



**TRIAL BY JURY**  
*The Block O'Toole & Murphy Newsletter*

VOLUME II

**BOM** **BLOCK**  
**O'TOOLE**  
**& MURPHY**  
ATTORNEYS AT LAW

[WWW.BLOCKOTOOLE.COM](http://WWW.BLOCKOTOOLE.COM)  
[WWW.CONSTRUCTIONACCIDENTSNY.COM](http://WWW.CONSTRUCTIONACCIDENTSNY.COM)  
PH: 212-736-5300



Amendment VII of the Bill of Rights of the U.S. Constitution protects us all. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States.

## FIRM EXPANSION

### Welcome New Faces



Kareem Vessup

#### Kareem Vessup Joins The Firm

In May of 2009, Kareem Vessup joined the firm as an associate. Mr. Vessup is an intelligent and extremely gifted attorney who has immediately made his presence felt at the firm. After graduating from law school, Mr. Vessup began his legal career as a trial associate with a prominent criminal defense attorney, working in both the New York State and Federal courts. His talent and precocious abilities allowed him to successfully handle several prominent matters. Kareem recognized early on in his career that he had an ability to be a voice for those who needed it most and he has always viewed the law as a vehicle to help people. He has managed to secure some impressive results in his early tenure with the firm, including several settlements exceeding one-million dollars for our clients.



Sean P. Constable

#### Former Rail Road Attorney Sean Constable Joins The Firm

Sean Constable also joined the firm in 2009. Mr. Constable brings with him over ten years of civil litigation experience. Prior to joining Block O'Toole & Murphy, Sean worked at a prominent New York City litigation law firm and in the law department of the Long Island Rail Road Company. Over his career, Sean has developed an expertise in railroad worker injury claims under the Federal Employers' Liability Act, and has litigated several multi-million dollar catastrophic personal injury and wrongful death matters. Mr. Constable has a keen insight into the obstacles railroad workers face in our justice system. He was the attorney that the L.I.R.R. used to turn to when they needed to win a case. He knows the system and how the railroad operates. Mr. Constable also handles construction accident, motor vehicle accident and other negligence cases. He has already resolved several multi-million dollar cases for the firm.

## RECENT RESULTS

The firm continues to achieve astounding results. Below are five cases that illustrate our commitment to excellence in the courtroom and our continued dedication to helping injured workers.

### \$6,250,000 RECOVERY FOR CARPENTER WHO FELL ON THE WORK SITE

In February 2005, Plaintiff was employed as a framer. His company had been hired to perform the framing work at the construction of a new one family home. On February 5, 2005, Plaintiff was installing second story floor joists with a partner. In order to perform this work, Plaintiff kneeled on a beam, and nailed the joists from above, while his partner nailed the joists from below. While kneeling on the beam, Plaintiff rested his hand on a joist which he had just nailed in. That joist gave way and caused Plaintiff to fall nine feet to the ground below, onto his head. Defendants contended that the Plaintiff was provided with the proper safety device; a ladder that Plaintiff used to climb up to the beam, and that Plaintiff willfully gave this ladder away. Defendants claimed that Plaintiff could have properly and safely performed his work from the ladder he gave away, as evidenced by the fact that Plaintiff's partner was able to perform his work from his own ladder. Thus, Defendants argued that a proper safety device was provided to Plaintiff, which he discarded, making Plaintiff the sole proximate cause of his accident. Plaintiff contended that Defendants failed to provide him with the proper fall protection for the work he was required to perform, such as an elevated platform with siderails.

Plaintiff sustained a fracture to his cervical spine at the C4-C5 level, resulting in complete quadriplegia, and a left elbow fracture that required surgery. The available insurance was limited to only \$2,000,000. However, the Plaintiff required that \$4,250,000 of personal money be contributed by the individual defendants before settling the case. The case settled for \$6,250,000 right before trial.

The case was handled by Daniel P. O'Toole and Nick Gjelij.

