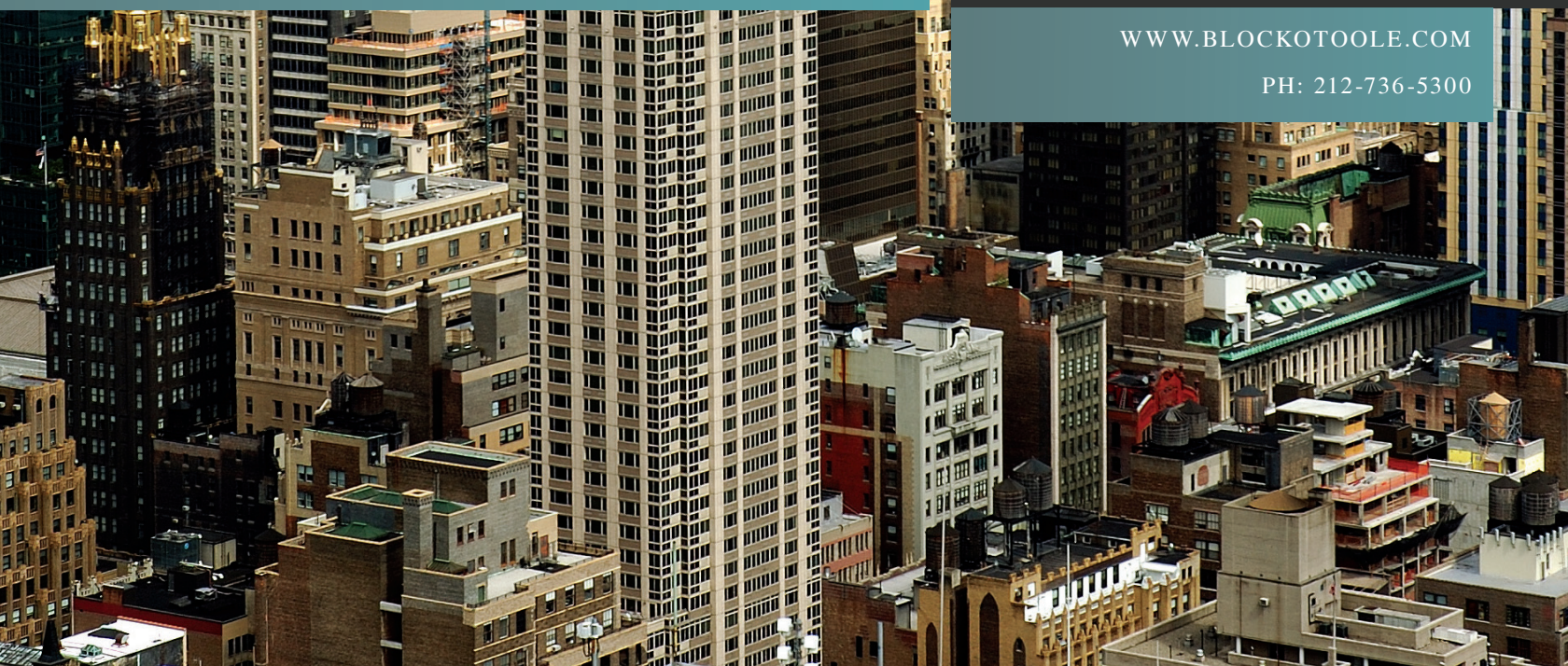




TRIAL BY JURY
The Block O'Toole & Murphy, LLP Newsletter
VOLUME IV

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

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TRIAL BY JURY

The Block O'Toole & Murphy, LLP Newsletter

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, than according to the rules of the common law.

FIRM EXPANSION

Welcome New Faces



Michael Hurwitz



George Freitag

BOM's commitment to our clients and the services we offer to them remains second to none. The continued success of the firm has afforded us opportunities to grow. BOM remains very selective and deliberate with our hiring process...

"Only the best and the brightest need apply."

