at **www.FightingForYou.com**. The website features an all new look with news stories updated every hour. On the website you will find up to the minute information on many important topics including: what to do in the event of an automobile accident; information on injuries from accidents or malpractice; dangerous prescription drugs and defective products as well as information on planning your estate and fighting for an inheritance. See why tens of thousands are visiting every week -- visit the all new **www.fightingforyou.com!**

SCHWARTZAPFEL TRUHOWSKY MARCUS SACHS P.C. | COUNSELLORS AT LAW
300 Jericho Quadrangle Suite 180 Jericho, NY 11753
Other locations throughout Manhattan, Brooklyn, Bronx, Queens, Westchester and Suffolk Counties
website: www.fightingforyou.com email: information@stmslaw.com