

FIREFIGHTERS' NEWSLETTER

THIS DOCUMENT CONTAINS IMPORTANT INFORMATION ABOUT FIREFIGHTER RIGHTS



Barasch McGarry Proud Supporter of Denis Leary Foundation

You may think of Denis Leary as a funny guy, but he is quite serious indeed when the subject turns to the plight of firefighters in America, reports *The Wall Street Journal* (11/14/06). Most NYC firefighters know that Denis's interest in raising money for those who fight fires pre-dates the 2001 terrorist attacks. It also precedes the debut of his hit series, "Rescue Me," which centers on "a group of New York firefighters as they deal with survivor's guilt, post-traumatic stress disorder and other disorders." It actually dates back to a 1999 warehouse fire in his hometown of Worcester, Mass., that

killed six firefighters including his cousin and a high school classmate.

Before the tragedy, Denis says "he mostly ignored complaints from his cousin and friends about how fire departments -- in Worcester and across the country -- are constantly underfunded and undertrained." After the tragedy, he initially concerned himself with taking care of the "six widows and 17 fatherless children" left behind by the tragedy. Today, his focus is on raising money to make sure that firefighters have essential equipment, which is still lacking even in today's post-9/11, post-Katrina world. "The federal funding we received post-9/11 was for WMD/mass-casualty type of incidents," says NYFD Chief Nick Santangelo. "The funding we are lacking is for basic skills training in firefighting and emergencies." To help with that, Denis set up the Leary Firefighters Foundation, learyfirefighters.org.

Since 2000, The Leary Foundation has raised over \$5 million for uniformed firefighters in New York and Massachusetts.

In addition to grants for equipment and training, the Leary Firefighters Foundation distributed \$1.9 million to the families of firefighters who perished on 9/11.

Ashes to Ashes, Dust to Dust: Sept. 11th Lives On

When the World Trade Center towers collapsed on Sept. 11, 2001, they left behind more than one million tons of dust. The plume of smoke emanating from New York later that afternoon was so dense that Doppler radar - commonly used to track dangerous weather - displayed a huge red patch jutting dozens of miles into the Atlantic.

Because this event was unprecedented, there was no blueprint for the environmental and health consequences that would follow. But this much was certain; burning toxins, dioxin, and one million tons of debris that comprised pulverized asbestos, steel, electronics, lead, concrete, freon, glass, mercury and cellulose - more than 2,500 contaminants in all - would compromise the air quality downtown, and threaten the health of workers at the site unless they were properly protected.

Within a week of the collapses, Environmental Protection Agency administrator Christine Todd Whitman infamously declared that "the air



Denis Leary talks to Mike Barasch at recent Leary Foundation benefit

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SCAM ALERT!

Civil Liability for Identity Theft

During the past holiday season, two of our firefighter clients were victims of identity theft. Unfortunately, they are not alone. Nearly 10 million Americans fall victim to identity thieves each year. In addition to financial harm, many victims suffer emotional, psychological, and even physical injuries.

This is a relatively new kind of crime, and the law has had to adapt to protect the victims. New York now recognizes an identity-victim's right to sue the perpetrator to gain restitution for any losses, including non-economic damages.

Other parties also may be liable to an identity theft victim. Third-party liability claims fall into four general categories; negligent security of personal information, negligent sale of information, failure of a bank to prevent identity theft or to mitigate damages, and liability of credit reporting agencies for failure to prevent or remedy incidents of fraud.

What You Must Do Once you Discover the Thefts

On average, more than a year passes between the first misuse of a person's identity, and the time the victim discovers the crime. The Federal Trade Commission (FTC) recommends that victims quickly contact the fraud department of any one of the three major credit reporting agencies to have fraud alerts placed on their credit files. They should immediately close any accounts that have been affected. They should also report the fraud to the police and the FTC as soon as possible. Last year, Congress made it easier for victims of identity theft to sue credit-reporting agencies after they discover latent identity theft problems. A claim must be brought within two years of the discovery of a violation, or five years from the date of the violation, whichever is earlier.

PROTECT YOURSELF

Common ways that identity thieves steal your personal information include rummaging through trash for bills and documents containing personal information; posing as financial institutions or companies via email, phone or pop-up messages to get you to reveal personal information; diverting your mail by filling out change-of-address forms; stealing credit card numbers when processing your card; stealing wallets, purses, mail, and records; and bribing employees with access to personal information.