Since our last edition, BOM has been fortunate enough to hire Michael Hurwitz, a seasoned and skilled trial lawyer. Mr. Hurwitz has been practicing law for 15 years and has an impressive track record helping seriously injured plaintiffs, which includes returning many seven-figure results. Mr. Hurwitz will add further depth to our already deep lineup of trial attorneys. He will focus on construction accidents and serious personal injury cases.

BOM has also added experienced attorney George Freitag as of-counsel to the firm. Mr. Freitag, who was recently named "Lawyer of the Year" by the Institute of Jewish Humanities, has more than two decades of experience handling personal injury cases and has been a friend to the firm for many years. Mr. Freitag is well known throughout the bar for his skill and ability to get things done.

New Partners

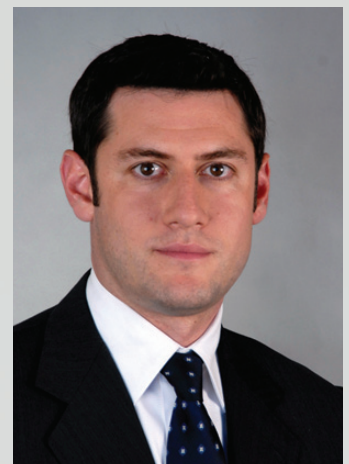
Since we last went to print, attorneys S. Joseph Donahue and David Scher were named as partners of the firm. Both Mr. Donahue and Mr. Scher continue to produce tremendous results for BOM clients.

Mr. Donahue, a former prosecutor in Brooklyn, has obtained over \$100 Million in jury verdicts and settlements for the firm's clients. He is well regarded for his courtroom skills, and regularly returns multi-million dollar jury verdicts for the firm, earning him recognition as a "New York Super Lawyer", a member of "The Multi Million Dollar Advocates Forum" and a "Top 1% Trial Counsel for Medical Malpractice".

Mr. Scher frequently returns multi-million results for the firm's clients, by way of settlements and verdicts. He also heads the firm's appellate practice, and is frequently published in The New York Law Journal for his analyses of the laws that protect New York's construction workers from injury. The National Trial Lawyers has deemed Mr. Scher one of the "Top 100 Trial Lawyers" and a "Top 40 Under 40" attorney. He has also been named a "Rising Star" by Super Lawyers, and is a member of the "Multi Million Dollar Advocates Forum".



S. Joseph Donahue



David L. Scher

The firm continues to achieve astounding results. Below are some recent cases that illustrate our commitment to excellence in the courtroom and our continued dedication to helping our clients.

BOM DOMINATES 'TOP VERDICTS AND SETTLEMENTS' FOR 2012 AND 2013, AS PUBLISHED BY NEW YORK MAGAZINE AND THE NEW YORK LAW JOURNAL

New York Magazine's June 3-10, 2013 edition contained its annual "New York's Top Verdicts & Settlements" section, which listed the top personal injury verdicts and settlements obtained in New York in 2012. The section pulls its results from Verdict Search, an ALM Publication (www.verdictsearch.com).

We are proud that Block O'Toole & Murphy was reported to have the most multi-million dollar results in the State by a very wide margin. Our firm posted 22 results greater than \$900,000, while the second place law firm posted only 5. In fact, Block O'Toole & Murphy had more large verdicts and settlements in the section than the next 5 law firms combined. Our firm also generated over 25% of the results obtained by any firm in New York for injured victims of construction site accidents that were over \$900,000, far greater than any other single law firm in the State.



New York Law Journal

2013 was no different. The New York Law Journal published the "Top New York Settlements of 2013", featuring the biggest personal injury awards in the State. BOM returned more top settlements than any other law firm in New York by a wide margin, and no firm posted more "Top 25" results than BOM.

