

FIREFIGHTERS' NEWSLETTER



THIS DOCUMENT CONTAINS IMPORTANT INFORMATION
ABOUT FIREFIGHTER RIGHTS

CONGRESS THREATENS TO CUT FUNDING FOR WTC PROGRAM

\$38 Million cut could affect thousands of first responders with recognized cancers

On the eve of the 11th anniversary of September 11th, the National Institute of Health (NIH) announced the addition of dozens of cancers to the James Zadroga 9/11 Health and Compensation Act. This followed months of lobbying by 9/11 activists, including testimony by Mike Barasch on behalf of our law firm's



Joe Zadroga, Congressman Peter King and Michael Barasch are working to get additional funding for 9/11 sick and disabled rescue workers

thousands of sick WTC first responders, to the WTC Scientific Technical Advisory Committee (STAC). Dr. John Howard, the Zadroga Act's health administrator, decided to add the cancers in light of mounting evidence that the diseases are linked to exposure at Ground Zero.

But what the federal government gave with one hand, it threatened to take away with the other. In the name of deficit reduction, the Office of Management and Budget issued a preliminary report showing that \$38 million would be slashed from the Zadroga programs in 2013, as part of a deal to cut over \$1 trillion in defense and domestic programs, a process known as sequestration. The Zadroga Fund was the result of a hard-fought battle to obtain medical care and compensation for rescue workers who sacrificed their health and safety during our country's time of need. We believe it would be unconscionable to take money away from the program, and antithetical to Congress's purpose in enacting the program in the first place.

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FIREFIGHTER AWARDED \$3.8 MILLION AFTER ANOTHER LAW FIRM REJECTED HIS CASE

*Justice for a disabled
firefighter*

By the time 41-year-old firefighter John Walters¹ contacted Mike Barasch, he knew that the door was closing on his career. While fighting a fire in an unsealed "vacant" building that was inhabited by squatters, he was struck on the head by falling debris, suffering serious injuries to his neck and spine. He underwent several surgeries that left him with hardware in his neck as well as pain and restricted motion.

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HURRICANE SANDY'S LESSON:

Make Sure You Are Protected

YEAR-END SUGGESTION: CHECK YOUR INSURANCE COVERAGE

Hurricane Sandy has reminded us once again about the importance of having adequate insurance. Since the devastating storm hit, we have spoken to dozens of firefighters whose homes were severely damaged or lost. Many of them simply didn't secure adequate home insurance coverage in order to protect their most valuable asset. We feel this issue is so important that we wanted to end the year with a reminder to evaluate all your insurance policies. As you consider those things that are most important to you, you should take stock of whether everything that you have worked for is protected.

1. **Home Insurance:** For most of us, our home is our biggest asset. You should be sure that you have adequate insurance to cover the cost of rebuilding in the event that your home is destroyed or damaged. In analyzing the amount of insurance that you need, you should of course consider the current valuation of your home. You should keep in mind that building costs rise every year, and you should make sure that your policy amounts keep pace with these costs. If you have made improvements to your home over the past few years, you should increase your policy limits to reflect the replacement costs of these improvements. You should also make sure that you have adequate protection for the contents of your home. Take an inventory of your belongings, and update it when you make major purchases.



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Like many firefighters, Firefighter Walters was hesitant to bring a lawsuit. It was not something that he had done before, nor was it something that he had ever envisioned himself doing. However, he knew that the end of his career was the result of someone else's failure to properly seal their building. He also understood that, absent a lawsuit, nobody would be held responsible for what had happened to him, and he would never be compensated for his pain and suffering, let alone the financial losses stemming from the accident.

He confided in his brother, a construction worker, that he wanted to speak with a lawyer. His brother recommended a law firm that primarily represented injured construction workers, one that was endorsed by his union. Shortly after his accident, Firefighter Walters met with an attorney from that law firm, who advised him that there was no case, because the "firefighter's rule" barred any lawsuit. He also told Firefighter Walters that the building owner could not be held responsible for the acts of the squatters who illegally occupied the building. Suffice it to say, the advice that Walters first received was, to be kind, dead wrong. In fact, firefighter Walters absolutely had a case against the building owner. He happened to have a very strong case.

