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## NEWS & VIEWS **Fall 2020**



### Losi & Gangi Prevails in Two Death Claims under New York State Workers Compensation Law

Under New York State Workers Compensation Law, a death will be deemed compensable if the Estate proves the Claimants work or work injury contributed, predicated, or played a part either directly or indirectly in the decedents demise.

Additionally, there are multiple presumptions in favor of the Estate that can be used in proving causation of the death to the decedents work.

After protracted litigation, Losi & Gangi was successful in obtaining benefits for two Estates in death claims under the Workers Compensation Law.

A registered nurse working for the Buffalo Psychiatric Center was originally injured on 10/13/2010. She hurt her back, right shoulder, and neck. She had multiple treatments including surgeries and medications including opioids. Unfortunately, on 5/15/2013 the claimant committed suicide. On behalf of the Estate, Losi & Gangi claimed that the Claimants ultimate suicide was related to her pain, treatment, stress and opioid medications from her ongoing Workers Compensation Claim.

After protracted litigation, and shortly before trial, Losi & Gangi was able to obtain Workers Compensation Benefits for the claimant's husband and two daughters from her date of death until present. Additionally, the husband will continue to receive weekly benefits for the rest of his life.

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Losi & Gangi welcomes our new clients and they are encouraged to contact us with any questions they may have regarding their cases at (716) 854-1446. More information about the firm is available at [losi-gangi.com](http://losi-gangi.com)



In a second death claim, Losi & Gangi obtained a settlement for the widow of a local attorney who worked for a Personal Injury Firm.

The claimant was a 43-year-old attorney who, while arguing a motion in court experienced sudden onset of sharp and severe leg pain. He suffered an aortic dissection and was rushed to the hospital. After a lengthy hospital stay, the claimant ultimately perished due to multi organ failure and infection.

The defense presented evidence that the death was not related to his employment but rather it was due to some previous health issues.

Just prior to trial, a settlement was obtained compensating the widow and avoiding the uncertainty of future litigation. 





### Personal Injury vs Workers Compensation


When someone gets injured at work they assume their only option is to file for workers compensation. However, in some situations the injured worker is able to file a personal injury claim. Understanding the differences between a personal injury and a workers compensation claim are essential for obtaining maximum benefits. Although a personal injury can occur during work hours, filing them as a personal injury lawsuit or a workers compensation claim depend on different factors. The three main factors include:

**Damages:** One key difference in damages is workers compensation is not entitled to receive pain and suffering benefits. In a workers compensation case, the injured worker receives impairment benefits, medical bill coverage, and weekly compensation. However, in a personal injury lawsuit, you may receive all the damages that you suffered such as pain and suffering, lost earnings, and loss of enjoyment of life.

**Determining Fault:** Accidents happen every day but in order to recover damages in a personal injury case, you and your lawyer must prove that the other person neglected the safety of his/her property. However, because workers compensation is a no fault system, you do not need to prove you, your employer, or co-workers did anything wrong in order to receive benefits.

**Right to Sue:** Once the injured worker files for workers compensation they cannot file a lawsuit against their employer. They forfeit their right to sue once they are in the process of receiving workers compensation benefits. However, in a personal injury case, the injured worker may sue for their injuries and suffering.

An easy way to determine whether to file for personal injury or workers compensation is to figure out who is liable for the injury. The difference between personal injury and workers compensation has to do with liability. Once you understand who is liable for the injury you can quickly see which position to take.

**If you were injured at work and not sure if you should file a workers compensation claim or file a personal injury suit, call our office and speak with an attorney 716.854.1446. **



### Recent Verdicts & Settlements

- A Depew Nurse received \$200,000.00 for injuries to her neck and back which required multiple surgeries. The settlement included ongoing medical benefits.
- A Buffalo man received \$100,000.00 for injuries to his low back, which required multiple surgeries.
- A Buffalo Janitor received \$100,000.00 for injuries to her back. The injuries did not require surgery and medical benefits were continued as part of the settlement.
- A Buffalo woman received \$188,000.00 for injuries to her right shoulder, neck and both wrists. The injury resulted in surgery to her wrists.
- A Cheektowaga man received \$97,500.00 for injuries to his back and right knee. Medical benefits were continued as part of the settlement.
- A Kenmore man received \$307,697.00 for injuries to his left arm, and left hand. The injury did require surgery and medical benefits were continued as part of the settlement.
- A Machias corrections officer received \$145,000.00 for injuries to his low back. The injury required surgery and the settlement provided for continuation of medical benefits.
- A Depew woman received \$217,450.00 for injuries to her right knee, right ankle and left leg. The injuries did not require surgery.
- A Machias maintenance mechanic received \$146,500 for injuries to his back. The injury required surgery and medical benefits were continued a part of the settlement.



