

continued from "John Devlin" page 3

and in constant pain. The scarring from aggressive treatment left him without a voice at first. Intensive speech therapy helped so that he was able to speak with a rasp. For a year, he had to rely on a feeding tube because the treatment destroyed parts of his throat, burned his epiglottis, which closes the airway passage when food is consumed, and left him unable to swallow. Last year, when the tube fell out, John decided not to allow doctors to put it back in. He felt that the feeding tube took a devastating toll on his quality of life. He opted instead for a diet of soft foods and shakes. He fought recurring bouts of pneumonia and his lung condition deteriorated. For the past 8 months,

he was in and out of hospitals, suffering from chemotherapy-induced seizures and pulmonary fibrosis. On March 10, 2014, he gave up his valiant fight.

Every first-responder breathed the same toxic air

Before becoming disabled, this father of Daniella, 22, and Matthew, 17, led an active life, practiced martial arts and was passionate about horseback riding and skiing. John always thought that notwithstanding his respiratory problems, he'd be able to continue working. By February, 2010, he was no longer able to work. He was found disabled by the Social Security Administration and

Worker's Compensation Board. He was subsisting on WC and SSD benefits, and was deeply in debt when he passed away.

When his wife Nancy called our law firm with the sad news, she was in tears not just because her husband had passed but also because she didn't have money for a funeral. Any money he had went to household bills and his medical treatment. Sadly, John passed before receiving an award from the Zadroga Victim Compensation Fund. He simply asked that his family be taken care of. We pledge to make sure that his wife and two children receive the full measure of compensation available under the law.



**SEE YOU IN ATLANTIC CITY AT THE UFA
DELEGATE SEMINAR! MAY 6-9, 2014**



We're looking forward to seeing the good friends we've made over the years and to meeting those of you attending for the first time. Please look for us at our information table and at our hospitality suite.

This is the FIFTY-FIFTH edition of the BARASCH McGARRY SALZMAN & PENSON NEWSLETTER... attorney advertising which presents topics of interest to firefighters. For questions, additional copies, or more information about topics raised in this newsletter, call or write:

BARASCH McGARRY SALZMAN & PENSON
11 PARK PLACE SUITE 1801
NEW YORK, NEW YORK 10007
Toll Free No. 1-888-FIRELAW (1-888-347-3529) or 212-385-8000
www.firelaw.com

Vol. 55

FIREFIGHTERS' NEWSLETTER



**THIS DOCUMENT CONTAINS IMPORTANT INFORMATION
ABOUT FIREFIGHTER RIGHTS**

TEENAGERS DRIVE FIREFIGHTERS CRAZY

**Your kids' parties and driving
can put you at risk**

Like many fathers of teenage kids, I admit that I really don't know what I'm doing. Despite my four years of college and 3 years of law school, somehow I am an "idiot" to my daughter and "know nothing" according to my son. The fact is that I never took any courses in school that properly prepared me for the challenges of dealing with teenagers.

I suspect that some of you reading this will understand what I'm talking about. Besides being challenging to deal with on a day to day basis, you should know that your teenage kids can ruin your financial security. Besides being expensive to rear (braces, school, tutors, clothing, food, i-phones, etc...), you may be legally responsible for their actions. I hope that this article makes you think carefully about the amount of liability insurance that you have on your home and on your car.

Automobile accidents: As you probably know, the owner of a vehicle in NYS

continued on page 2

CONGRATULATIONS TO ALL NEW FIREFIGHTERS

2 new probie classes are first graduated in 4 years

The FDNY welcomed 242 new firefighters to its storied ranks this past December. To these men and women, we welcome you to the best fire department in the United States. We would like to introduce our law firm and let you know some of the services that we offer to NYC's Bravest. More importantly, we want to be sure that *you know your legal rights*, as you embark upon your new career.