\$22,500,000 SETTLEMENT IN COURT OF CLAIMS CASE FOR HEAD-ON CAR COLLISION DUE TO ICY ROADWAY

Our client was a 32 year old IT executive for a credit processing company, driving home along Route 6 in Somers, New York. Suddenly, an approaching vehicle crossed into his lane resulting in a head-on collision that demolished both vehicles. We learned through investigation and discovery that a black ice condition on the roadway contributed to the accident; a recurring icing condition on this stretch of highway of which The State of New York was well aware by virtue of prior similar accidents. Yet, State officials allowed the known condition to persist and failed to utilize any warning signs or otherwise alert drivers of this treacherous hazard. The State contested fault, arguing that there was insufficient time as the icing occurred to take remedial measures and that the two drivers bore most, if not all, of the fault for the happening of the collision. Partner Daniel O'Toole took this highly contested liability case to trial, determined to hold the State responsible, and returned a verdict that found the State was indeed 100% at fault for the happening of this accident.

Our client suffered severe crush injuries to his left (dominant) elbow and arm in the collision, resulting in a permanent loss of function, chronic pain and disfigurement. He underwent a grueling 28 surgeries in an effort to restore function and eradicate recurring and often life threatening infections; and also suffered from injuries to his stomach and rectum stemming from his long term use of medications.

Daniel O'Toole, assisted by Associate attorney Robyn Brazzil, procured a \$20,181,481 damages verdict, and then negotiated a record-setting settlement of \$22,500,000.

\$6,793,881 VERDICT IN WATER TREATMENT PLANT CONSTRUCTION ACCIDENT

Our client was a union laborer, working on the rooftop of an electrical building at the Newtown Creek Water Treatment Plant in Brooklyn, New York. As he was attempting to remove a piece of steel from the roof, he fell backwards and was impaled by vertical uncapped rebar. Partners Jeffrey Block and Joseph Donahue handled the case for the firm, established through discovery that the rebar could have and should have been capped to avoid risk of impalement, and persuaded the Court to find the responsible defendants 100% liable for the damages suffered by our client.

The injuries suffered involved a penetrating wound causing injuries to our client's gastro-intestinal tract, which required multiple surgeries and led to complications with bladder and bowel function. Our client also sustained a low back injury that resulted in lumbar fusion surgery.

Jeffrey Block and Joseph Donahue took the case to trial, during which the defense vigorously disputed the nature and extent of our client's injuries. Mr. Block and Mr. Donahue prevailed, persuading the jury to award our client a \$6,793,881 verdict.

\$3,925,000 SETTLEMENT FOR 'GOOD SAMARITAN' IN LONG ISLAND RAIL ROAD COLLISION WITH TRACTOR TRAILER.

Our client was a true "good Samaritan"; a 44 year old truck mechanic who happened to be at a Long Island Railroad crossing when he saw another man in danger and immediately decided to risk his own life to help. What our client saw was a 53-foot tractor trailer, which had become stuck on top of the railroad tracks. Our client raced over and attempted to free the tractor trailer and rescue its driver, even as an approaching massive locomotive was bearing down on them both. The locomotive struck the tractor trailer before our client could get out of harm's way, snagging him and pinning him underneath the tractor trailer itself.

Partner Stephen Murphy handled the case, and was able to establish that the tractor trailer, the locomotive operator and the owners of the crossing each had fault in causing the accident. Argued Murphy, the tractor trailer operator should have been aware that it would have become stuck, the locomotive operator should have been able to react and stop the locomotive before reaching the point of impact, and the crossing itself had a dangerous slope that led to the tractor trailer being stuck in the first place. Rebutting the defense's claims that our client himself was negligent, Mr. Murphy invoked the rarely used legal doctrine that "danger invites rescue", standing up for our client's brave and selfless decision to help another person who was in need.

Our client suffered multiple fractures, including to several ribs, his pelvis, lumbar spine and right arm. He underwent multiple surgeries and endured a two-month hospitalization. Through tough negotiation, and with the assistance of Associate attorney Christina Mark, Mr. Murphy was able to secure a \$3,925,000 settlement, persuading each of the defendants to contribute to the resolution.

LAWYERS WITH HARDHATS

Block O'Toole & Murphy, LLP has a proud and successful history of representing hard-working people that are injured on the job.

