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.

**LAWYERS WITH HARDHATS**

“Those who say it cannot be done should not interrupt those who are doing it.” - Chinese Proverb

Block O’Toole & Murphy, LLP has a proud and successful history of representing hard-working people who are injured on the job. Why is it so important to us to represent injured construction workers and their families? Every day we walk the streets of New York and look out our office windows, gazing up at the remarkable skyscrapers that help to define our City. We marvel at the beauty of our hometown; how dynamic and vibrant it is. Yet, few ever ponder why we are so fortunate and who we have to thank for it. At BOM, we understand it is because of the spirited and determined efforts of the hard-working women and men that make up our construction industry. Construction workers show up every day and stare down danger while simply doing their job. All they ask for is a decent wage and a safe place to work. But they are often exposed to shoddy work conditions and not provided appropriate safety equipment. When workers are injured because a contractor or site owner failed to provide them with a safe place to work, there are few callings we see as more honorable than fighting for their dignity and security.

A few recent results* where we helped injured workers and their families include:

- $10,875,000 Settlement for a union laborer who suffered internal injuries while constructing a rooftop
- $7,000,000 Settlement for a union carpenter after a scaffold injury
- $6,793,881 Verdict for a union laborer in a water treatment plant accident
- $6,400,000 Settlement for a union ironworker who fell from a height and injured his back
- $6,250,000 Settlement for a framer who fell from a joist and suffered complete quadriplegia
- $5,900,000 Settlement for a union bricklayer in a NYC school renovation accident
- $5,885,000 Settlement for an undocumented worker hurt in a construction accident
- $5,500,000 Settlement for an electrician who fell from an extension ladder and sustained a head injury
- $5,030,572 Recovery for a construction worker injured when a scaffold tipped over
- $5,000,000 Verdict for a carpenter injured in a fall from a scaffold
- $4,995,000 Verdict for a laborer 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
- $4,750,000 Settlement for a union labor foreman injured when struck by flying rock from a construction site blast
- $4,650,000 Settlement for a 42 year old laborer who fell during a warehouse renovation project, injuring his ribs and low back
- $4,600,000 Settlement for 53 year old rigger who sustained neck and back injuries in a Suffolk County car crash
- $4,475,000 Settlement for a construction worker injured when struck by falling gravel on a construction site
- $4,475,000 Settlement for a 62 year old lead inspector who suffered back injuries
- $4,400,000 Recovery for a construction worker injured when a scaffold tipped over
- $4,300,000 Settlement for a union laborer who suffered internal injuries while constructing a rooftop
- $4,250,000 Settlement for a union excavator injured while working in 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 Recovery for an elevator erector injured in a construction site accident
- $3,750,000 Verdict for an asbestos worker injured in a scaffold collapse
- $3,500,000 Settlement for a plumber’s helper who sustained a traumatic brain injury during a ladder fall
- $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
- $3,200,000 Settlement for a union carpenter apprentice injured after falling through planks of a bridge undergoing demolition
- $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

* Prior results do not guarantee a similar outcome
**SUCCESS STORIES**

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 CONTINUES TO DOMINATE ‘TOP VERDICTS AND SETTLEMENTS’ AS PUBLISHED BY NEW YORK MAGAZINE AND THE NEW YORK LAW JOURNAL**

New York Magazine produces an annual “New York’s Top Verdicts & Settlements” section, which lists the top personal injury verdicts and settlements obtained in New York during a calendar year. The section pulls its results from Verdict Search, an ALM Publication (www.verdictsearch.com). We are proud that our firm has continuously dominated the results. Indeed, BOM had the most multi-million dollar results in the State by a very wide margin in the years 2012, 2013, 2014 and, again, in 2015. Some of the recent BOM highlights include the 10th largest result in the entire country in 2014.