### \$5,500,000 RECOVERY FOR A WORKER INJURED IN AN ELEVATOR ACCIDENT

Plaintiff, a thirty-nine year old truck driver, was delivering office furniture when he was struck in the head, neck and back with the metal gate of a freight elevator. The interior metal gate closed in a downward direction, from top to bottom, when the Defendant elevator operator pressed a button located within the freight elevator. The gate struck Plaintiff in the head, neck and back, causing him to fall to the ground. As a result, Plaintiff's back was injured and he underwent a lumbar decompression surgery; however, his complaints continued and he later underwent a fusion of the lumbar spine. Defendants challenged the nature and extent of Plaintiff's claimed injuries. Defendants contended that Plaintiff made a good recovery from his injuries such that he would be able to obtain gainful employment. Defendants further argued that Plaintiff did not require the future medical care Plaintiff claimed.

The case was resolved for \$5,500,000. The case was handled by Jeffrey Block and S. Joseph Donahue.

### \$5,500,000 RECOVERY FOR ELECTRICIAN WHO FELL FROM LADDER

On Aug. 30, 2005, plaintiff, 40, an electrician, was working in a Federal Express warehouse located at 300 Maspeth Avenue in Brooklyn. He and a co-worker were assigned to the area to repair various high bay lighting fixtures that were attached to the ceiling of the loading dock area, and which were not functioning. In order to reach one of the fixtures, Plaintiff climbed a 28-foot aluminum extension ladder. While working on the fixture, he was caused to fall approximately 14 to 16 feet and landed on his head. Plaintiff claimed that he was not provided with any protection as he climbed the 28-foot ladder and that while he was in the course of his duties he received an electric shock, causing him to fall. Plaintiff suffered multiple fractures and a traumatic brain injury which required a craniotomy, and which led to significant cognitive deficits.

The case was settled for \$5,500,000 before trial. The case was handled by Stephen J. Murphy and David L. Scher.

### \$4,995,000 RECOVERY FOR LABORER WHO FELL AND INJURED ELBOW AND ANKLE

Plaintiff, a 37-year-old laborer, employed by Plaza Construction Company, was working at 56th Street and Broadway, on a high-rise residential and commercial building construction project, when the floor of a soffit collapsed and caused him to fall approximately 20 feet to the ground. The plaintiff was diagnosed with a dislocated left elbow; a fractured calcaneus of his left foot; and a fracture to the L2 vertebral body. The plaintiff's elbow dislocation was repaired non-surgically and he underwent an open reduction and internal fixation for the calcaneus fracture. His L2 fracture healed without surgery.

The parties reached a negotiated settlement of \$4,995,000. The case was handled by Jeffrey Block and Joseph Donahue.

### \$2,600,000 RECOVERY FOR A LOCAL 3 ELECTRICIAN IN A SUIT AGAINST CON EDISON FOR AN ELECTRICAL SHOCK

Plaintiff, a 37 year-old union electrician, was performing electrical work at the Pfizer building located in Manhattan. In order to perform this work safely, it was required that Con Ed de-energize the electrical power lines. Con Ed failed to do so properly. As a result, Plaintiff was caused to be shocked twice. The power line was tested immediately and found to contain 125 volts (household voltage). After receiving the two shocks, Plaintiff extricated himself from where he was working and did not fall. An ambulance arrived and administered an EKG, which was normal. EEGs were also negative. Plaintiff refused medical attention at the scene and the EMS report indicated that he had no pain or discomfort. Plaintiff proceeded to drive his partner home and then went to his home. Plaintiff then began treating with various medical providers, claiming that he suffered from memory loss, mood swings, dental problems and depression. He was ultimately diagnosed with Post Traumatic Stress Disorder and Depression. The medical providers opined that he could no longer return to his prior occupation as an electrician. Consolidated Edison claimed the symptoms that the Plaintiff alleged could not have been caused by exposure to 125 volts.

The case was resolved for \$2,600,000 at mediation days before jury selection was scheduled to begin. The case was handled by Daniel P. O'Toole and Nick Gjelij.

\* Prior results do not guarantee a similar outcome

## LAWYERS WITH HARDHATS

[www.constructionaccidentsny.com](http://www.constructionaccidentsny.com)

Block O'Toole & Murphy has a proud and successful history of representing laborers who are injured on the job.

