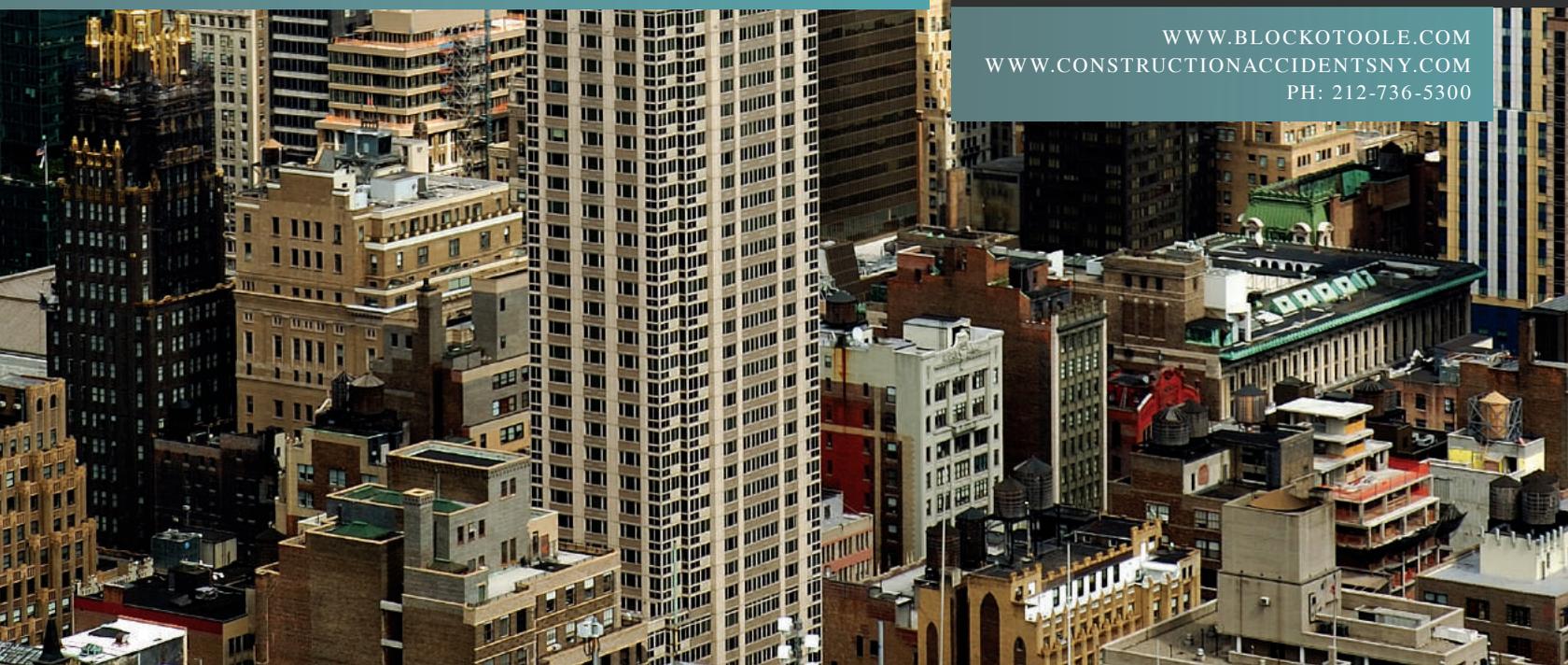




TRIAL BY JURY
The Block O'Toole & Murphy, LLP Newsletter
VOLUME III

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

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 three outstanding young lawyers that will add further depth to the already deep lineup of trial attorneys. Each attorney brings a different but valued skill set to the firm. We are delighted to introduce them to you here.

Scott Occhiogrosso, Esq. joined the firm during the summer of 2011. Mr. Occhiogrosso, a graduate of Fordham University School of Law, comes to BOM as an accomplished trial attorney with civil and criminal trial experience. He began his career in 1999 as a prosecutor in Brooklyn, continuing the firm tradition of cherry picking talented attorneys who made their mark as young prosecutors. He prosecuted violent criminals, focusing on handling cases involving murder, robbery, rape and assault committed by gang members. After leaving the district attorney's office he worked on the defense and plaintiff side in the civil arena, earning the respect of jurists and adversaries alike. Mr. Occhiogrosso secured a \$5,000,000 verdict in a challenging medical malpractice case on behalf of a client in one of his first trials ever representing a plaintiff. He is now working on some of the more complicated and serious construction accidents in the BOM inventory. Mr. Occhiogrosso promises to be a valuable trial attorney for the firm's clients.