In 2015, our firm secured the 5th and 7th largest result in New York State, as well as 7 of the top 25 overall results in the State. In fact, your lawyers at BOM had more than double the number of top 25 results as the second place law firm, and more than double the number of million dollar results as any other firm in New York State. On top of that, in 2015 alone, BOM had the #1 overall result in construction accidents, workplace negligence labor law, and a number of different categories of motor vehicle collisions. The firm also had the 2nd highest result in New York State for several other categories. The firm is now closing in on $1 BILLION in verdicts and settlements obtained in New York during a calendar year. The section pulls its results from Verdict Search, an ALM Publication (www.verdictsearch.com). We are proud that our firm has continuously dominated the results. Indeed, BOM had the 2nd highest result in New York State for several other categories. The firm is now closing in on $1 BILLION in verdicts and settlements obtained in New York during a calendar year. The section pulls its results from Verdict Search, an ALM Publication (www.verdictsearch.com). We are proud that our firm has continuously dominated the results. Indeed, BOM had the

Our formula for success?
- We Hire Talented, Decent, Hardworking People.
- We Are Never Outworked.
- We Will Accept Nothing Less Than Outstanding Results For Our Clients.
- We Take Great Pride In Our Command Of The Law And Exceptional Case Handling.
- We Deeply Care About Our Clients And Their Families.

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**$7,525,000 FOR FAMILY AFTER FATAL AUTO ACCIDENT**

Handling Lawyers: Stephen Murphy, David Scher and Christina Mark.

This case involved a horrific collision on County Road 111 in Suffolk County between a Ford van owned by an electrical contractor and a privately owned Honda sedan. The Honda belonged to a Suffolk County family with three young children. The Honda was being driven by the family’s wife and mother, who was only 30 years old, and all three children were passengers in the car. They were on their way to a go-kart race track where their eldest son was scheduled to compete. The contractor’s work van was driving along County Road 111 and the family sedan was pulling out from a side street. Within that intersection, which contained a traffic light, the front of the van collided into the driver’s side of the family’s car with massive force. The family’s loving wife and mother was immediately killed, as was their beloved 7 year old son. The two surviving children, who were 4 and 2 years old at the time, suffered serious injuries. The accident was covered extensively by local media and the community rallied around this family as they grieved and struggled to get back on their feet. Our firm represented the surviving children and the estate of the deceased child.

The case was very challenging to prove because the only direct evidence, including the testimony of the van driver and his passenger, was that the work van had a green light while our client’s vehicle ran through a red light. Early on, in fact, it appeared as though it may be impossible to prove any fault on the part of the van driver at all. But through our firm’s tenacious investigation and probing questioning, we were able to expose some inconsistencies and raise enough doubt about the Defendants’ claims that the defense agreed to discuss settlement at a private mediation. The van had a total of $11 Million of insurance coverage. Following a private mediation, the Defendants agreed to pay a total of $7,525,000 to settle these claims.

**$7,000,000 FOR UNION CARPENTER AFTER SCAFFOLD INJURY**

Handling Lawyers: Jeffrey Block and S. Joseph Donahue.

Our client, a 25-year-old union carpenter, was working on a construction project in Astoria in Queens, New York. He was dismantling a scaffold when he was struck in the face with a 5 pound metal clamp that fell from a pipe being lowered by co-workers. As a result, the client lost two teeth and sustained a painful facial fracture. He required multiple dental procedures to replace the teeth. He also began experiencing neck pain that resulted in the need for the placement of a cervical spinal cord stimulator. The spinal cord stimulator alleviated his pain. However, the use of the stimulator resulted in a pronounced tremor in his left hand. The tremor was not an anticipated side effect and left an overwhelming imprint on our client’s life. Our attorneys argued that the accident and its aftermath had a profound, permanent emotional and psychological impact on our client.

Block and Donahue also argued that the defendants in the case violated New York State Labor Law 240(1) by failing to secure the metal clamp and preventing it from falling and hitting our client. The defendants fiercely contested liability but were forced to acknowledge that our client was free from all blame.

The case was settled for $7,000,000.00 prior to trial, and during a mediation.

**$4,200,000 FOR UNION PLASTERER AFTER LADDER FALL**

Handling Lawyers: Daniel O’Toole and Scott Occhiogrosso

Our client was an union plasterer working on a large renovation project at a Manhattan building. He was climbing down a wooden A-frame ladder when a step on the ladder broke, causing him to fall and land on his back. We successfully argued that the Defendants, the site owner and general contractor, violated New York Labor Law Section 240(1) by providing our client with an unsafe elevation device.

Our client suffered neck and lower back injuries, and was diagnosed with herniated discs in both his cervical and lumbar spine. He ultimately underwent a two-level lumbar spine fusion surgery, and then had to endure a second revision surgery when the first operation resulted in a non-fusion. O’Toole and Occhiogrosso were able to negotiate a favorable settlement for our client of $4,200,000.