### A few recent results include:

- \$6,250,000 Recovery for a carpenter who fell on the work site.
- \$5,500,000 Recovery for an electrician who fell from a ladder.
- \$5,500,000 Recovery for a worker injured in an elevator accident.
- \$5,030,572 Recovery for a construction worker that was injured when a scaffold tipped over.
- \$4,995,000 Recovery for a laborer who fell and injured his elbow and ankle.
- \$4,900,000 Recovery for an electrician who fell from a ladder and injured his head and back.
- \$4,000,000 Recovery for a union elevator mechanic whose left leg fell through an opening on a construction site.
- \$4,000,000 Recovery for a steamfitter injured after becoming entangled in a water pump.
- \$3,700,000 Recovery for a man who fell from a scaffold.
- \$3,500,000 Recovery for a construction worker who sustained a head injury after being struck by limestone that fell from a roof.
- \$3,500,000 Recovery for a journeyman that sustained a head injury while constructing a scaffold.
- \$3,411,000 Recovery for a building superintendent injured by a brick that fell from a scaffold.
- \$2,600,000 Recovery for a Local 3 electrician in a suit against Con Edison for an electrical shock.
- \$2,150,000 Recovery for a carpenter struck by a falling piece of plywood.
- \$1,850,000 Recovery for a foreman that lost the tips of two fingers while rigging and hoisting a load.
- \$1,400,000 Recovery for a carpenter that lost the tips of two fingers in a saw blade accident.
- \$1,350,000 Recovery for a laborer after a piece of rebar fell onto his hand leaving his pinky finger partially amputated.
- \$1,150,000 Recovery for a construction worker who suffered a laceration to his face because the blade of the power saw he was operating was missing a guard.

\* Prior results do not guarantee a similar outcome



### Block O'Toole & Murphy LLP Continues to Play an Important Role with The New York State Trial Lawyers Association

For over 55 years, the New York State Trial Lawyers Association has worked to protect New York's civil justice system, fighting to promote a safer and healthier society, to assure access to the civil justice system by those who are wrongfully injured and to advance representation of the public by ethical, well-trained lawyers. The organization that has been routinely described as "powerful" and "influential" by publications such as The New York Times and Crain's New York Business represents nearly 5,000 lawyers from the Bronx to Buffalo. The lawyers at Block O'Toole & Murphy, LLP, continue to play a major role with the New York State Trial Lawyers Association. Daniel O'Toole was elected to serve as Treasurer of the organization and appointed as a chairman of the prestigious Labor Law Committee, which protects thousands of New York's construction workers. Stephen Murphy continues in his role as a member of the Board of Directors and was appointed to serve as a chairman of the organization's Partnership for Justice campaign. Joseph Donahue and Nick Gjelij are both serving as members of the Board as well as filling a role on the Labor Law Committee and David Scher is serving as the youngest ranking member of the Labor Law Committee.

### A MESSAGE FROM BOM PARTNER AND NYSTLA LABOR LAW COMMITTEE CO-CHAIR, DANIEL P. O'TOOLE

As Co-Chairman of the New York State Trial Lawyers Association's (NYSTLA's) Labor Law Committee, I am pleased to announce some exciting new initiatives aimed at strengthening legal protections for our State's construction workers. The Labor Law Committee has formed eight subcommittees targeting a variety of goals from promoting fair legislation in Albany and working with union members all over the State, to compiling statistics on work related injuries, finding insurance solutions and exposing reckless owners and contractors who cut corners on worker safety to increase profits. The Committee is dedicated to ensuring that New York's construction workers are provided the safest work environments possible, and are entitled to fair compensation whenever they are hurt on the job.

In 2008, there were 19 construction workplace deaths in New York City alone, and thousands more construction site injuries. Even though the number of construction projects in New York has declined along with the economy in recent years, worker injury statistics have remained alarmingly steady. Block O'Toole & Murphy has been fighting on behalf of injured construction workers in the courtroom for years and we will always continue to do so. Every time we secure a favorable verdict or settlement on behalf of a worker, a message is sent to owners and contractors that if they fail to provide a safe work place, they will pay a heavy price. Now, through our leadership in NYSTLA's Labor Law Committee, we are attacking these issues on new fronts.

