



FALL 2011

A newsletter from
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**WE REPRESENT
CLIENTS WHO
HAVE SUFFERED
SIGNIFICANT
INJURIES AS A
RESULT OF:**

- Automobile Accidents
- Motorcycle Accidents
- Construction Accidents
- Medical Malpractice
- Defective Products
- Premise Liability
- Police Job-Related Injuries
- Firefighter Job-Related Injuries
- Nursing Home Abuse and Neglect

FLANZIG & FLANZIG, LLP

A t t o r n e y s A t L a w

LEGAL UPDATE

Another year of top awards at Flanzig & Flanzig

It has been another exceptional year at **Flanzig & Flanzig**, as we have achieved new and exciting recognition. The firm has received placement in the *“New York Law Journal’s Top Verdicts and Settlements for 2010”* as a result of **Cathy Flanzig’s** recovery of \$1.1 million for one of our clients involved in a serious pedestrian accident. The case is reported to be one of the highest recoveries for a pedestrian accident in New York State for the year. The case has previously been reported in the *New York Jury Verdict Reporter*, *The New York Law Journal*, and *New York Magazine*.

For the second year in a row, **Daniel Flanzig** has been named a *“Top Legal Eagle”* by *Long Island Pulse Magazine*. The award is based upon LexisNexis and Martindale-Hubbell peer-review ratings for Long Island attorneys. The listing is limited to attorneys who have been rated by their peers to be AV Preeminent, the highest peer-review rating available.

For the first time, both **Daniel Flanzig** and **Cathy Flanzig** have been named *“New York Super Lawyers”* for 2011. The designation is given based upon a multiphased selection process that includes peer nomination, independent research, and peer evaluation. This will be the fourth time since 2007 that Daniel has received this honor.

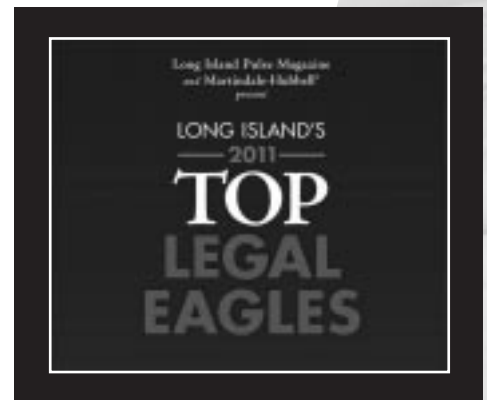


Daniel Flanzig



Cathy Flanzig

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Super Lawyers

Mayor Mike backs ACS Chief

By Dan Mangan




Daniel Flanzig offers commentary on another ACS-connected death.

Mayor Bloomberg recently said his Child Protective Services Chief was doing a heck of a job—just a day after two ex-administrators for Child Services Workers were indicted in the September death of starved and beaten 4-year-old Brooklyn girl, Marcella Brett-Pierce. “I have 100 percent confidence in John Mattingly; the City is so lucky to have him,” gushed Bloomberg about the ACS boss. “I don’t know what you do if you lose him; this guy is world-renowned.”

Two of Mattingly’s ex-subordinates, case worker Damon Adams and supervisor Chereece Bell, were indicted on charges of criminally negligent homicide relating to their alleged failure to monitor Marcella.

Daniel Flanzig, a lawyer who is suing ACS over the horrific 2006 death of 7-year-old Nixzmary Brown, blasted Mattingly’s agency, saying “*nobody is supervising the staff.*”

The dangers of FACEBOOK and TWITTER



As the world becomes more focused on social media, so have the insurance companies, the defendants’ law firms, and their investigators. One of the first things a savvy defense lawyer will do is Google or Facebook a plaintiff. These social media Web sites have become key sources of information for attorneys and investigators to use against people during litigation for personal injury and workers’ compensation claims. In fact, some courts have now directed personal injury plaintiffs to provide defendants with their passwords, granting the defendants complete access to the plaintiff’s current and historical Facebook and MySpace accounts.

Litigants in all matters should be wary of this new age of discovery and attempts to discredit witnesses through these new electronic means.

Nursing home assisted-care facilities

What you do not know can hurt your loved ones

A report issued by the Department of Health and Human Services (DHHS) has found that of the nation’s 15,000 nursing homes, “nearly all” nursing homes in the United States received citations for health violations in 2007. In most cases, violations cited by federal inspectors consisted of:

- Bedsores
- Malnutrition
- Medication mishaps
- Patient abuse (psychological or physical)
- Patient neglect
- Falls
- Transportation and ambulette injuries

Nursing home abuse is avoidable and affects both you and your loved ones. Loved ones are placed in a nursing home or assisted-living facility because they need the most comprehensive and compassionate care possible from a team of professionals. Inadequate staffing is a major cause of nursing home abuse. A series of reports prepared by the U.S. House of Representatives revealed that nursing home neglect often stems from the fact that many nursing homes do not have enough staff to meet the levels recommended by federal officials and failed to meet minimal legal staffing requirements. If a member of your family has suffered injury or mistreatment at the hands of a nursing home, assisted-living facility, or home health aide, call our office for a free consultation. You can also visit our Web site and blog at NewYorkElderAbuse.com for more information on this topic.



TRAUMATIC BRAIN INJURIES—

Understanding TBIs

Every 21 seconds, someone in the United States suffers a traumatic brain injury (TBI), usually from a blow to the head, according to the Brain Injury Association of America. Traumatic brain injury is a medical emergency, and symptoms can include vision and balance problems, confusion, slurred speech, or worse.