* Prior results do not guarantee a similar outcome
**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 has been fortunate enough to add three talented new lawyers to our already loaded team.

Thomas Brennan, a seasoned and skilled trial lawyer with a prosecutorial, medical malpractice and insurance defense background, joined the firm in September 2015. He immediately bolsters the strong stable of trial weapons at the firm’s disposal.

Romina Tominovic, who previously worked as a prosecutor in the Nassau County District Attorney’s office, was added to the firm in early 2015. Ms. Tominovic is a fearless lawyer who prides herself on helping victims and their families get through challenging times.

Daniel Seiden is a 2015 law school graduate who began working at BOM in the Fall of 2015. Mr. Seiden brings boundless energy and precocious skills to the firm as he begins his journey as a trial attorney.

**As the Firm Grows . . .**

Next time you stop by to visit Block O’Toole & Murphy’s office, you might not recognize the place. No, we are not moving from our current location on the 53rd floor of 1 Penn Plaza. We considered different buildings, but realized that none would be as convenient for our clients and employees. But in the summer of 2016 we are starting a new lease that nearly doubles the size of the office and we are giving it a nice facelift too. We believe that our larger and refreshed office space will provide an even better environment in which to serve our clients’ needs.

**Firm Notes:**

Congratulations are in order for 3 firm attorneys who continue to be an important part of what we do.

Scott Occhiogrosso and Fred Aranki have been making vital contributions to the firm and its clients for many years. They do whatever it takes - whether it is a spell binding summation in a difficult case or an arduous and detailed summary judgment motion. Both tireless attorneys earned a promotion and were named Senior Counsel to the Firm. Congratulations Fellas!

Speaking of doing whatever it takes, Christina Mark continues to demonstrate an unwavering commitment to the firm and its clients. She has displayed a myriad of skills and shown vast potential since joining the firm, particularly in her research and writing. Recognizing her talents, the firm has created a unique role to best utilize her skills and promoted her to Senior Associate, Appellate and Motion Counsel to the Firm. Ms. Mark will spearhead the firm’s motion and appellate practice. Well done!

**BOM In The News:**

Partner Stephen Murphy appeared on PIX 11 this year to discuss worker safety laws and the increase in construction accidents with Television Personality Mario Diaz.

Tune in to Z100 and hear what? That’s right... BOM partners Stephen Murphy and David Scher made an 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.

Partner Daniel O’Toole is a proud alumnus of Bergen Catholic High School in New Jersey, and the school is clearly proud of him as well. Their magazine, “Crusader”, published a feature article on Mr. O’Toole that ran in its Fall/Winter 2015 edition. The article recounted some important life lessons Mr. O’Toole learned in school, and documented his impressive career accomplishments and notable charity work. Congrats to Dan for this well-deserved recognition!
Lawyers from all over New York bring their significant cases to Block O’Toole & Murphy. Why?

• An Established Track Record of Success and Top Results.
• Experience and Toughness.
• The Resources, Skill and Will To Take On The Biggest of Cases.
• A Minimum of Two Lawyers Assigned to Every Case.
• An Absolute Commitment To Personal Attention.

Block O’Toole and Murphy is currently accepting referrals on...

• Construction Accidents  •  Serious Personal Injury Cases
• Wrongful Death Cases  •  Roadway Design Defects
• Employment Discrimination Cases  •  Medical Malpractice
• Wage and Hour Theft Cases

What do other lawyers who refer their cases to Block O’Toole & Murphy say?

Ray Suris, Esq., Suris & Associates, Melville, N.Y.: “My best cases go to BOM. There’s nobody better anywhere. It’s great for me and my firm to have them as a resource and even better for my clients. The results are eye-popping.”

Timothy Sullivan, Esq, The Sullivan Law Firm, NY, NY: “They hit all the right notes. They are aggressive when appropriate, but also are compassionate and sensitive at the same time. My clients have expressed nothing but gratitude when I refer them to BOM.”

Adam Stein, Stein & Associates, Brooklyn, N.Y.: “No firm has consistently produced results like BOM, but what I really appreciate is their attention to detail. They leave no stone unturned and are constantly keeping me informed as the case unfolds.”

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. Lawyers throughout the state, from Bellport to Buffalo, continue to refer cases to BOM.

The firm also accepts referrals from friends of the firm and former clients who are not attorneys. 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.