The attorneys at our law firm have been representing firefighters injured in the line of duty collectively for over 100 years. You should know that New York State has enacted laws that vest firefighters with certain legal rights that are unavailable to other municipal workers. Under General Municipal Law 205-a, if a firefighter is injured in the line of duty, he or she is

entitled to compensation if someone's statutory violation played a part in causing the injuries. Usually, these statutory violations are provisions of the NYC building code or fire code, but they can also be violations of the electrical code, or occupational safety and health laws, or any "well established body of law". Firefighters also have the right to bring general negligence claims. This is not to say that you should consider suing anytime you are injured. But if your injuries

continued on page 2



www.firelaw.com

"You protect us...we protect you."

continued from "Teenagers" page 1

is liable for the negligence of the driver. In most cases, teenagers drive their parents' car. Frankly, kids aren't the best drivers. No matter how responsible your kid is, no matter how diligent a student, there is a reason why insurance companies charge higher premiums to clients with young inexperienced drivers in the household. Therefore, in order to protect your single biggest asset (your home), you should make sure that your liability AND uninsured motorist coverage are big enough to protect your home. If, for instance, your home is worth \$500,000, we strongly urge you to make sure that you secure automobile insurance of \$1,000,000. When you speak to your insurance broker, make sure that you get the same amount of supplementary uninsured motorist coverage. This will help to protect your pension (to understand more about this, please feel free to look at our website, prior Firefighter Newsletters, or call my office for a free consultation to review all your insurance needs). I'm aware of the fact that more insurance coverage means higher premiums. On the other hand, you spend your entire career working for your home and pension. Don't put those two assets at risk.

All too often, we meet firefighters whose kids cause serious accidents and there isn't sufficient coverage to protect their home or their pensions. Please don't let this happen to you. Take the time to check your automobile insurance. Don't be lazy about this!

Homeowner's Insurance: A few years ago, a firefighter called me after he was served legal papers naming him as a defendant in a \$5 million lawsuit. He had no idea that

a year earlier, his teenage daughters had thrown a party for their classmates while he and his wife were out of town. Of course, the party started as a small get-together and soon morphed into a large event where dozens of kids were jumping into their pool. Unfortunately, one of the kids was drunk and he sustained a serious neck injury while diving into the pool. Because the daughters didn't tell their dad about the accident (they claimed that they didn't know that



someone got hurt), he wasn't able to report the incident to his insurance company. Of course, when the legal papers were served and he reported the accident, the insurance company tried to disclaim coverage since the accident hadn't been reported timely. Please let this serve as a warning to all of you. Speak to your kids about the dangers of letting their friends drink alcohol at your house (you are legally responsible for any accidents that they have both at your house and when they drive away "under the influence"). Make sure that your kids understand how they are putting the entire family at risk by throwing a party. Fortunately, in the case of the Queens

firefighter who was sued, we were able to get a court order forcing his insurance company to defend and indemnify him for the tragic accident at his home. However, because he only had \$500,000 in homeowner's liability coverage, there was a risk that he would lose his home if the jury's verdict was more than the \$500,000 of coverage. Thankfully, our law firm was able to negotiate a settlement with the injured teenager's lawyer so that our client was able to keep his home and pension.

Please let this story be a warning to all of you. Check your homeowner's policy and make sure that it is *twice the amount* of the value of your home. While no amount of insurance coverage can guarantee that you are protected from lawsuits, having a million dollars of liability coverage will certainly help you sleep at night. And, of course, talk to your kids about the dangers of serving alcohol in the home and about driving safely, even if they roll their eyes!

Follow us on Twitter
@BaraschMcGarry
and on Facebook:
Barasch McGarry
Salzman and Penson.



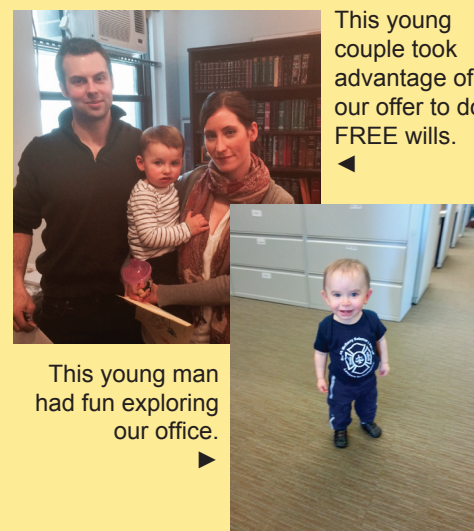
continued from "New Firefighters" page 1

might be serious, you should consult with an attorney to discuss your rights.