The brain is vulnerable to dramatic damage in two ways. The cerebral cortex can become bruised or contused when the head strikes a hard object. In other traumas, the deep white matter can suffer diffuse axonal injury when the head is whiplashed without hitting a hard object. In serious whiplash injuries, the axons are stretched so much that they are damaged. TBI injuries can arise out of many different traumas or accidents, including **construction, motorcycle, car, or bicycle accidents.** Injuries can include cognitive loss, hearing or sight loss, and even the loss of taste and smell.

If you or someone you know has suffered a TBI, you may have a legal right to recover damages for your injury. You need the right lawyer to handle the complex issues involved in this injury. Having handled numerous TBI cases, we are familiar with the intricacies of the medical issues involved and are sensitive to the needs of clients' families, recognizing the stresses and change which traumatic brain injuries can cause.



NEW YORK CITY BICYCLE ACCIDENT ATTORNEYS

Coming soon:

www.NewYorkBikeLawyer.com

To be launched in the fall of 2011, our new Web site will be dedicated to helping victims of bicycle, motorcycle, and scooter accidents throughout New York. The site will also have helpful links for safe biking paths, child education, and other information for safe riding in the New York area.

Our firm has focused on representing victims involved in bicycle accidents and motorcycle accidents since its inception. **Daniel Flanzig** has been an avid cyclist and biathlon participant for over 15 years. Residing and cycling in New York City, he is acutely aware of the dangers faced by cyclists. Statistics show that between 1996 and 2003, while fatalities remained the same, a total of 3,462 New York City bicyclists were seriously injured in crashes with motor vehicles. The study also showed that bicycle lanes and properly used bicycle equipment reduce the risk of fatalities. Only one fatal crash with a motor vehicle occurred while a bicyclist was in the marked bicycle lane, and nearly all bicyclists who died (97 percent) were not wearing a helmet.

If you or a loved one has been seriously injured in a bicycle accident, contact our office to learn about your rights.

State's new bill regarding brain injuries during birth

The State, not hospitals, will now pay the medical bills of newborns who suffer brain injuries during birth. The money will come from a new State fund created in the just-completed 2011-2012 budget. While the medical community lobbied Albany for a \$250,000 cap on jury awards for noneconomic damages, the cap failed to get legislative approval. However, from that debate came the Neurological Fund, which will cover children who experience an injury to the brain or spinal cord caused by the deprivation of oxygen or medical injury in the course of labor, delivery, or resuscitation, or by other medical services provided or not provided during delivery admission.

Families who suffer such injuries will still need to file lawsuits and prove medical negligence; however, the proceeds from a successful lawsuit will come from the fund. The fund will pay for the child's lifetime medical costs, while the defendants are still responsible for attorney's fees or any punitive damages awarded by a jury. The medical community was successful in shifting the financial responsibility for its medical mistakes to the taxpayers, rather than the doctors' and hospitals' insurance companies.



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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 consult the appropriate legal professional.

RECENT VERDICTS AND SETTLEMENTS

Well over \$1 million recovered for our clients in just the last six months.
Here are a few examples:

\$500,000 recovery for pedestrian who sustained crush injury at JFK airport

Daniel Flanzig obtained a \$500,000 recovery for a 38-year-old Indonesian diplomat who sustained a crush injury and R.S.D. (reflex sympathetic dystrophy) when his foot was run over by a hotel van while he was a pedestrian in the departure area of the airport. The matter was settled prior to trial as the action was pending in the Supreme Court, Kings County.

\$300,000 recovery for family of young child

Cathy Flanzig obtained a \$300,000 settlement for the family of a young boy who was injured while playing in a neighbor's backyard. The boys, who were friends, were playing with a bungee cord when the cord struck our client's eye. The case was settled after a mediation while the matter was pending in the Supreme Court, Suffolk County, when it was demonstrated that it was not appropriate for these young children to have access to a bungee cord.

\$250,000 recovery for pedestrian struck in Westbury

Cathy Flanzig obtained a \$250,000 recovery for 74-year-old woman who sustained right knee and left arm injuries when she was struck by a vehicle while crossing a street in Westbury, N.Y. The matter was settled before trial in the Supreme Court, Nassau County.

\$200,000 recovery for victim of a hit-and-run accident on the Northern State Parkway

Flanzig & Flanzig made a \$200,000 recovery for a 76-year-old driver who was involved in a hit-and-run accident on the Northern State Parkway in Bethpage, N.Y. The client sustained a mild traumatic brain injury (TBI) from the accident, but thankfully made a speedy and full recovery. The claim was made against our client's own auto policy under the Uninsured Motorist (SUM) provision of his policy. This case once again highlights the importance of making sure you have sufficient SUM coverage on your policy for you and your family.

\$110,000 recovered for motorcycle rider against water main contractor and Con Edison

In this difficult and complicated road design case, Daniel Flanzig was able to obtain a \$110,000 recovery during trial in the Supreme Court, Queens County. Our client was a passenger on a motorcycle that struck a road depression, causing the driver to lose control of the bike and crash. Our client sustained head (TBI) and facial injuries in the accident. In this difficult case, we were able to prove some of the fault for the accident was the result of the depression allegedly caused by the water main contractor who performed work in the area on behalf of the City of New York and Con Ed. The defendants claimed the accident was solely the fault of the motorcycle operator.