To protect yourself, you should invest in a paper shredder, and be sure to shred any paperwork containing personal information. Never give out personal information over the phone, through the mail, or over the internet, unless you know who you are dealing with. Never click on links sent in unsolicited emails. Protect your social security number - only give it out when it is absolutely necessary. And, don't use obvious passwords on internet accounts (e.g., your date of birth, social security number, or mother's maiden name). Be diligent about monitoring your financial statements and accounts. If you are denied credit for no discernible reason, if your bills do not arrive as expected, or if you see charges for purchases that you did not make, investigate immediately. And, be sure to obtain your yearly free credit report from the major consumer reporting companies - Equifax, Experian, and TransUnion.

Identity theft is a nightmare, and can ruin your credit and good name. We want our clients and friends to know their rights, and to protect themselves against these criminals.

Jeff Dion of the National Center for Victims of Crime contributed to this article.

BEWARE OF THE "JURY DUTY SCAM"

This is actually a real scam to get your social security number. This has been verified on Snopes.com, and by the FBI. Please pass this on to everyone. It is spreading fast so be prepared should you get this call. Most of us take summonses for jury duty seriously, but enough people skip out on their civic duty that a new and ominous kind of scam has surfaced. Fall for it and your identity could be stolen, reports CBS.

In this con, someone calls pretending to be a court official who threateningly says a warrant has been issued for your arrest because you didn't show up for jury duty. The caller claims to be a jury coordinator. If you protest that you never received a summons for jury duty, the scammer asks you for your Social Security number and date of birth so he or she can verify the information and cancel the arrest warrant. Give out any of this information and bingo! Your identity just got stolen.

The scam has been reported so far in 11 states. This scam is particularly insidious because they use intimidation over the phone to try to bully people into giving information by pretending they're with the court system. The FBI and the Federal court system have issued nationwide alerts on their web sites, warning consumers about the fraud. This has been around for over a year. Just tell the callers to put their warrant where the sun don't shine. Such matters are not handled by telephone. Please share this information with your family.

(continued from "Ashes to Ashes" – page 1)

is safe to breathe" and that "the public in New York is not being exposed to excessive levels of asbestos or other harmful substances."

Not surprisingly, experts later confirmed what appeared obvious to workers at the site: the air was not safe. On Sept. 5, 2006 - less than a week before the fifth anniversary of the attacks - New York's Mount Sinai Medical Center released a study reporting that nearly 70 percent of recovery workers suffered lung problems during or after their work at Ground Zero.

On Nov. 28, 2006, the Village Voice reported that "to date, 75 recovery workers at Ground Zero have been diagnosed with blood cell cancers that a half-dozen top doctors and epidemiologists have confirmed as having been likely caused by that exposure."

***People aren't just getting sick.
They're dying.***

On Jan. 5, 2006, one of our clients, 34-year-old NYPD Detective James Zadroga was found dead on his bedroom floor - the victim of a respiratory disease he had contracted at Ground Zero. At the time of his death, Zadroga - a nonsmoker - had lungs so scarred that he needed supplemental oxygen to breathe. Dr. Gerard Breton, a pathologist at the Ocean County, N.J., medical examiner's office that conducted Zadroga's autopsy, stated that "it is felt with a reasonable degree of medical certainty that the cause of death in this case was directly related to the 9/11 incident." This has been confirmed independent-

ly by Dr. Michael Baden, the noted forensic pathologist.

In March, 2006, Debbie Reeve, 41, an FDNY paramedic, died from cancer that her doctor and family insist was linked to her work at the WTC morgue. She was the third EMS worker to die of a suspected 9/11-related illness. She incurred over \$100,000 in medical expenses, now owed by her family.

Two months later, communications recovery worker Mark DiBiase, 41, also died. He had worked without protective gear to restore communications between emergency personnel.