In September 2010, **Robyn Brazzil, Esq.** joined the firm as an associate. Ms. Brazzil received her law degree from Fordham University School of Law in 2010 and her undergraduate degree from the University of North Carolina at Chapel Hill. Ms. Brazzil is an extremely bright young attorney who has immediately made her presence felt at the firm, working on complicated research assignments and learning the trade of a trial lawyer. Along with Daniel O'Toole, Ms. Brazzil helped secure a favorable verdict in Queens County after only being admitted to practice law for a week. The presiding judge and defense attorney referred to her as 'a natural' after watching her cross examine her first witness. She has also been instrumental in the preparation of several major cases and is making her mark on the firm's construction accident practice. Ms. Brazzil's analytical and organizational skills have made her an indispensable part of several landmark cases. Ms. Brazzil's passion, intellect and personality will serve the clients of the firm extremely well.

In September 2011, **Christina Mark**, a 2011 graduate of Notre Dame Law School and a member of the inaugural '2010 Summer Associate Program,' joined the firm as an associate attorney. Ms. Mark made an outstanding impression during her internship and continues to impress the firm with her research and writing skills as well as her oral advocacy abilities. She has stepped in and become an immediate asset to the firm.



(From L-R) Robin Brazzil, Christina Mark, and Scott Occhiogrosso

RECENT RESULTS

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

\$6,400,000 FOR A UNION IRON WORKER WHO SUSTAINED A BACK INJURY AT WORK

During a construction project at the Bronx County Hall of Justice Courthouse, the Plaintiff was employed by a structural steel subcontractor as a union ironworker. He was working to remove a steel awning from above the building's entrance as it had become structurally unsound. To complete this task the Plaintiff had to enter the façade of the building above the awning. While the Plaintiff was involved in completing this task, he struck his head on an overhead duct while standing on a beam and fell approximately 25-30 feet to the building's lobby floor. He alleged that he had not been provided any fall protection equipment while performing his duties. The defendants vigorously disputed that they were at fault for the accident, but the Court granted Plaintiff's motion for summary judgment on the issue of liability.

As a result of the fall, Plaintiff sustained bulging discs in the lumbar spine at L4-L5 and L5-S1, fractures to the sacrum and coccyx and a head laceration requiring staples. He eventually underwent lumbar fusion surgery at L5-S1. Plaintiff also alleged suffering from a Major Depressive Disorder as a result of the accident. Plaintiff also made a claim for future lost wages, alleging that he could not return to work as a union ironworker, which also meant a loss in his future union benefits.

Result: \$6,400,000 settlement. The case was handled by Daniel P. O'Toole and Frederick C. Aranki.

\$5,000,000 SETTLEMENT FOR FAMILY IN TOURIST TRAGEDY

On February 12, 2008, the mother of the Plaintiffs, the four children of the deceased, and a friend were walking together on the sidewalk on West 35th Street in Manhattan. They were tourists visiting New York City from Great Britain. An employee of a large garbage hauling company, operating a commercial garbage truck in the course of his employment, had a seizure and the truck mounted the sidewalk and struck the Plaintiffs' mother and her friend, tragically killing them both. The Plaintiffs brought wrongful death actions and loss of parental guidance claims on behalf of their estates and surviving children, respectively. The Plaintiffs claimed that the hauling company was negligent in the hiring and retention of the truck driver, who had a seizure condition and should not have been hired as a truck driver and permitted to operate a vehicle for the company. The Plaintiffs claimed that the Defendant hauling company violated federal law by failing to obtain its driver's employment records from his prior employer, which would have revealed that its driver had a diagnosed seizure condition, and had previously suffered a seizure while driving for that company leading to his termination. Result: \$5,000,000 settlement. The case was handled by Daniel P. O'Toole and Frederick C. Aranki.