- A Buffalo corrections officer received \$175,950.00 for injuries to his left knee, right shoulder and left shoulder. The injuries required surgery and the settlement provided for the continuation of medical benefits.
- An Alden woman received \$126,000.00 for an injury to her back which required surgery.
- A Clarence Center woman received \$231,515.00 for injuries to her ankles, left wrist and neck. The settlement did not provide for continued medical.
- A Java Center man received \$252,251.00 for injuries to multiple body parts which required multiple surgeries. Medical benefits were continued as part of the settlement.
- A Jamestown man received \$115,000.00 for injuries to his low back which required surgery. The settlement did not provide for the continuation of medical benefits.
- A Zephyrhills, Florida man received \$252,258.00 for injuries to his left shoulder, left hand, left wrist and neck. The injury did require surgery and the settlement did not provide for continuation of medical benefits.
- A Depew man received \$104,166.00 for injuries to his neck and back. The injuries did require surgery and the settlement did provide for the continuation of medical benefits.
- A Cheektowaga woman received \$125,000.00 for injuries to her back and neck. The injuries did require surgery and the settlement provided for continuation of medical benefits.
- An Orchard Park union laborer received \$107,000.00 for injuries to his neck which did not require surgery.
- A Delevan man received \$130,000.00 for injuries to his neck which did require surgery. The settlement did not provide for the continuation of medical benefits.
- A Tonawanda woman received \$150,000.00 for injuries to her neck which required surgery. The settlement did not provide for the continuation of medical benefits.
- A North Tonawanda man received \$250,000.00 for injuries to his right shoulder and neck. The injuries required multiple surgeries.
- A Buffalo man received \$179,605.00 for injuries to his left arm. The injury required surgery and the settlement provided for the continuation of medical benefits.
- A Cheektowaga man received \$150,000.00 for injuries to his neck, low back and right shoulder which all required surgery. The settlement did not provide for the continuation of medical benefits.
- A Tonawanda man received \$101,389.00 for an injury to his low back. The man had received benefits since 2002. The settlement did not include the continuation of medical benefits.
- A Williamsville man received \$115,000.00 for injuries to his right shoulder, left hip, and back, the injury required surgery to his left hip. The settlement did not provide for the continuation of medical benefits.
- A North Buffalo woman received \$210,000.00 for multiple injuries. The injuries required multiple surgeries. The settlement did provide for continuing medical benefits.
- A Franklinville man received \$180,000.00 for injuries to his right foot and both knees which required surgery. Medical benefits were continued as part of the settlement.


- A Lake Snead, Florida man received \$150,000.00 for injuries to his low back and right hip. The settlement did not provide for the continuation of medical benefits.
- A Buffalo man received \$147,661.00 for injuries to his back. The injury required surgery and the settlement did not provide for the continuation of medical benefits.
- A Hamburg man received \$69,000.00 for injuries to his right elbow. The settlement did provide for the continuation of medical benefits.
- A Collins correctional office received \$300,882.00 for injuries to his left arm and right leg. The injuries did require surgery and the settlement did allow for the continuation of medical benefits.
- A Buffalo woman received \$149,101.00 for injuries to both hands. The injury required multiple surgeries. The settlement did not provide for continued medical benefits.
- A Depew man received \$125,000.00 for injuries to his head, neck and back. The settlement provided for continuation of medical benefits.
- A Buffalo man received \$100,000.00 for injuries to his left shoulder and neck. The injuries did require surgery and the settlement did not provide for continued medical benefits.
- A South Dayton man received \$175,000.00 for injuries to his back. The injury required surgery and the settlement provided for continued medical benefits.
- A Buffalo man received \$142,221.00 for injuries to his head, neck and right shoulder. The injuries required surgery but the settlement did not provide for continued medical protection.

**For a full listing of 2019 Verdicts & Settlements,**  
please visit: [losi-gangi.com](http://losi-gangi.com)

Founded almost 20 years ago, Losi & Gangi Attorneys has represented injured workers in the practice areas of Workers Compensation and Personal Injury. Losi & Gangi has been recognized as one of the top law firms in Western New York by Buffalo Business First. The publication ranks law firms annually and the firm is honored to be included on this prestigious list. The firm includes nine associate attorneys and three partners.



## The Case Against a Dangerous Antacid

The antacid drug Zantac, also known as Ranitidine, is very dangerous. Zantac contains the cancer-causing carcinogen NDMA and has been recalled by the United States Food and Drug Administration (USFDA) for being unsafe. The use of Zantac can result in serious injuries including stomach cancer, kidney cancer, intestine cancer, lung cancer, testicular cancer, uterine cancer, nasal/throat cancer, thyroid cancer, and bladder cancer. If you have been injured as a result of the consumption of Zantac or Ranitidine call us today. Losi and Gangi has partnered with a local experienced and highly rated personal injury law firm in the prosecution of Zantac claims. 



Call us today at **716.854.1446**

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