A few recent results include:

- \$6,793,881 verdict for a union laborer in a water treatment plant accident resulting in spine injuries
- \$6,400,000 settlement for a union iron worker who sustained a back injury in a work-related fall
- \$6,250,000 settlement for a framer who fell from a joist and suffered spinal injuries
- \$5,900,000 settlement for a union bricklayer in New York School renovation accident
- \$5,885,000 verdict for a undocumented laborer who fell from a ladder
- \$5,500,000 settlement for an electrician who fell from a ladder and sustained a head injury
- \$5,030,572 verdict for a construction worker that was injured when a scaffold tipped over
- \$5,000,000 verdict for a carpenter who was injured in a fall from a scaffold
- \$5,000,000 verdict for an electrician helper who injured his ankle after falling from a ladder
- \$4,995,000 settlement for a laborer who was injured after falling while on unsteady flooring
- \$4,900,000 settlement for a Local 3 electrician who was injured in a ladder fall
- \$4,750,000 settlement for a union labor foreman injured when struck by flying rock from a construction blast site
- \$4,650,000 settlement for a laborer who sustained hip and spine injuries in a scaffold fall
- \$4,475,000 settlement for the young children of a construction worker killed in a work fall
- \$4,250,000 settlement for a union excavator injured while working at the Brooklyn Navy Yard
- \$4,011,000 verdict for a 62 year-old lead inspector who suffered back injuries
- \$4,000,000 settlement for a steamfitter injured after becoming entangled in a water pump
- \$4,000,000 settlement for an elevator erector injured in a construction site accident
- \$3,750,000 settlement for a laborer who sustained leg injuries after being struck by a falling beam
- \$3,700,000 verdict for an asbestos worker injured in a scaffold collapse
- \$3,500,000 settlement for a porter who sustained a head injury after being struck by a falling object
- \$3,500,000 settlement for a journeyman carpenter injured while constructing a scaffold
- \$3,411,000 settlement for a superintendent injured by a brick that fell from a scaffold
- \$3,075,000 settlement for a union plumber struck by falling gravel on a construction site
- \$3,000,000 settlement for a carpenter who sustained wrist and head injuries after a ladder fall
- \$2,700,000 settlement for a union laborer who sustained an ankle injury after work related fall
- \$2,700,000 settlement for a union worker in a Nassau County case who fell off a roof
- \$2,600,000 settlement for a union laborer injured when he fell off an unguarded scaffold
- \$2,600,000 settlement for an electrician injured in an electrocution accident
- \$2,300,000 settlement for a laborer working as a flagman at a construction project
- \$2,250,000 settlement in a wrongful death action for the spouse of an elevator erector in a construction accident tragedy
- \$2,250,000 settlement for a window washer that sustained hip and arm injuries after a 10 foot fall
- \$2,250,000 settlement for a construction worker that sustained back injuries after floor collapse
- \$2,225,000 settlement for a 53-year-old Local 608 carpenter injured in a construction accident

* Prior results do not guarantee a similar outcome



Fighting to Preserve Worker Safety Laws

We fight to preserve the laws that require owners and contractors to provide safe work sites in New York, which is why partners Daniel O'Toole, Stephen Murphy and David Scher all serve on the New York State Trial Lawyers Association Labor Law Committee, a group devoted to maintaining and expanding the legal protections afforded to our brave construction workers. Daniel O'Toole is once again serving as the co-chair of the committee.

Construction Accident Law Experts

We care about how the law applies to injured construction workers, and we make it our business to know every aspect of the law inside and out. Partner David L. Scher is frequently published in the New York Law Journal, along with partners Daniel O'Toole and Stephen Murphy, authoring articles about recent legal developments in the area of construction accidents. Since our last newsletter, Mr. Scher has published multiple articles in the Law Journal, educating the bar about how recent judicial decisions have impacted a New York statute that protects workers from gravity related accidents on the job.

REFERRAL CORNER

LAWYERS FROM ALL OVER NEW YORK BRING THEIR SIGNIFICANT CASES TO BLOCK O'TOOLE & MURPHY. WHY?