\$4,250,000 SETTLEMENT FOR A COPY MACHINE TECHNICIAN INJURED IN AUTO COLLISION

Plaintiff was rear-ended by a motor vehicle in Bedford, New York. The lawsuit was venued in New York County. Plaintiff moved for and was awarded Summary Judgment on the issue of liability by the Court. Following the accident, Plaintiff, a 42 year old copy machine technician, refused emergency medical care and drove his vehicle from the accident scene to his office. Plaintiff's first medical visit was the next day with his family physician where he complained of chest pain. Thereafter, Plaintiff began complaining of pain to his lower back radiating down his left leg. He treated with Physical Therapy, Lumbar Steroidal Epidural Injections and a surgery consisting of an L5-S1 decompressive laminectomy with a peak cage and pedicle fixation for degenerative spondylosis. This surgical procedure did not alleviate Plaintiff's low back pain nor his leg pain. His doctors opined that Plaintiff was suffering from a non-union of his L5-S1 fusion, osteoarthritis and degeneration of the L4-5 facet joint. Plaintiff continued treating with pain management and he ultimately underwent a second back surgery with removal of the hardware L5-S1, and revision and extension of the fusion to L4-L5. Plaintiff continues conservative treatment through physical therapy and pain management.

Plaintiff claimed that as a result of his condition, he would require lifelong medical care and was no longer able to work as a copy machine technician. Defendants alleged that the impact was minor with insufficient force to cause Plaintiff's substantial alleged injuries. Result: \$4,250,000 settlement. The case was handled by Jeffrey A. Block.

\$3,075,000 SETTLEMENT FOR A UNION PLUMBER STRUCK BY FALLING GRAVEL

Plaintiff was a 44 year-old union plumber working on a project that involved the construction of a new building on the St. John's University campus in Queens. Plaintiff was kneeling in a trench and leveling pipes. At the same time, a large excavator operated by one of the Defendant contractors was swinging loads of gravel over Plaintiff's work area in its bucket. Another worker walked in front of the excavator, startling its operator and causing the operator to jerk the excavator's arm. This caused a load of gravel to fall from the bucket, a distance of 10-15 feet, and land on Plaintiff's head and shoulders. Plaintiff did not fall to the ground, but turned and ran out from underneath the falling gravel. Plaintiff sued the construction site owner, general contractor, and prime foundation contractor, alleging violations of New York Labor Law Sections 240(1) and 200. Defendants argued that Labor Law Section 240(1) did not apply to the facts of the accident because the excavator did not fail or malfunction in any way. Defendants further argued that Plaintiff and his company were negligent for positioning Plaintiff underneath the excavator as it was operating.

Plaintiff suffered neck and back injuries. MRI studies revealed herniated discs in both Plaintiff's cervical and lumbar spine. After physical therapy and a series of injections failed to relieve his symptoms, Plaintiff underwent two spine surgeries. The first consisted of an anterior cervical discectomy with fusion at the C4-C6 levels. The second involved a lumbar discectomy with fusion at the L4-L5 level. Plaintiff continued treating with physical therapy following those spine surgeries. Plaintiff also claimed psychological damages as a result of his injuries and physical limitations. Plaintiff claimed to be totally disabled from employment by his injuries, and brought claims for his pain and suffering, medical expenses and lost earnings and benefits. The defense argued that Plaintiff's back injury was unrelated to this construction accident, pointing to two prior accidents in which the Plaintiff had been involved, after which he suffered back injuries, was diagnosed with a herniated disc and underwent injections. The defense also argued that Plaintiff required no further medical treatment, and was not actually disabled because he was physically able to perform a variety of similarly-paying alternate jobs.

Result: \$3,075,000 settlement. The case was handled by Stephen J. Murphy and David L. Scher

TRANSVAGINAL MESH

Amid growing concerns about vaginal mesh complications, recall requests from consumer advocacy groups, and the FDA's proposal for tougher regulations, our attorneys are now available to represent women who suffered from side effects following transvaginal mesh surgery. Learn more about your eligibility for a vaginal mesh lawsuit.

