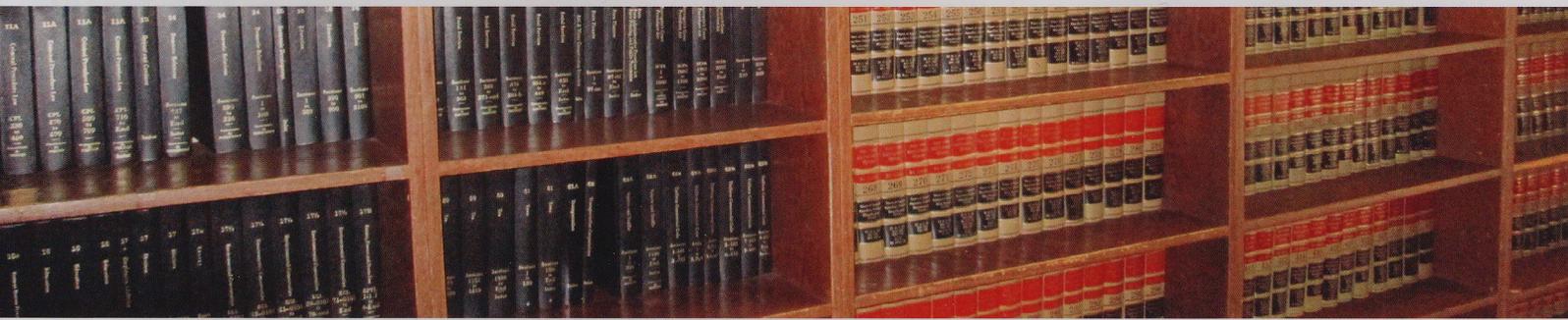


LOSI & GANGI IN THE SPOTLIGHT:

- At our firm we are constantly striving to continue towards our goals of personalized client-attorney relationships. We will now periodically be distributing our clients a newsletter to keep you informed of current developments at our office.
- Each newsletter will discuss updates at our firm, changes in the law, and settlements secured by our firm.



I. 2013 SETTLEMENTS IN REVIEW: WORKER'S COMPENSATION

- \$653,000.00 was awarded to a 54-year-old woman from Cheektowaga who injured her lower back, right ankle, and right foot in 2009. The injured worker was not able to return to work in her previous capacity.
- \$506,900.00 was awarded to a 38-year-old man who suffered a significant back injury while moving plywood for a door installation company. The claimant was also receiving Social Security Disability Benefits during the time of the settlement.
- \$364,716.00 settlement was awarded to a 41-year-old man who injured his back while lifting a 150 lb generator. The claimant was classified with a permanent disability in addition to receiving Social Security Disability Benefits as well.
- \$346,940.00 was awarded to a part-time nurses' aide after 2 years of negotiations with the insurance company. Claimant sustained a significant neck injury while caring for a nursing home resident. The claimant was unable to return to work and was approved for Social Security Disability Benefits.
- \$295,000.00 settlement was awarded to a 50-year-old laborer who injured his low back and neck in 2009. The injury resulted in multiple surgeries on the claimant's spine.
- \$250,000.00 was awarded to a power company employee who injured his right and left arms in 2011. The injured claimant has since returned to work.
- \$250,000.00 settlement was awarded to a 50-year-old welder who injured his neck and low back while working under railway cars in 2004. Claimant required back surgery and was unable to return to work.
- \$225,000.00 was awarded to an 83-year-old licensed practical nurse who sustained a spinal injury in 2011. The claimant's injury resulted in spine surgery and prohibited the claimant from returning to work.
- \$190,000.00 moved to a 63-year-old female packaging worker who injured her neck and left shoulder lifting heavy boxes in 2006 and requiring neck surgery in 2007.
- 180,000.00 awarded to a 43-year-old laborer who injured his neck and back while pouring concrete in 2002. The claimant required three surgeries on his neck and back before receiving the aforementioned settlement amount indemnity only.
- \$178,000.00 to laborer who injured his back in 2008. The insurance carrier disputed the case stating the injury did not arise out of the course of the claimant's employment. Claimant received in total over \$500,000.00 in medical and indemnity benefits following negotiations.
- \$175,000.00 settlement moved to a claimant who sustained a workplace injury in 1999 due to the repetitive nature of his job as a heavy laborer. Medical benefits continue as party of the settlement.
- \$150,000.00 was awarded to a 55-year-old Paramedic who injured his back during the course of his employment. Following back surgery, the claimant was unable to return to his former occupation and could perform work in a light-duty capacity only. The insurance carrier argued that the claimant was no longer entitled to benefits because of his return to work. Following trial on the issue, the insurance carrier agreed to the settlement amount.
- \$150,000.00 defrayed to a 47-year-old former factory worker who had been classified as having a permanent, partial disability due to a back injury. The claimant initially attempted to negotiate a settlement with the insurance carrier on his own, but received only minimal offers. All of the claimant's worker's compensation medical benefits are continued for his lifetime