Having been told by an attorney that he did not have a case, Firefighter Walters dropped the matter for over a year. But one thing nagged at him; the lawyers that he spoke with represented construction workers. As fine a reputation as they had in their own field of expertise, they did not generally represent injured NYC firefighters. After being found disabled by the 1B Medical Board, Walters knew that his career was over. His dreams of promotion, pay raises and a high pension were shattered. His wife and 3 children would not have the financial security that he had hoped to give them. Upon receiving one of our newsletters, Walters called us. After investigating the facts, we advised him that he did indeed have a valid claim. We explained that the building owner (and its insurance carrier) were responsible for failing to board up the vacant building. We showed Walters the NYC Building codes that the building owner had violated. We took his case on, litigated for 2 years against the building owner and the construction company that was hired by the owner to seal off the building. We obtained medical reports from his surgeons describing the multiple neurosurgeries and the limitations which led to his being found permanently disabled by the FDNY. We retained economists to prove the full extent of his economic losses. Ultimately, on the eve of trial we obtained a \$3.8 million settlement on his behalf.

The Million Dollar Second Opinion

Sadly, some firefighters who call our law firm do so *after* they have been given incorrect information by another law firm and *after* the applicable statute of limitations has expired. In other words, they call us too late. Simply put, firefighter cases are different. Firefighters should be confident that their attorneys are well-versed in protecting firefighter rights, and that they are familiar with the letter and legislative intent of the laws enacted to protect them.

In the case of firefighter Walters, speaking with an attorney who did not understand the laws that protect firefighters almost cost him and his family a lifetime of financial security. We are proud of the result that we were able to obtain for Walters and his family in particular, and the work that we do for NYC's Bravest.

¹Name changed to protect the privacy of our client.

2. **Liability Insurance:** It is also important that you maintain adequate amounts of liability insurance in the event that you are responsible for someone else's injuries on your property. This coverage should be part of your homeowner's policy. However, if you are ever sued, it most likely will be as a result of a car accident. Therefore, your automobile policy should definitely have adequate liability insurance coverage to protect your home and assets in the event you are sued. Because personal injury awards can be very high, even in the millions of dollars, you should consider buying an umbrella policy to supplement your existing auto liability insurance policy.

3. **Automobile Insurance:** If you have a car, you must have uninsured motorist (UM) coverage which will cover you in the event that *you* are injured by a negligent uninsured or under-insured driver. This is not a luxury. Without it, if you are injured in an automobile accident, you could find yourself without any means of obtaining compensation for your injuries and your lost career (please see accompanying article about two of our clients, one who had significant UM coverage, and the other who did not).

4. **Life Insurance:** Finally, you should think about whether you need life insurance. If you have dependents, especially a spouse, young children, or aging parents, you want to be sure that there are adequate means to care for them in the event that the unthinkable happens. It's best to buy this insurance when you are healthy -- people who purchase it when they are not in the best of health pay higher rates. In considering the amount of life insurance you need, you should keep in mind that the purpose of life insurance is to replace your income in the event that you die, so that your dependents can maintain their lifestyle. You should also consider whether your partner will have child-care expenses in the event that something happens to you.

Carrying adequate amounts of insurance is one of the important ways that you can protect yourself financially. We hope that you will take this time to analyze your existing policies to determine whether you have the coverage you need.

Tale Of Two Firefighters

Admittedly, uninsured motorist insurance coverage is a boring topic. No Spielberg movies will ever be made on the subject, but this relatively inexpensive automobile insurance coverage can provide financial security to your family. If you are still reading this, there is a chance that the following two stories will help convince you how critical this coverage is. It will hopefully provide you with the motivation to call your insurance broker immediately.

Story #1- Firefighter Sweeney (name changed to protect his privacy), age 38, had 9 years on the job. Last year he was driving on the L.I.E. when his car was cut off by an uninsured driver (according to the DMV, there are tens of thousands of uninsured drivers in New York). His car was forced into the concrete divider. His ankle was crushed and he had to endure several surgical procedures. He was found disabled by the Bureau of Health Services and he was awarded a modest non-line-of-duty pension. While his surgeons were able to use plates and screws to help heal the fractures, his dreams of earning a solid 50% pension for 20 years of work were shattered when he sustained the serious leg injuries. More unfortunate was the fact that the negligent driver was uninsured. It broke my heart to have to report to our client that the driver who had hit him had no insurance coverage and no assets to compensate him for his pain and suffering, not to mention his enormous lost income and pension.

