

# NJ LAW PAGE

ROSSETTI & DEVOTO PC  
ATTORNEYS AT LAW

Winter 2005

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Volume One

## \$1.0 MILLION FOR INDUSTRIAL MACHINE MALFUNCTION

A Cumberland County man will receive close to 1.0 million after he lost the fingers on both hands in an industrial mishap. Our client was employed for only 3 hours as a punch press operator when the press malfunctioned and crashed down on his hands causing amputations of eight of his fingers.

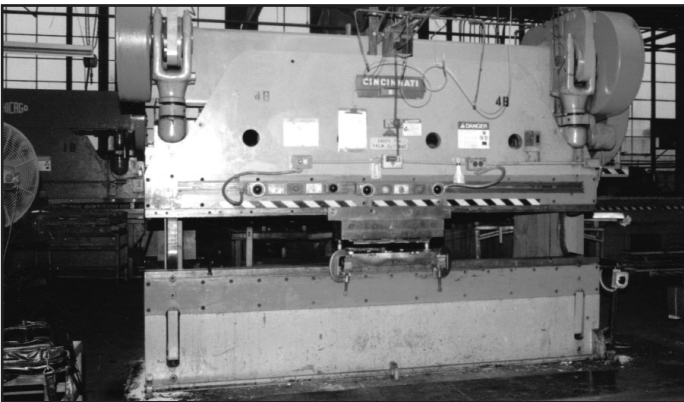
The machine was designed in the 1950's and was maintained by the client's employer, Library Bureau Steel of Vineland. The punch press had a proper safeguard that required the operator to have both hands on an activation button in order for the press to engage. "It was largely undisputed that the machine malfunctioned. The problem in the case was determining why and how it malfunctioned and who was at fault said Louis DeVoto, who handled the case for R&D." "We also had to avoid blaming the employer for the malfunction since employers in New Jersey cannot be sued for negligent acts in return

for having to pay Worker's Compensation benefits to injured workers, including medical bills and lost wages.

DeVoto hired a team of experts including mechanical and electrical engineers who determined that an electrical malfunction due to aged and faulty wiring was the most likely cause. Through documents uncovered in the case, it was learned that an electrician had worked on the machine months prior and had not changed the wiring. The electrician countered by arguing that the employer refused to engage the electrician in a service contract and only hired them to perform specific tasks when called.

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"This was an extremely tragic case that caused our clients entire life to change in the blink of an eye," said DeVoto. "Given that we could not sue the employer, we are extremely satisfied with the result and the fact that our client will now have a monthly income in which to live, pay bills and seek medical help for the rest of his life."



Welcome to NJ Law Page  
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## NEW JERSEY SUPREME COURT MAKES IT EASIER TO FILE LAWSUITS IN AUTO CASES

In June of 2005, the New Jersey Supreme Court made it easier for people injured in car crashes to file lawsuits. A unanimous court ruled that persons selecting the “limited lawsuit” option under their car insurance policy need only prove that they have suffered a permanent injury proven by objective medical evidence. The court did away with the second prong of the standard that required that the injury have a “serious impact on lifestyle”.

According to Andrew Rossetti, “this is a significant ruling since many injured people will now be able to bring claims for injuries even though they chose the limited threshold option under their car insurance policy. This ruling makes it easier to prove pain and suffering and will allow our clients to have access to the civil justice system when they have been wrongfully injured.” Rossetti & DeVoto, P.C. is accepting all automobile accident cases and will gladly offer a free consultation regarding your rights.

“no longer need to show serious impact on lifestyle”

### ATTORNEY UPDATES

Andy was invited to lecture at the Institute for Continuing Legal Education seminar “Civil Motion Practice.” The seminar was given with Judge Smithson from Mercer County and was designed to teach young lawyers how to file and argue motions in court.



Andrew J. Rossetti

Andy also spoke at the Camden County Bar Association seminar “Alternative Dispute Resolution” with retired Judge and mediator Barry Weinberg. The seminar focused on Andy’s successful mediation of a \$7.5 million trucking case. Andy lectured at ICLE’s Summer Advocacy Institute in July, teaching lawyers of all ages advanced trial skills.