* Prior results do not guarantee a similar outcome

LAWYERS WITH HARDHATS

www.constructionaccidentsny.com

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 who suffered puncture wounds and a low back injury after falling onto uncapped rebar
- \$6,400,000 settlement for a union iron worker that sustained a back injury in a work related fall.
- \$6,250,000 settlement for a framer that fell from a joist and suffered a severe spine injury
- \$5,500,000 settlement for an electrician that fell from an extension ladder and sustained a head injury
- \$5,000,000 verdict for an electrician who fell from a ladder and injured his back
- \$5,030,572 recovery for a construction worker that was injured when a scaffold tipped over
- \$4,995,000 settlement for a laborer that was injured while working on unsteady flooring at a construction site
- \$4,900,000 recovery for a Local 3 electrician who was injured in a ladder fall
- \$4,475,000 settlement for an iron worker who fell and died on a construction site after the flooring underneath him collapsed
- \$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 recovery for an elevator erector injured in a construction site accident
- \$3,700,000 verdict for an asbestos worker injured in a scaffold collapse
- \$3,500,000 recovery for a porter who sustained a head injury after being struck by limestone that fell from a roof
- \$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
- \$2,600,000 settlement for a union laborer injured when he fell off an unguarded scaffold
- \$2,600,000 for an electrician injured after receiving an electric shock
- \$2,250,000 wrongful death recovery for the spouse of an elevator erector in a construction accident tragedy
- \$2,225,000 settlement for a 53-year-old Local 608 carpenter injured in a construction accident
- \$2,200,000 recovery for a 37-year-old laborer who suffered a back injury in a scaffold accident
- \$2,150,000 settlement for a union carpenter injured in a falling object accident
- \$1,995,000 verdict for a man who suffered a knee injury and herniated lumbar disc in a construction site accident
- \$1,900,000 settlement for a 32 BJ union worker injured in an elevator accident
- \$1,850,000 settlement for a union laborer who suffered injuries to the tips of two fingers while rigging and hoisting a load
- \$1,500,000 settlement for a union laborer who was struck on the leg with a falling beam
- \$1,350,000 settlement for a laborer who lost portions of three fingers when a section of rebar lowered onto his hand
- \$1,325,000 settlement for a carpenter who fell from an A-frame ladder that was leaning on top of a scaffold
- \$1,204,087 settlement for a laborer who was injured when a blade was lowered onto his foot during an excavation project

* Prior results do not guarantee a similar outcome



Block O'Toole & Murphy, LLP Continues to Play an Important Role with The New York State Trial Lawyers Association

For over 55 years, the New York State Trial Lawyers Association has worked to protect New York's civil justice system, fighting to promote a safer and healthier society, to assure access to the civil justice system by those who are wrongfully injured and to advance representation of the public by ethical, well-trained lawyers. The organization that has been routinely described as "powerful" and "influential" by publications such as The New York Times and Crain's New York Business represents nearly 5,000 lawyers from the Bronx to Buffalo. The lawyers at Block O'Toole & Murphy, LLP, continue to play a major role with the New York State Trial Lawyers Association. Daniel O'Toole is the Immediate Past Chairman of the prestigious Labor Law Committee, which protects thousands of New York's construction workers. O'Toole, Stephen Murphy and Joseph Donahue continue in their roles as members of the Board of Directors, while O'Toole, Donahue and David Scher also serve on the Labor Law Committee.

David Scher is the youngest ranking member of the Labor Law Committee and was asked to be a co-author on an amicus brief submitted to the New York State Court of Appeals on behalf of the entire New York State Trial Lawyers Association. The brief, filed in February 2011, focused on protecting the rights of an injured construction worker and improving worker safety. Mr. Scher is regularly consulted for his legal opinions on complicated construction accident fact patterns and is a contributing author for the New York Law Journal on construction issues. Block O'Toole & Murphy, LLP is routinely asked to handle significant construction cases on behalf of other lawyers and at the behest of family members of injured workers.



FOUR ATTORNEYS NAMED TO SUPERLAWYERS LIST

In 2011, Jeffrey Block, Daniel O'Toole, Stephen Murphy and S. Joseph Donahue were all recognized on the prestigious list of Super Lawyers. Super Lawyers, which is published in New York magazine and the New York Law Journal, honors the top five percent of lawyers in their respective practices in the state. Block O'Toole & Murphy, LLP is the lone firm in the entire state of New York with 40% of the lawyers in its firm appearing on the list.

Daniel O'Toole & Stephen Murphy Named as Top 100 Trial Lawyers by NTLA

The National Trial Lawyers is an organization composed of The Top 100 Trial Lawyers from each state. Membership is obtained through special invitation and is extended only to those attorneys who exemplify superior qualifications of leadership, reputation, influence, stature, and profile as civil plaintiff or criminal defense trial lawyers. BOM is proud to have two lawyers named to this prestigious list.