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

Super Lawyers

Still Super
Jeffrey Block, Daniel O’Toole, Stephen Murphy, S. Joseph Donahue, Scott Occhiogrosso and Michael Hunwitz 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 again named a ‘Rising Star’ by SuperLawyers magazine. The firm was featured in a dignified two-page spread that readers of both publications enjoyed. The piece highlighted the accomplishments and commitments of the firm during the past year.

National Recognition
Partners Daniel P. O’Toole, Stephen J. Murphy and Jeffrey A. Block have once again been named to the acclaimed “Best Lawyers in the United States” list. They all appeared in a feature section of the magazine that was part of a New York Times distribution.

Best Law Firms
Block O’Toole & Murphy was again honored by U.S. News & World Reports and named to their elite ‘Best Law Firms’ List. The firm was further distinguished from other honorees by being named as a Tier I law firm, a title that recognizes the firm as a preeminent national presence.

National Trial Lawyers
Partners Jeffrey Block, Daniel O’Toole, Stephen Murphy and David Scher have again been named to their list of “Top 100 Trial Lawyers”. David Scher has also appeared on their “Top 40 Under 40” list since 2013.

The Multi-Million Dollar Advocates Forum
Jeffrey Block, Daniel O’Toole, Stephen Murphy, S. Joseph Donahue and David Scher are all accepted members.

The Irish Legal 100
Irish American lawyers Daniel P. O’Toole and Stephen J. Murphy were once again named to the celebrated and coveted list of top Irish American Lawyers in the United States.

Law School Honors Murphy’s “Excellence” BOM Partner Stephen J. Murphy was honored by The St. John’s School of Law, receiving the ‘2014 Alumni Excellence Award.’ The event was well attended by many members of the alumni who participated in the school’s celebrated ‘Polestino Trial Advocacy Institute’ (P.T.A.I.), named after legendary St. John’s Law Professor Frank Polестino. Mr. Murphy has long been associated with the program that is widely recognized as the catalyst which has propelled St. John’s into the upper echelon of trial advocacy programs in the country. The event was held in Brooklyn, Murphy’s hometown. Pictured to the right is Murphy, a former adjunct professor, and St. John’s Law School Dean Michael Simons.

* Prior results do not guarantee a similar outcome
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.

HERE ARE SOME CHARITIES BOM PROUDLY SUPPORTS...

- St. Jude Children's Hospital
- Frances Pope Memorial Foundation
- Institute for Educational Achievement (IEA)
- United Cerebral Palsy Organization
- Team Steady Buckets
- The Wounded Warrior Project
- IRSF- International Rett Syndrome Foundation
- Gene Spillane Memorial Golf Foundation
- New Beginnings Community Center
- Winthrop University Hospital
- NAACP Mid Manhattan Branch
- HEVN-Helping End Violence Now
- Chillin with Adam/ The Adam Gaynes Foundation
- Brooklyn to Alaska
- B.A.T.I. School (School in Haiti for Girls)
- Oradell Little League
- Candlelighters NYC
- Debra Ann Franceschini Memorial Golf Outing
- Miss Amazing Inc., NJ
- Oradell Kids Foundation
- American Lung Association
- Autism Speaks

We hope who and what we support gives you an idea of who we are. Here’s a snapshot of some of our favorite charitable organizations.

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, David Scher and S. Joseph Donahue. 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. In 2014 and 2015 combined, over just 2 nights, the event raised over $1 Million to help this important cause. In recognition of the success of the event, Stephen Murphy was named St. Jude ‘Volunteer of the Quarter’ towards the end of 2014.

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.

INSTITUTE FOR EDUCATIONAL ACHIEVEMENT (IEA)

Block O’Toole & Murphy has proudly continued their commitment to supporting IEA, another worthy organization that gives voice to the challenges faced by children and their families. Founded in 1995, the Institute for Educational Achievement (IEA), is a private, non-profit educational program providing highly individualized educational services to students with autism. At IEA, students learn to read and write, to speak, to make friends, to play with toys, and to participate in the world around them. Beyond that, through home-based programming, students learn skills that allow them to complete activities with their families, to complete daily tasks at home, and to participate in typical leisure activities with others.