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I. 2013 SETTLEMENTS IN REVIEW: WORKER'S COMPENSATION

(continued)

- \$149,086.00 was awarded to a part-time employee who sustained a back injury in 2006. The claimant's injury resulted in a lumbar spine surgery and prevented the claimant from returning to work in any capacity.
- \$145,000.00 was awarded to a 45-year-old secretary who suffered from cervical and lumbar disc herniations and right/left carpal tunnel syndrome in both hands. Claimant required surgery in all areas and was eventually able to return to work in a restricted capacity.
- \$145,000.00 settlement moved to a 46-year-old self-employed ceramic worker who was injured in 2005. The claimant subsequently underwent multiple surgeries and benefits now remain available to the injured claimant beyond the settlement, all paid by the insurance carrier.
- \$137,619.00 awarded to a 59-year-old satellite dish installer who injured his back and required multiple spinal surgeries. The claimant is now entitled to ongoing medical benefits as part of the settlement.
- \$136,144.94 awarded to a 44-year-old New York State corrections officer who required left shoulder surgery following an injury sustained during a confrontation with an inmate. After recovery, the claimant was able to return to his regular job duties; however, he was left with a 65% loss of use of his left arm. The insurance company claimed a lower percentage of 45%. During the ensuing trial, the insurance carrier conceded the claimant had a 60% loss of use, entitling the claimant to the settlement amount and lifetime medical treatment for his arm.
- \$135,000.00 moved to a worker with an injured right thumb and hand. The employer did not have Worker's Compensation insurance and disputed the claim before negotiating to the abovementioned settlement.
- \$133,363.00 was awarded to a truck driver who was unable to continue his occupation following an injury. The claimant was eventually able to return to work light duty capacity. Prior to obtaining Losi & Gangi the claimant was out of work without any benefits for an extended period of time.
- \$130,000.00 settlement awarded to a 36-year-old automotive worker who injured his back in 2007. The claimant did not require surgery but the injury did prevent him from returning to his previous working capacity.
- \$129,432.00 was awarded to a 58-year-old assembly-line worker who was injured in 2009. The claimant required back and neck surgery which prevented him from returning to his normal job duties.
- \$125,000.00 settlement moved to a 60-year-old metal worker who injured his left hip in 2008. The claimant required surgery to the left hip and was unable to return to work in his previous capacity.
- \$119,000.00 awarded to a 57-year-old maintenance worker who injured his neck and upper back while working at his part-time job. Additionally, the claimant was a full-time local municipality employee. Following a trial on the issue of concurrent employment, the Administrative Law Judge ruled that the claimant was NOT entitled to recoup wages from his full time position. An immediate appeal was filed on the claimant's behalf. Upon review, the Worker's Compensation Board Appeal Panel reversed the original determination and awarded the claimant in retroactive lost wages.
- \$115,413.48 awarded to a corrections officer who injured his right arm in 2011. The claimant was able to return to work full-duty following the injury.
- \$115,000.00 settlement was awarded to an office worker who was injured in 2006. The claimant required multiple surgeries and his medical treatment continues to be paid beyond the settlement.
- \$110,000.00 was awarded to a laborer for a back injury requiring multiple spinal surgeries. The claimant was eventually able to return to work in a light duty capacity following the settlement.
- \$110,000.00 was awarded to a 42-year-old auto-service employee who injured her back in 2010. The injury did not include any surgeries.
- \$109,000.00 settlement moved to a 77-year-old certified nursing assistant who sustained a low back and left hip injury which prevented the claimant from returning to work.
- \$100,000.00 awarded to a restaurant worker who was injured in 2010. The claimant's injury required cervical spine surgery. The claimant was eventually able to return to work in a light-duty capacity.
- \$96,465.00 settlement was awarded to a county worker who injured his right arm. Medical benefits continue to be paid for the claimant beyond the settlement date.
- \$90,000.00 was awarded to a rental store manager who injured her right hip and back in 2009. The insurance carrier claimed the injured claimant had a pre-existing injury and disputed the original claim before conceding to the settlement.
- \$89,000.00 awarded to a county worker who sustained injury to his head, nose, right eye, neck, and suffered from post-concussion symptoms. Ultimately, surgery was not required and the claimant was able to return to work in a light-duty capacity.
- \$86,000.00 was awarded to a 64-year-old woman who suffered a traumatic injury to her right foot, right knee, left hand, left wrist and left arm in 2010 while employed by Wyoming County as a maintenance worker. Based upon the opinions of the claimant's treating medical physicians, which were initially contested by the carrier, the Administrative Law Judge granted the entire award following litigation.
- \$86,000.00 settlement moved to a warehouse laborer who was injured while working in 2009. The claimant required multiple surgeries and medical benefits continue to him beyond the settlement date.
- \$80,710.00 was awarded to a Perry's Ice Cream worker who was injured in 2012. All benefits were disputed by the insurance carrier prior to the settlement.
- \$80,000.00 settlement awarded to a 17-year-old minor construction worker injured on the first week of the job. Following extensive litigation, the claimant was awarded double compensation for being illegally employed. Subsequently, a settlement was reached allowing for the claimant to be educated into a lesser demanding field, as well as allocating for his future medical expenses.
- \$69,198.00 was awarded to a county worker who injured her left leg, left and right arms. Medical benefits continue as part of the settlement negotiation.
- \$59,000.00 settlement moved to an installation technician who injured his low back in 2009. The injury did not require surgery and the claimant was able to return to work.
- \$52,562.00 was awarded to a restaurant employee who was injured in 2004. The claimant had not received any benefits for multiple years prior to being represented by Losi & Gangi. Following negotiations with the insurance carrier, the claimant received medical and wage replacement benefits for multiple years prior to the settlement along with continuing medical benefits to the claimant after the settlement date.
- \$47,500.00 settlement was reached for a 35-year-old licensed practical nurse who was injured in 2011. The claimant was classified with a permanent low-back disability, and was found not having an obligation to look for work. Following negotiations, the claimant entered into a settlement to keep her medical benefits open for life.