If you have been hurt on the job, please call or email us for a free consultation.



### FIRM FEATURED IN DOCUMENTARY TELEVISION PROGRAM.

Insider Exclusive, a documentary show that airs on local cable stations, recently filmed a feature series on Block O'Toole & Murphy in Manhattan. The shows, which will air in 2010, focus on the record-setting James Dunne v. Lloyd verdict that was secured in Suffolk County by Stephen Murphy and Daniel O'Toole, as well the firm's impressive array of results representing injured construction workers.

### FIRM FEATURED ON NATIONAL RADIO PROGRAM

Stephen J. Murphy appeared on the satellite radio program America's Premier Lawyers. A link to the program can be accessed on the firm website.

### FIRM PUBLISHED IN NEW YORK LAW JOURNAL

David L. Scher and Stephen J. Murphy of the firm write regularly about legal issues related to construction accident lawsuits. A recent article co-authored by Mr. Scher and Mr. Murphy about undocumented workers was published as a cover story in the New York Law Journal.

## BO&M FIGHTS FOR CHILDREN

### ST. JUDE CHILDREN'S RESEARCH HOSPITAL

St. Jude Children's Hospital is the leading hospital in the world in the ever important fight against pediatric disease, including cancer. For the third year in a row, Stephen J. Murphy and Daniel P. O'Toole, while working with the leading defense firm Wilson Elser, organized a charity wine tasting auction. This year David Scher joined the committee and was an invaluable asset in promoting the event. The firm was again the leading sponsor of this highly successful event which raised more than \$170,000 and drew more than 500 people. This event, which boasted wines from 15 different vineyards and ten prominent restaurants, has become the event of the year in New York City.

### THE FRANCES POPE MEMORIAL FOUNDATION "MAN OF THE YEAR" AWARD

Since its inception, The Frances Pope Memorial Foundation has assisted countless families caring for a seriously ill child. The assistance provided has taken on a variety of forms, always with the aim of responding to the unique needs of each individual family. The Foundation has provided travel, accommodations, and living expenses for families, while simultaneously paying rents, mortgages, car payments, and childcare expenses. This is an extremely important charity and the firm has been a leading sponsor at the Annual Friendship Ball that takes place every year in February. On February 12, 2010, Stephen J. Murphy of Block O'Toole & Murphy was honored as "Man of the Year" by The Frances Pope Memorial Foundation for his extraordinary commitment to address the needs of children with cancer.

## BO&M FIGHTS AUTISM

Daniel P. O'Toole continues to support the battle against autism. Mr. O'Toole has helped finance the construction and maintenance of several classrooms for schools that specialize in the education of autistic children. His generous efforts have made the firm proud.

## ATTORNEY REFERRALS

**Block O'Toole & Murphy want you to think of us as your law firm. Please feel free to refer us to your family, friends, co-workers and neighbors if they are involved in a substantial personal injury case. You are part of the Block O'Toole & Murphy family. If you have any legal matters that need attention, please let us know.**

**Block O'Toole and Murphy accepts referrals of substantial cases from attorneys and law firms throughout New York. We are honored when a colleague entrusts us with a case, and we are proud of the fact that attorneys who refer us one case consistently want to refer us more.**



Name: Toni Ann  
Job: paralegal

## FEATURED EMPLOYEE

Toni Ann has been with the firm since 2004. Clients and friends of the firm know her as a generous person with an enormous heart. To those who have the pleasure of working with her, she is irreplaceable. Her spirit is unmatched and her work product is excellent. Toni Ann is now a proud mother of a beautiful baby girl and we hope she remains a member of the Block O'Toole & Murphy family forever.

## CLIENT TESTIMONIALS . . .

*"They are not just my lawyers, they are like family."*  
Oscar T.

*"As a guy that worked in the construction field, I appreciate hard work. These lawyers will run through walls for you. They exceeded all of my expectations."*  
Ryan M.