Lou was installed as the Vice President of the Trial Attorneys of New Jersey in April. He is slated to lead the organization as President in two years.

Lou lectured to lawyers at the New Jersey State Bar Convention in Atlantic City on the Open Public Records Act explaining to lawyers how to utilize the Act to get records to help advance our client’s cases. Lou was also



Louis J. DeVoto

featured on Comcast’s Daily News Live as a guest legal commentator in the John Chaney-John Bryant controversy in connection with a Saint Joseph’s - Temple basketball game. Most recently, Lou lectured for the Institute of Continuing Legal Education seminar on “How to Select a Winning Jury.”

### PROTECT YOURSELF AGAINST IDENTITY THEFT



More and more Americans are becoming victims of Identity Theft. The thieves steal your identity and then use your identity to obtain credit cards on which they can charge thousands before you even know what happened. Even more scary is just how easy it is and how common it has become. Once a victim it can take years to correct the credit nightmare that ensues.

Recently, an identity thief in Marlton was caught after going through over 300 mailboxes in order to obtain and sell identities. He had gained access to names, addresses, credit card information, social security information and bank account numbers.

The most common forms of theft include, stealing mail, searching trash, copying credit card numbers at stores, computer hacking and employment records.

According to the Federal Trade Commission, the best way to prevent identity theft is to place difficult passwords on all bank cards, never give out your social security number unless you have to, do not carry more than two credit cards, shred all charge receipts and bills, obtain a locked mailbox, and make sure that your computer has a firewall. In addition, you should also order your credit report each year which by next year will become free. The three most common credit reporting agencies are Equifax (1-800-665-1111) Experian (1-888-EXPERIAN); and Trans Union (1-800-916-8800).

To opt out of free credit card offers call (888) 567-8688. A bill is pending in New Jersey to assist victims of identity theft.

## R&D Forces Insurance Company To Pay For Alternative Treatment For Ailing Client

**A** Burlington County Judge ruled in favor of R&D's client after a three day trial ordering an insurance company to pay for a new and costly treatment for Reflex Sympathetic Dystrophy, a painful and debilitating condition that affects the nervous system. "The treatment of Intravenous Ketamine was both reasonable and necessary according to our client's doctors," said DeVoto, "but without pre-approval our client could not afford it. When the company refused to pay, we had no alternative but to file suit to force them to pay." The suit was filed on an emergent basis.

While very costly, studies have shown the new treatment is effective in controlling and in many cases curing the painful disorder. Left untreated, RSD can spread throughout the body leaving many persons totally disabled and relying on heavy doses of pain medicine just to function.

## Winning Over Jurors – What Can You Do?

**T**oday's jurors are more conservative and more skeptical than ever. The awards given at trial today are lower than they were ten years ago despite the fact that the costs of injuries and their effect on the clients have increased. Even if your case does not go to trial, these trends affect the value of your case. Insurance companies have spent lots of money polluting jurors' minds by running fraud advertisements at every opportunity. Behind the scene, we are continuously working with trial organizations to counter this effort. But you can help. These helpful hints will start you in the right direction.

- 1 Preserve all potential evidence and take photographs after an accident.**
- 2 If you are hurt, seek medical attention immediately. A delay will be interpreted as not being hurt.**
- 3 Always be truthful (ie., attorneys, examining doctors and employers).**
- 4 Always make an effort to do all that you can do. (Jurors will help those who they believe will take advantage of help).**
- 5 Have a treatment plan for your injuries that is sensible and not excessive.**
- 6 Report all complaints at each doctor visit.**
- 7 Serve on juries when you have the opportunity!**

## LEGAL EXCELLENCE

**A**ndy and Lou were recently selected by their peers to be included in the 2006 edition of *The Best Lawyers in America*. *Best Lawyers* is widely regarded- by both the profession and the public- as the definitive guide to legal excellence in the United States and is often featured in The New York Times, Forbes and The Washington Post. The standards for inclusion are rigorous with only 6,602 lawyers being selected nationwide by leading attorneys throughout the country.

## CALL FOR YOUR FREE LIVING WILL KIT

**E**veryone should have a living will. A living will is a legal document that directs the care that you desire and appoints a representative that you name to act on your behalf if you become physically or mentally incapacitated. Most hospitals will ask you for your living will upon admission. This is a very important document to prepare while you are healthy for many of the same reasons that you should prepare a will at that same time.