FEATURED EMPLOYEE

This space has typically been reserved for an outstanding paralegal or office manager to recognize their contributions to the firm. Never before have we had the chance to recognize an individual who simply does it all. But Brigit Zahler is not just any employee. She came to the firm more than 4 years ago and immediately distinguished herself as one of the finest paralegals we have ever seen. Her background includes graduating from both college and law school. Since joining BOM, Brigit has now passed the New York State Bar and is a licensed attorney. Congratulations! Her commitment to the firm’s clients remains outstanding and her professionalism is unparalleled. “Brigit is determined, relentless. Her mental strength and fortitude are only outsized by her enormous heart,” offers Jeff Block. Suffice it to say, she has proven herself to be an integral part of the firm and we hope it remains that way for a long time.

Name: Brigit Zahler
Joined Firm: 2011
CLIENT TESTIMONIALS...

“I am very pleased with the outcome and would highly recommend them.”
Jennifer Lynn

“Block O’Toole & Murphy is the most efficient and knowledgeable law firm that one could deal with . . . Their professionalism and expertise are unsurpassed. They actually care more for you and your well-being than anything else.”
Harry K.

“The best way to describe my experience is comfortable and confident. Their professionalism and extensive experience put you in an easy state of mind. I would recommend this firm to anyone who is in need of legal representation. They are truly masters of their craft.”
Keith R.

“Great law firm, treated me like family. They are all nice people who care about each and every client that they represent.”
Robert G.

“These guys are real nyc construction lawyers. I looked at a ton of other lawyers in the city but none were even close to these guys.”
- Anonymous

“The settlement that you were able to achieve for me has lifted any financial burdens that I had prior to the case being settled . It has also let me plan for the future and has eased most of my concerns pertaining to finances. You guys are the best!”
Neil G.

“I love them. I am so grateful they came in to my life. I don’t know where I would be without them.”
Deborah K.

Laneck Court of Appeals Decision

BOM was involved in fiercely disputed recent case that reached the highest court in New York State in 2015, the Court of Appeals. The Court's decision, we believe, will result in more fairness for future victims of accidents with City maintenance vehicles such as street sweepers, spreaders and plows. The landmark case was decided by the high Court in June 2015 and is titled Deleon v. New York City Sanitation Department (25 N.Y.3d 1102).

We represented Mr. Deleon. In its decision, the Court held that the context of a City vehicle operator's work should be considered when determining whether his/her conduct was "reckless". In this instance, Mr. Deleon's car was struck by a street sweep vehicle that was performing routine street cleaning work when it struck our client's car in the rear. We argued that a sweeper such as this should not be afforded the same legal protections as a City vehicle that is responding to an emergency, such as a police car, fire truck or ambulance. The Court of Appeals agreed with us, and held that the case should proceed to a jury. In doing so, the Court has changed the landscape of "reckless disregard" cases and, in our view, allowed for more fair and just results in the future.

Roadway Design Cases

BOM has developed an expertise handling cases involving accidents caused by unsafe roadways. Partner Daniel O'Toole, in particular, has established himself as an authority in this area. In 2012, Mr. O'Toole took a landmark verdict of over $20 Million against the State of New York after he successfully proved that the State failed to properly address an area of its roadway in upstate New York that was known to frequently become covered by black ice. That icy condition led to a motor vehicle collision that left our client with a very badly damaged arm. O'Toole continues to be retained on some of the most significant road design cases in New York because lawyers and clients know it takes a special skillset, and mindset, to effectively handle these often challenging and fiercely defended cases.

Says O'Toole, "Many lawyers shy away from taking on road design cases because, frankly, they can be quite difficult and require a great deal of energy and resources to properly handle. I enjoy them, and our firm never shies away from a tough, but important, fight. Many people fail to even realize when an accident resulted from an unsafe roadway design, which could be anything from a bend in the road that is too sharp, to inadequate traffic control devices, signage or barrier protection. Identifying and proving that a roadway is dangerous is intellectually interesting, and requires really diving into the science of roadway design and being open to outside-the-box thinking. I like that challenge. Most importantly, when I've handled a successful road design case, it means that our injured client was well compensated for his or her injuries. As an added bonus, holding municipalities responsible for poor roadway design also often triggers real improvements to be made, which makes the roads safer for us all." If you have a roadway design case, or believe you might, please call us.

* Prior results do not guarantee a similar outcome

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* Prior results do not guarantee a similar outcome

**RESULTS MATTER**

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