- Results.
- Experience.
- A Proven Track Record.
- Resources.
- Two Lawyers On Every Case.
- A Commitment To Personal Attention.

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 consistently invite our lawyers to participate in their biggest cases. However, the firm also accepts referrals from friends of the firm and former clients. Block O'Toole & Murphy wants 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, our family.



BOM ACCOLADES

We are proud of the recognition we continue to receive because it means we are fulfilling our mission of providing unparalleled legal representation to our clients.

Super Lawyers

Still Super

In 2013, Jeffrey Block, Daniel O'Toole, Stephen Murphy, S. Joseph Donahue and Scott Occhiogrosso were all recognized on the prestigious list of Super Lawyers. Super Lawyers, which is published in the New York Times and New York Magazine, honors the top five percent of lawyers in their respective practices in the state. In addition, partner David Scher was named a 'Rising Star' by SuperLawyers magazine. Block O'Toole & Murphy is the lone firm in the entire state of New York with 60% of the lawyers in its firm being recognized.



National Recognition

'Best Lawyers' - Partners Daniel P. O'Toole and Stephen J. Murphy have been named to the acclaimed "Best Lawyers in the United States" list. Partners O'Toole, Murphy and Jeffrey Block appeared on the magazine cover that was part of a New York Times distribution.



National Trial Lawyers

Partners Jeffrey Block, Daniel O'Toole and Stephen Murphy have once again been named to their list of "Top 100 Trial Lawyers". Partner David L. Scher, already on The National Trial Lawyers "Top 40 Under 40" list, was also named a "Top 100 Trial Lawyer" in 2013.



The Multi-Million Dollar Advocates Forum

Jeffrey Block, Daniel O'Toole, Stephen Murphy, S. Joseph Donahue and David Scher are accepted members.

Lawyer of the Year Late in 2012, the Institute of Jewish Humanities recognized Daniel P. O'Toole as its 'Lawyer of the Year.' The award was appropriate in that it focused on Mr. O'Toole's accomplishments in the courtroom as well as his generosity outside of the courtroom. Mr. O'Toole, who was introduced by his partner and friend Stephen Murphy, humbly accepted the award, remembering all of the Jewish colleagues and friends that he has been fortunate enough to know in his long career.

The Irish Legal 100 Irish American lawyers Daniel P. O'Toole and Stephen J. Murphy were named to its list of top Irish American Lawyers in the United States. O'Toole, a two time recipient, and Murphy, were recognized this fall in Washington D.C. at the home of the United States Ambassador to Ireland.

BOM on Z100 Tune in to Z100 and hear what? That's right . . . BOM partners Stephen Murphy and David Scher made a appearance on Z100 over the summer to discuss the firm's accomplishments and Block O'Toole & Murphy's tireless work on behalf of St. Jude Children's Research Hospital.

The law firm Block O'Toole & Murphy continues a tradition of excellence in the law. However, the firm also continues to help people in need outside of the practice. BOM remains involved in several important charities, perhaps none more significant than the St. Jude Children's Research Hospital and The Frances Pope Memorial Foundation.

ST. JUDE CHILDREN'S RESEARCH HOSPITAL

St. Jude Children's Research Hospital is the leading hospital in the world in the ever important fight against pediatric disease, including cancer. Block O'Toole & Murphy again hosted 'The Annual Autumn Winetasting.' This important event is spearheaded by the efforts of Stephen J. Murphy, Daniel P. O'Toole, Jeffrey Block and David Scher. The last two years have been proud ones for the firm because in 2012 the event was postponed and nearly canceled because of Super Storm Sandy; yet everyone pulled together and, despite a venue change at the last minute, the event was more successful than any other year, raising more than \$400,000 for St. Jude. In 2013, the event surpassed the successes of 2012 and raised even more money for the hospital. This highly successful event consistently draws more than 500 people, boasting wines from 15 different vineyards and 10 prominent restaurants, and has become an important event on everyone's annual social calendar.