You should also know the importance of filing a proper and accurate member injury report, CD-72, whenever you are injured. After all of your hard work, your goal is to learn how to be the best firefighter you can be and enjoy the greatest job in the world for at least 20 years. In the event that you are seriously injured in the line of duty, you are entitled to a significant pension. You must file a CD-72 that adequately documents your injury and describes with particularity how the accident occurred.

The senior firefighters at your firehouse will teach you how to fill out these documents. Feel free to visit our website for some common do's and don'ts.

You should also know that since 9/11, we have drafted over 2,000 free wills for active firefighters/officers and their spouses. We also draft much-needed health care proxies. Please take advantage of this FREE offer.



This young couple took advantage of our offer to do FREE wills.

This young man had fun exploring our office.

4 MORE CANCERS LINKED TO WORLD TRADE CENTER TOXINS

Barasch McGarry has fought hard to have the Victim Compensation Fund recognize the mounting scientific evidence linking World Trade Center toxins to respiratory and gastrointestinal illnesses, and, more recently, to various cancers.

In addition to the 62 cancers currently covered under the 9/11 Zadroga Act, the Scientific Technical Advisory Committee (STAC) has just recommended adding four more cancers that have been linked to Ground Zero exposure. The cancers are those affecting the pancreas, cervix, brain and testicles. Since Congress passed the 9/11 Zadroga Act in 2011, the STAC has recommended the inclusion of certain cancers, including prostate cancer, based upon medical evidence demonstrating a significant increase in those diseases in people exposed to toxins at Ground Zero. So far, the National Institute of Health (NIH) has accepted all of the STAC's recommendations. As to the four proposed additions, a mandatory 60-day comment period is now underway, after

which the NIH will issue its decision. We are confident that it will accept the recommendations and add these 4 cancers.

UFA Health and Safety Officer Gerard Fitzgerald said the decision affects over a dozen former firefighters and their families, though many other first responders, residents and workers in lower Manhattan stand to benefit from the inclusion of these cancers.

Barasch McGarry is one of the leading law firms fighting for treatment and compensation for firefighters, first responders and families of those affected by the 9/11 attacks.

"We are beyond proud to have lobbied Congress to reopen the Victim Compensation Fund and advocate for the James Zadroga family," said firm partner Michael Barasch. "9/11 victims have suffered terribly. Nothing can truly fix the damage done, but we will continue fighting to help these men and women get the help that they need and

deserve to reclaim their lives."

Unfortunately, the Victim Compensation Fund is scheduled to close in 2016. Barasch and others say the \$2.7 billion allocated by Congress for the Fund may not provide enough compensation for all of the victims, now that so many cancers have been linked to the toxic dust.

Barasch said, "This is welcome news – except I fear that there's not going to be enough money to fairly take care of everyone who is sick and deserves compensation. But, we had no chance of winning the battle to get more funding without scientific evidence and the medical community on board. Now that we have it, we have a real chance."

Barasch McGarry represents nearly 10,000 claimants in the reopened Zadroga Victim Compensation Fund. It represented over 1,000 injured firefighters in the first Victim Compensation Fund and recovered over \$500 million on their behalf.

World Trade Center Toxins Claim Another Victim

John Devlin, 53, dies of throat cancer

We are deeply saddened that yet another first responder passed away due to the physical injuries he sustained as a result of his work at the WTC. John Devlin was a heavy machinery operating engineer with Local 15 of the International Union of Operating Engineers. He worked for 9 1/2 months at Ground Zero, operating front-end loaders, bulldozers and a turbo Bobcat to clear debris and aid in the search for the remains of the victims. By the second week working

at Ground Zero, John was coughing and having breathing problems. By 2006, he had been diagnosed with obstructive airway disease and, five years later, he was diagnosed with inoperable Stage 4 throat cancer that had spread to his lymph nodes. Doctors at the World Trade Center Medical Monitoring and Treatment Program certified his cancer as being caused by the toxins. After punishing amounts of radiation and chemotherapy, John was left without salivary glands



continued on page 4

BARASCH MCGARRY SALZMAN & PENSON
We Handle All Types of Accident Cases
1(888) FIRELAW 1(888) 347-3529

Line-of-Duty Injuries/Pension Matters
FREE CONSULTATION/CALL TOLL FREE:
www.firelaw.com