Story #2- Firefighter Sepe (name changed to protect his privacy), age 42, with 12 years on the job, was in a terrible accident last summer. He was driving north on Route 87 when he was hit from the rear by a kid driving an uninsured pick-up truck. He sustained severe neck injuries, necessitating neurosurgery to put plates and screws in his neck. Suffice to say, he will never work again. Not only will he lose the salary that he had counted on for his family, he has also lost the chance to secure a meaningful pension. However unlike FF Sweeney, above, Mr. Sepe had a \$1,000,000 uninsured motorist insurance policy. We were able to prove to his own insurance company that the driver that hit Sepe was uninsured. Once we did that, we were able to secure \$1 Million on Mr. Sepe's behalf. While this certainly won't fully compensate him for his pain and suffering, and his lost career, at least he received significant compensation for his losses.

Moral of the stories: Make sure that you protect your salaries and your pension---- talk to your insurance broker about getting a \$1 Million uninsured motorist insurance policy. It's the smartest thing that you can do to protect yourself.



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Other similar programs are exempt from sequestration, including the Black Lung Disability Trust Fund, the Radiation Exposure Compensation Trust Fund and vaccine injury compensation. Likewise, most Veterans programs are exempt from sequestration. Sick and dying rescue workers should be treated commensurately.

With the addition of some 50 cancers to the list of covered conditions, the cost of caring for sick responders is now even higher. Cutting funds from the program could not come at a worse time. On a personal note, too many of our friends and clients are suffering. They are frightened, and they are sick. They will need medical treatment long after the Zadroga Act expires in October, 2016. Having listened to their struggles, we cannot turn our backs on them. We will do everything in our power to ensure that they are not made casualties of the political process. We pledge to continue our fight against the sequestration of 9/11 health and compensation funding.

In fact, we will continue our lobbying efforts to expand the time of the Zadroga Act well past 2016 and to increase the amount of funding that the Federal Government makes available.

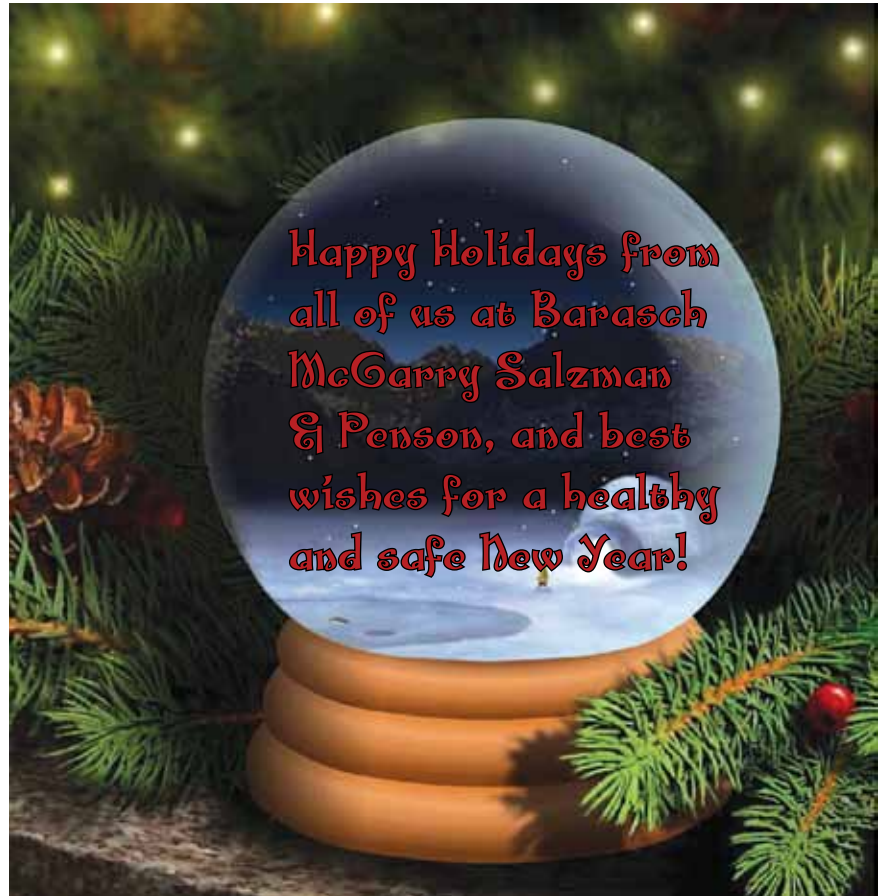
Hopefully, the election results will help our chances to secure additional funding for this.



These sisters had fun at our office while their parents took advantage of our offer to do free Wills on behalf of any active New York City firefighter. Kudos to their parents for protecting their futures.

We have now done over 1,500 free Wills and Health Care Proxies for active New York City firefighters and their spouses. If you aren't one of them, what are you waiting for?!

Stop putting this off
and call us today!



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