FRANCES POPE MEMORIAL FOUNDATION

Since its inception, The Frances Pope Memorial Foundation has assisted countless families in their ordeal of 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 receiving medical care out of town and/or state, 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.

SUPER STORM SANDY

Super Storm Sandy was an epic storm that impacted the lives of so many people in our area. Block O'Toole & Murphy was proud to help the ravaged region of the Rockaways and Breezy Point. The firm ran a clothing drive that provided clothing and supplies to those in need, which were donated through Blue Cross-Blue Shield. In addition, the firm financially contributed to a family that lost three homes in the fires associated with the storm. Lastly, many members of the firm, including Daniel O'Toole, Stephen Murphy, Fred Aranki, Scott Occhiogrosso and Milagros Ortiz volunteered a Saturday to remove debris from devastated homes in Breezy Point. "Helping folks was the least we could do. The resilience we saw in that community lifted our spirits. An amazing experience," offered Scott Occhiogrosso.



Name: Jannett Ruiz
Job: Calendar Clerk

FEATURED EMPLOYEE

Rarely does a single person have such a significant impact on the day-to-day routine of a law firm. When Jannett Ruiz joined the firm in 2009 she steadied the ship and has made her area of the firm a strength. She consistently works hard and is as reliable as anyone who has ever been with the firm. Ms. Ruiz is not big on drawing attention to herself but she deserves recognition for her consistent excellence. We are very fortunate to have her in the Block O'Toole & Murphy family.

CLIENT TESTIMONIALS . . .

"Block O'Toole & Murphy...capable, dependable, and most of all, a trusted law firm!"
Cynthia Q.

"Block O'Toole & Murphy showed me compassion. They really cared about me and my case."
B. Lopez

"I was treated like the only client from day one. I really can't express enough the appreciation that I have for this firm."
Leotta A.

"They helped me settle my case, and I now have a future for my daughter, especially for her college fund."
Darryl T

"These guys changed my life."
Jason C.

"They changed the way I think of lawyers, the best."
Jesus T.

"I'm so glad that I came here."
Samantha F.

"Block O'Toole & Murphy did a great job."
Maxwell K.

"I would recommend them to my family and friends."
Jeffrey C.

"As a construction worker, all I know is hard work. These lawyers work like ditch diggers. I called them my heroes during the trial. Remarkable."
Leoncio A.

BLOCK O'TOOLE & MURPHY ENCOURAGES YOU TO "LIKE" AND "FOLLOW" YOUR LAWYERS



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www.twitter.com/blockotoole

BLOCK O'TOOLE & MURPHY PROFILES

Jeffrey Block: just tell him he can't do something, and watch him prove you wrong

Jeffrey Block has been practicing law and helping seriously injured victims over the better part of three decades. Mr. Block, a legend in the courtrooms of New York City, seemingly has seen it all; yet he claims otherwise, "I come to work every day eager to learn new things. I'm constantly trying to conjure up different ways to benefit my clients." Professionally, he is most proud of the cases where he has successfully defied the odds, taken on a case that others dismissed and not only won but won big. Mr. Block is often consulted by lawyers and law firms throughout the state to handle their most serious cases. Why? How about the 70 or so cases he has resolved for more than a million dollars. What are the keys to his courtroom success? "His greatest asset may be his ability to develop a rapport with jurors, who seem completely at ease with him," said his frequent trial partner S. Joseph Donahue.

Daniel O'Toole: a lawyer who races to a tough fight

The results say it best: \$22,500,000 settlement in 2013 after a record-setting verdict; four of the state's top results in 2012. Daniel O'Toole is widely regarded as one of New York City's elite trial lawyers. For O'Toole, it is the ability to take the jury on a journey, getting them to relate to his client that he finds most rewarding. "I love when people tell me it is a tough venue or a difficult case, suggesting that the jury will not receive the client or case well. It makes the challenge, the trial, that much more alluring. I always try to get a jury to connect with my client." Does O'Toole know how to successfully present his clients in a tough venue? The results say it best: a \$22,500,000 result in the Westchester Court of Claims; \$14,000,000 in the notoriously tough Nassau County and \$32,756,156 in defense friendly Suffolk County.