WHAT'S NEW AT LOSI & GANGI?

- Associate Attorney Thorice M. Jacobs was recently hired as an adjunct Professor of Law at Buffalo State College. Ms. Jacobs completed her first course as adjunct Professor this spring when she taught a Master's level course in Administrative Law. In addition to handling a budding client portfolio here at Losi & Gangi, Ms. Jacobs' interest in legal education continues to mount as she is excited for her second semester teaching at Buffalo State College this upcoming fall.
- Beginning in the summer of 2013, Losi & Gangi added two new staff members to their team, Stephanie Tessmer and David Yovanoff. Stephanie graduated from Keiser University in Daytona Beach, Florida in 2007 with her Associates Degree in Criminal Justice. In 2008 she obtained

her Associates Degree in Paralegal Studies. Stephanie previously worked as a Correctional Officer at a county prison in Scranton, Pennsylvania for four years from 2009 through 2012 before working as a paralegal at a Pennsylvania law firm that worked exclusively in Personal Injury and Worker's Compensation for one year. Stephanie is now the legal assistant for both Associate Attorney Thorice M. Jacobs, Esq. and Managing Partner Jeffery D. Gangi, Esq. Additionally; David Yovanoff was hired on as the firm's law clerk following his graduation from Brandeis University in Boston, Massachusetts. David obtained his Bachelor's degree in Legal History and previously worked for one year as an underwriter at Counsel Financial. He looks forward to continuing his legal education in 2015 as a law student.



- In 2014 we are taking the necessary steps to continue to provide excellent legal representation to Western New York clients. Renovations are nearly complete to expand the turn of the century Queen Anne colonial location at 147 Linwood Avenue. The third floor is being remodeled to accommodate space for additional attorneys and an expansive conference room.



What To Do In Case of A Job Site Accident...