*"Loyalty means everything to an Albanian. They stood by me and got an amazing result. I will never ever forget what they did for me and my family."*  
Agron H.

*"I lost my husband and I thought I'd never get my life back. They were like saints. These lawyers guided me through my darkest days."*  
Ann W.

*"These lawyers were the best thing that ever happened to my family."*  
Brian D.

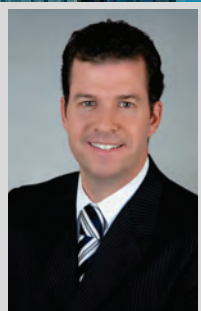


\* Prior results do not guarantee a similar outcome

FIRM LINEUP



Jeffrey A. Block



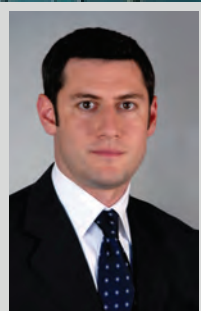
Daniel P. O'Toole



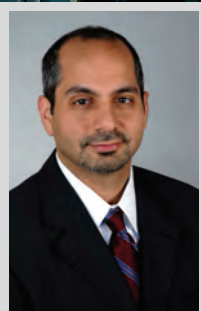
Stephen J. Murphy



S. Joseph Donahue



David L. Scher



Frederick Aranki



Nick Gjelij



Sean P. Constable



Kareem Vessup



Javier Solano

## RESULTS MATTER

\$32,756,156	\$2,550,000	\$1,640,000
\$14,000,000	\$2,500,000	\$1,600,000
\$12,000,000	\$2,500,000	\$1,500,000
\$9,792,412	\$2,500,000	\$1,500,000
\$9,263,326	\$2,500,000	\$1,500,000
\$8,000,000	\$2,450,000	\$1,500,000
\$6,250,000	\$2,325,000	\$1,499,000
\$6,000,000	\$2,250,000	\$1,475,000
\$5,500,000	\$2,250,000	\$1,475,000
\$5,500,000	\$2,250,000	\$1,475,000
\$5,500,000	\$2,200,000	\$1,400,000
\$5,030,572	\$2,150,000	\$1,400,000
\$4,995,000	\$2,100,000	\$1,350,000
\$4,900,000	\$2,025,000	\$1,350,000
\$4,100,000	\$2,005,000	\$1,350,000
\$4,000,000	\$2,000,000	\$1,325,000
\$4,000,000	\$2,000,000	\$1,281,000
\$4,000,000	\$2,000,000	\$1,275,000
\$4,000,000	\$2,000,000	\$1,275,000
\$4,000,000	\$2,000,000	\$1,260,000
\$3,700,000	\$2,000,000	\$1,250,000
\$3,570,760	\$2,000,000	\$1,250,000
\$3,500,000	\$1,995,000	\$1,250,000
\$3,500,000	\$1,950,000	\$1,250,000
\$3,500,000	\$1,941,000	\$1,250,000
\$3,500,000	\$1,900,000	\$1,250,000
\$3,411,000	\$1,850,000	\$1,250,000
\$3,125,000	\$1,823,000	\$1,204,087
\$3,000,000	\$1,800,000	\$1,200,000
\$3,000,000	\$1,800,000	\$1,175,000
\$3,000,000	\$1,800,000	\$1,150,000
\$2,840,000	\$1,800,000	\$1,150,000
\$2,840,000	\$1,750,000	\$1,100,000
\$2,750,000	\$1,750,000	\$1,097,000
\$2,750,000	\$1,750,000	\$1,097,000
\$2,750,000	\$1,700,000	\$1,000,000
\$2,650,000	\$1,700,000	\$1,000,000
\$2,600,000	\$1,700,000	\$1,000,000
\$2,600,000	\$1,650,000	\$1,000,000
\$2,600,000	\$1,650,000	\$1,000,000 (multiple)*



212-736-5300

[WWW.BLOCKOTOOLE.COM](http://WWW.BLOCKOTOOLE.COM)

[www.constructionaccidentsny.com](http://www.constructionaccidentsny.com)