Stephen Murphy: can their witnesses last 12 full rounds?

Stephen Murphy relishes when one of his opponents puts their best witness on the stand. As one former adversary of Murphy's has said in open-court "Nobody takes a witness apart like Stephen Murphy. Nobody." Murphy, a former homicide prosecutor and highly regarded trial lawyer, is an aggressive attorney noted for his cross-examination skills, particularly tackling experts who are put on the stand to destroy his case. The results have been consistently excellent for the clients of Block O'Toole & Murphy, including recent results like a \$32,756,156 verdict, a \$15,500,000 settlement, a \$8,800,000 settlement, a \$5,585,000 verdict and a \$3,925,000 settlement. What keeps Murphy going? "I love fighting for victims, the folks who need someone to step up for them. When a defense witness comes in trying to hurt that victim," Murphy adds, "there is nothing better than exposing them for what they are." Referring lawyers and clients have reason to trust Murphy when he is fighting in the courtroom, given his countless courtroom victories.



Stephen Murphy, Daniel O'Toole, and Jeffrey Block



RESULTS MATTER

\$32,756,156	\$4,650,000	\$3,125,000	\$2,500,000	\$2,100,000	\$1,750,000
\$22,500,000	\$4,475,000	\$3,100,000	\$2,500,000	\$2,056,656	\$1,750,000
\$14,000,000	\$4,750,000	\$3,075,000	\$2,500,000	\$2,025,000	\$1,750,000
\$12,000,000	\$4,250,000	\$3,000,000	\$2,450,000	\$2,005,000	\$1,725,000
\$9,792,412	\$4,250,000	\$3,000,000	\$2,400,000	\$2,000,000	\$1,700,000
\$9,263,326	\$4,100,000	\$3,000,000	\$2,325,000	\$2,000,000	\$1,700,000
\$8,800,000	\$4,011,000	\$3,000,000	\$2,300,000	\$2,000,000	\$1,700,000
\$8,000,000	\$4,000,000	\$3,000,000	\$2,300,000	\$2,000,000	\$1,675,000
\$6,793,881	\$4,000,000	\$3,000,000	\$2,275,000	\$2,000,000	\$1,650,000
\$6,400,000	\$4,000,000	\$2,925,000	\$2,270,000	\$1,975,000	\$1,650,000
\$6,250,000	\$4,000,000	\$2,850,000	\$2,250,000	\$1,975,000	\$1,640,000
\$6,000,000	\$4,000,000	\$2,840,000	\$2,250,000	\$1,995,000	\$1,600,000
\$5,900,000	\$4,000,000	\$2,800,000	\$2,250,000	\$1,950,000	\$1,500,000
\$5,885,000	\$3,925,000	\$2,750,000	\$2,250,000	\$1,950,000	\$1,500,000
\$5,500,000	\$3,750,000	\$2,750,000	\$2,250,000	\$1,941,000	\$1,500,000
\$5,500,000	\$3,700,000	\$2,700,000	\$2,250,000	\$1,900,000	\$1,500,000
\$5,500,000	\$3,570,760	\$2,700,000	\$2,250,000	\$1,900,000	\$1,500,000
\$5,030,572	\$3,500,000	\$2,650,000	\$2,225,000	\$1,850,000	\$1,500,000
\$5,000,000	\$3,500,000	\$2,600,000	\$2,200,000	\$1,823,000	\$1,500,000
\$5,000,000	\$3,500,000	\$2,600,000	\$2,200,000	\$1,800,000	\$1,500,000
\$5,000,000	\$3,500,000	\$2,558,000	\$2,200,000	\$1,800,000	\$1,500,000
\$4,995,000	\$3,411,000	\$2,550,000	\$2,150,000	\$1,800,000	\$1,500,000
\$4,900,000	\$3,369,066	\$2,500,000	\$2,150,000	\$1,750,000	\$1,500,000



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