BOM Results Featured in New York Magazine

Block O'Toole & Murphy, LLP is pleased to announce that their courtroom success has garnered them recognition in New York Magazine's Top Verdicts and Settlements for 2010. The June 27th to July 4th edition of the magazine, which highlighted the top verdicts and settlements in New York State for 2010, featured more Block O'Toole & Murphy, LLP results than any other firm in the state. In fact, the firm's number of featured verdicts and settlements exceeded the next most-appearing firm's number of results three times over.

BOM CHARITY AND COMMUNITY WORK

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. For the fourth year in a row, Stephen J. Murphy, Daniel P. O'Toole and David L. Scher, while working with the leading defense firm Wilson Elser, organized a charity wine tasting auction. The firm was again the leading sponsor of this highly successful event, which raised more than \$300,000 and drew more than 500 people. This event, which boasted wines from 15 different vineyards and ten prominent restaurants, has become a very popular event and one that everyone looks forward to.

THE FRANCES POPE MEMORIAL FOUNDATION "MAN OF THE YEAR" AWARD

The Frances Pope Memorial Foundation assists countless families in their ordeal of caring for a seriously ill child. 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. In 2010, Stephen J. Murphy of the firm was honored as "Man of the Year" by the Foundation for his extraordinary commitment to address the needs of children with cancer.

CANDLELIGHTERS NYC

Candlelighters NYC is an organization that is always there for families of child cancer victims on their worst days. The firm has teamed up with Candlelighters NYC to continue the battle against pediatric disease and help the families that are enduring this extremely difficult period in their lives. Attorneys Frederick Aranki & Daniel O'Toole have spearheaded this effort for the firm.

BOM HONORED BY THE NAACP MID-MANHATTAN BRANCH

On September 17, 2011, Block O'Toole & Murphy, LLP was honored at the 10th Annual NAACP Mid-Manhattan Branch Freedom Fund Benefit for their tireless efforts in seeking to promote the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. "As lawyers, it is a privilege to be recognized by the NAACP. Our firm is grounded upon the principle that it is our duty to make sure that the law is applied equally regardless of your political, educational, religious, racial or ethnic background," said Partner Jeffrey A. Block.

O'TOOLE HONORED BY BREHON LAW SOCIETY

This year, a crowded room filled with family, friends, judges and fellow attorneys, honored Daniel O'Toole as one of the Brehon Law Society's 'Persons of the Year.' The Brehon Law Society promotes the profession of law among people of Irish ancestry. Congratulations!

ATTORNEY REFERRALS

Block O'Toole & Murphy, LLP want 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, LLP family. If you have any legal matters that need attention, please let us know.

Block O'Toole and Murphy, LLP 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 who refer us one case always want to refer us more.

Testimonials from Referring Attorneys:

Omrani & Taub: "Our firm has been working closely with BOM on substantial cases for the past decade. We have the highest degree of trust in their honesty, integrity and professionalism. We look forward to continuing our close working relationship with BOM in the future."

Seiden & Kaufman: "We have been practicing personal injury litigation for over 25 years. We have referred clients with significant injuries and challenging liability issues to Block O'Toole & Murphy, LLP. Through their tireless efforts, they have secured substantial compensation for our plaintiffs in every instance. They prepare every case for trial as if each plaintiff is the only one in their office."

Bragoli & Associates: "Block O'Toole & Murphy, LLP is a firm I trust to handle my more serious cases. I know the cases will be handled the right way. They obviously have an impressive track record and our experience has been no different. They get results - - and they do it in an efficient way. Most importantly, my clients are always satisfied with the experience."



Name: Milagros "Millie" Ortiz
Job: paralegal

FEATURED EMPLOYEE

Millie has been with the firm since 2009. There is no finer paralegal in New York. She is exceptionally bright and knowledgeable, and is relied upon by her colleagues as someone capable of handling any issue that arises. She is also beloved by her clients, as she has a generous heart and truly enjoys helping people through difficult times. She personifies what BOM is about: hard work and heart. We hope she remains a member of the Block O'Toole & Murphy, LLP family forever.

CLIENT TESTIMONIALS . . .

"I consider Block O'Toole & Murphy to be a part of my family. I'd recommend them to anyone."
Lisa S.

"These lawyers changed my life forever."
Jose C.

"They stood by me. I am forever grateful."
Brian T.

"I'm a New York City firefighter. I know what its like to fight for people that need help. Block O'Toole & Murphy does it as well as anyone."
Kevin B.

"These lawyers genuinely cared about me and my family."
Glenn D.