- Unfortunately, jobsite accidents do occur, and while no two cases are the same, there are some steps which the injured worker should follow when an accident happens.
- **1. Seek Medical Attention As Soon As Possible.** While protecting your legal rights is important, protecting your health should be the priority. Sometimes, what may be a relatively minor injury can become disabling if treatment is not sought in a timely fashion.
- **2. Report The Accident.** Notifying your supervisor of an accident is often essential to establishing a sound claim. In order to establish a Worker's Compensation Case

the injured worker must prove, among other things, that the employer received notice of the accident. Any delay in reporting the accident may result in the Worker's Compensation insurance company denying the claim on the ground that it did not occur while the worker was on the job. If the Union has a safety officer on the site be certain to report the accident to him or her as well.

- **3. Make Note Of Details.** This means compiling the names and addresses of any witnesses to the accident. This is particular important in construction work where witnesses may belong to other trades or only work with the injured worker for a short period of time.
- **4.** If the accident is the result of unsafe practices by a contractor or site owner, notify your Union of this fact. By doing so it may be possible to have O.S.H.A. investigate the accident or for other action to be taken, which will prevent the accident from recurring.
- **5. Contact Legal Counsel.** Under the N.Y.S. Worker's Compensation Law no legal fees can be charged to a Worker's Compensation claimant without prior approval of a Worker's Compensation judge and then only when the claimant receives an award. The significance of this is that it costs nothing to call and find out what your rights are in the event that you are involved in an accident. Remember, the

insurance companies regularly consult with legal counsel and there is no reason why the injured worker should not do the same.

- **6.** An attorney can explain to the injured worker how the Worker's Compensation system will affect the worker under the circumstances of that particular accident. This includes such issues as, the selection of health care providers, the payment of medical bills and the amount and type of benefits due to the injured worker.

Moreover, in some circumstances the injured worker may, in addition to receiving Worker's Compensation, be legally entitled to bring a lawsuit against certain third parties to recover compensation for an injury suffered on the job. Hereto an attorney can explain how the process works including the relationship between a Worker's Compensation Case and a Third-Party claim.

When an accident strikes, it affects not only the worker who is injured but also his or her family as well. In addition to the medical treatment issues which arise there is the very important matter of trying to maintain the financial well-being of the injured worker and his or her family. In the current political climate where the compensation of the injured workers is portrayed as a form of waste by the insurance industry, it is vitally important that those hurt in a job site accident, consult with legal counsel as soon as possible.

II. PERSONAL INJURY OVERVIEW AND YEAR IN REVIEW

- Losi & Gangi has made a commitment to encompassing Personal Injury law into our practice. Current partner Harry G. Modeas joined Losi-Gangi in 2011 and brought with him nearly 20 years of Personal Injury experience. Today, we continue to provide top flight representation to all our Personal Injury clients. The same personal attention and commitment to detail that has made us one of the premier Worker's Compensation firms in WNY will be provided to our Personal Injury clients.

*If you or someone you know has been injured please call us at

(716) 854-1446 or visit our website @ www.losi-gangi.com

2013 PI SETTLEMENTS

- \$850,000 awarded to a 54-year-old construction worker who sustained serious injuries to his neck and back when the floor he was working on collapsed. A claim was pursued against the owner and general contractor of the building project. The injured worker underwent multiple cervical spine surgeries.
- \$425,000.00 was awarded to the plaintiff, a 40-year-old woman, who slipped and fell on accumulation of ice in the parking lot of the office complex where she was employed, sustaining injuries to her right arm and low back. A claim was pursued against the owner of the office complex for failure to properly maintain the parking lot. The plaintiff underwent extensive treatment for her injuries including arthroscopic repair of a torn ligament in her right wrist and a lumbar fusion surgery. The case settled at mediation for the abovementioned award.
- \$191,000.00 was awarded to the plaintiff, a 39-year-old homemaker, who was involved in a motor vehicle accident and sustained injuries to both shoulders. As a result, the plaintiff underwent arthroscopic surgeries to both of his shoulders. The claim was arbitrated and resulted in the abovementioned settlement.

Losi & Gangi has partnered with WGR and the Buffalo Sabres for the 2014-2015 season.

Tune in at 4:00 PM on Sabres game day during the Rob Ray Show to learn how Losi & Gangi can help you!



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