## PLEADING GUILTY IN MUNICIPAL COURT MAY COST YOU

**M**any people plead guilty to their traffic offenses or downgraded versions of those offenses. Most do not realize that guilty pleas may carry insurance points that will subject you to surcharges on your car insurance in addition to the penalties you pay at municipal court. You should have an experienced municipal court lawyer to help guide you to your best result. Having a lawyer in municipal court will also expedite your matter. *Call us for help or for a referral.*

## VERDICTS & SETTLEMENTS

**\$1.0 million** settlement for a Vineland man injured in an industrial machine malfunction.

**\$** Confidential settlement against major car manufacturer for defects that caused the death of R&D's client.

**\$** Confidential settlement against an industrial equipment manufacturer that caused serious injuries to R&D's client.

**\$400,000** settlement against a major truck leasing company for R&D's client who had his foot crushed in a lift gate malfunction caused by the company's faulty maintenance practices.

**\$475,000** settlement for construction fall resulting in serious arm fracture to R&D's client. The case settled after mediation with the Honorable John Keefe, Retired Judge of the Appellate Division.

**\$300,000** settlement for a construction fall resulting in a pelvic fracture to R&D's client. The case settled after mediation with Honorable John Keefe, Retired Judge of the Appellate Division.

**\$225,000** settlement for client suffering from RSD caused by a car crash.

**\$600,000** wrongful death settlement after mediation with Honorable Barry Weinberg, Retired Judge of the Superior Court.

**\$300,000** for a Vineland man who suffered severe scarring from a defective machine.

## REFERRING ATTORNEYS:

**T**hank you for your referrals in the past year! In order to help you, we are now accepting referral information over our website and have the ability to print out the status of each of your referrals at the push of a button. Our highest percentage of referral acceptances are referrals involving machine defects/products liability, construction falls, automobile and truck accidents, industrial accidents and trip and falls. Because we are Certified Civil Trial Attorneys, we can ethically share fees in referred cases.

## VIOXX, CELEBEX AND BEXTRA DRUG INJURIES.



Rossetti & DeVoto is working with several law firms in cases aimed at the drug makers of Vioxx, Celebrex and Bextra. If you, your family or friends have had any heart ailments or strokes caused by taking these drugs, please call us for a free and comprehensive evaluation.

## ON THE BUSINESS LITIGATION FRONT:



R&D is please to welcome the following business and consultation clients to our growing business litigation practice:

Williams Mechanical - a reliable and trustworthy heating and air conditioning contractor

Shea's Drycleaning - a dry cleaning company specializing in fire restoration

The McIntyre Group- a superior insurance agent specializing in business insurance with exceptional personal service

Atlantic City Classic Car Show- The largest classic car event in New Jersey. The next show will be held in February of 2006.

# How Can We Help You?

**A**ndy Rossetti and Lou DeVoto are pleased to announce the inaugural issue of NJ Law Page. The newsletter is designed to keep our former and current clients and our network of referring attorneys abreast of hot legal topics and events.

Mssrs. Rossetti & DeVoto have been practicing together for many years and have expanded their traditional personal injury practice area to include business litigation, municipal court matters and professional liability. "These areas were a natural extension of what we were already doing," said Rossetti, and many of our present clients and professional contractors needed our aggressive litigation services."

The law firm carries the distinction of being rated "AV" by Martindale Hubbell, which rates lawyers and law firms on legal ability and ethical integrity. AV is the highest possible rating for each category. In addition, both Andy and Lou are Board Certified by The Supreme Court of New Jersey and the National Board of Trial Advocacy, a distinction carried by less than 1% of the attorneys in New Jersey.

Rossetti & DeVoto's philosophy is to be aggressive in its representation and responsive to the needs of its clients. The firm invested in a state of the art computer software management system that allows us to do things in less time while accessing our clients and their files 24 hours per day. Said DeVoto, "the more efficient we are as a law firm, the better we are able to help our clients and respond to their needs."

The newsletter will be published on a quarterly basis. If you have questions or comments please let us know. *Thank you for your support.*