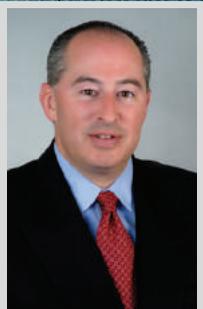
"Block O'Toole & Murphy got me an astounding result and really took care of me. They are the best."
Edward J.

Block O'Toole & Murphy, LLP want 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 accident. . .



* Prior results do not guarantee a similar outcome

FIRM LINEUP



Jeffrey A. Block



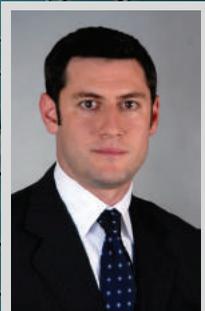
Daniel P. O'Toole



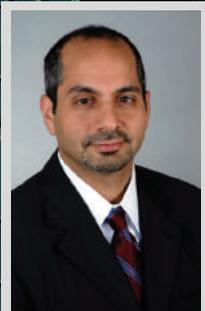
Stephen J. Murphy



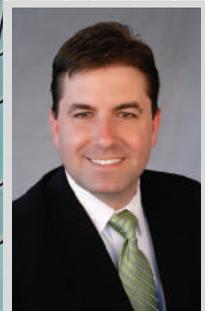
S. Joseph Donahue



David L. Scher



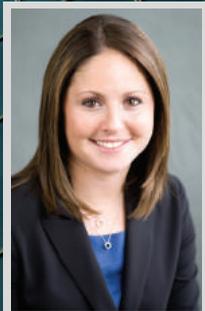
Frederick Aranki



Sean P. Constable



Scott Occhiogrosso



Robyn Brazzil



Christina Mark



RESULTS MATTER

\$32,756,156	\$4,000,000	\$2,550,000	\$2,000,000	\$1,500,000	\$1,260,000
\$14,000,000	\$4,000,000	\$2,500,000	\$2,000,000	\$1,500,000	\$1,250,000
\$12,000,000	\$4,000,000	\$2,500,000	\$1,975,000	\$1,500,000	\$1,250,000
\$9,792,412	\$4,000,000	\$2,500,000	\$1,975,000	\$1,500,000	\$1,250,000
\$9,263,326	\$3,700,000	\$2,500,000	\$1,995,000	\$1,500,000	\$1,250,000
\$8,000,000	\$3,570,760	\$2,450,000	\$1,950,000	\$1,500,000	\$1,250,000
\$6,793,881	\$3,500,000	\$2,325,000	\$1,941,000	\$1,500,000	\$1,250,000
\$6,400,000	\$3,500,000	\$2,300,000	\$1,900,000	\$1,500,000	\$1,204,087
\$6,250,000	\$3,500,000	\$2,250,000	\$1,850,000	\$1,499,000	\$1,200,000
\$6,000,000	\$3,411,000	\$2,250,000	\$1,823,000	\$1,490,000	\$1,200,000
\$5,500,000	\$3,125,000	\$2,250,000	\$1,800,000	\$1,475,000	\$1,200,000
\$5,500,000	\$3,075,000	\$2,250,000	\$1,800,000	\$1,475,000	\$1,175,000
\$5,500,000	\$3,000,000	\$2,225,000	\$1,800,000	\$1,400,000	\$1,150,000
\$5,030,572	\$3,000,000	\$2,200,000	\$1,750,000	\$1,400,000	\$1,100,000
\$5,000,000	\$3,000,000	\$2,200,000	\$1,750,000	\$1,400,000	\$1,097,000
\$5,000,000	\$2,840,000	\$2,150,000	\$1,750,000	\$1,350,000	\$1,065,000
\$5,000,000	\$2,750,000	\$2,100,000	\$1,700,000	\$1,350,000	\$1,025,000
\$4,995,000	\$2,750,000	\$2,025,000	\$1,700,000	\$1,350,000	\$1,000,000
\$4,475,000	\$2,650,000	\$2,005,000	\$1,650,000	\$1,350,000	\$1,000,000
\$4,250,000	\$2,600,000	\$2,000,000	\$1,650,000	\$1,325,000	\$1,000,000
\$4,900,000	\$2,600,000	\$2,000,000	\$1,640,000	\$1,281,000	\$1,000,000
\$4,100,000	\$2,558,000	\$2,000,000	\$1,600,000	\$1,275,000	\$1,000,000



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