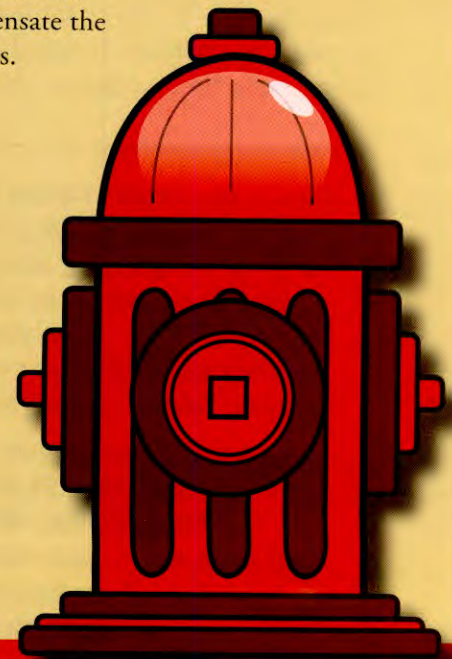
On Nov. 1, 2006, Sister Cindy Mahoney, an Episcopalian nun from South Carolina who spent several months serving first responders' spiritual needs at Ground Zero, choked to death two weeks after being cut off from her health insurance, according to the New York Daily News. Sister Mahoney had battled lung difficulties since autumn 2001.

And, of course, hours before his son appeared at President Bush's State of the Union address in Washington, D.C., former New York City police officer Cesar Borja succumbed to a respiratory ailment. He had been breathing through a tube at Mount Sinai at the time of his death, awaiting a lung transplant.

At first, Mayor Michael Bloomberg was skeptical about what is being called Ground-Zero disease. Thankfully, he has since joined the fight to get Washington to care for the first responders. Currently, he is campaigning to get the Federal Government to pay \$150 million a year for three health centers that already treat police officers, firefighters and

others made sick by the attacks. The money is badly needed to improve care in these underfinanced, over-worked centers.

There should also be a fund to compensate those who have been made sick, modeled on the Sept. 11 Victim Compensation Fund (VCF). Many people became ill after the VCF closed its doors. But the termination of the VCF was not tied to any realistic projection about when people would become ill - it was an arbitrary date. Rescue workers should not be prevented from receiving just compensation simply because their illnesses came on later. Congress has already set aside \$1 billion to cover lawsuits against the City and its contractors. This money would be better spent if it were made available directly to deserving rescue workers. It is simply wrong to let New York's rescue workers shoulder these burdens alone. The entire nation was attacked on Sept. 11, not just New York. Congress and the Bush administration should be prepared to come up with the additional funds, and the legislative fixes, that are needed to compensate the victims.





Future NYC

Fire- fighters



WHAT YOU ALWAYS WANTED TO KNOW ABOUT YOUR DOCTOR, BUT WERE AFRAID TO ASK

Of course, our firm has handled thousands of firefighters' cases. But, we also litigate many other types of cases involving personal injury, including those stemming from medical malpractice.

Health care providers sometimes make mistakes. That includes doctors. Before entrusting your care, or that of a loved one, to a physician, you may want to know whether he or she has been sued for malpractice. The New York State Department of Health collects such information regarding New York State licensed physicians, and makes it publicly available at its website, www.nydoctorprofile.com. The website also provides information about a physician's education, training, licensure, and board certification.

We encourage you to take an active role in learning about your doctors. If you or someone you know has been injured by a physician, hospital or medical facility, feel free to contact our firm to discuss this matter with an attorney.

**This is the THIRTY-FIRST edition of the BARASCH
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attorney advertising which
presents topics of interest to firefighters.**

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FINAL REMINDER - DEADLINE JUNE 14, 2007

Register now to protect your
rights under the WTC
presumptive bills

Registration forms available
on our web site

www.firelaw.com

or call our office

1-888-FIRELAW

Department of Health Study of WTC Fatalities

The New York State Department of Health (NYSDOH) in cooperation with the National Institute for Occupational Safety and Health (NIOSH) is studying deaths among responders, rescue workers and volunteers to the World Trade Center (WTC) disaster site.

The WTC Responders Fatality Investigation program will be collecting information on any fatality to a WTC responder or volunteer that has occurred since September 12, 2001 through June 2010. The New York State Department of Health is the data-collection center for information on deaths among WTC responders, recovery workers and volunteers. This data collection system will be used to identify and track all fatalities that occur among WTC responders so that science-based investigations of root causes can begin to be explored. All data collected will be kept confidential.

To report a death that has occurred to any responder, rescue or recovery worker or volunteer, please contact:

New York State Department of Health
Bureau of Occupational Health
547 River Street, Room 230
Troy, New York 12180
1-866-807-2130 (toll free in NYS)
or 518-402-7900

or by email at:
WTCfatality@health.state.ny.us

Copies of autopsy results should be sent to the above address.