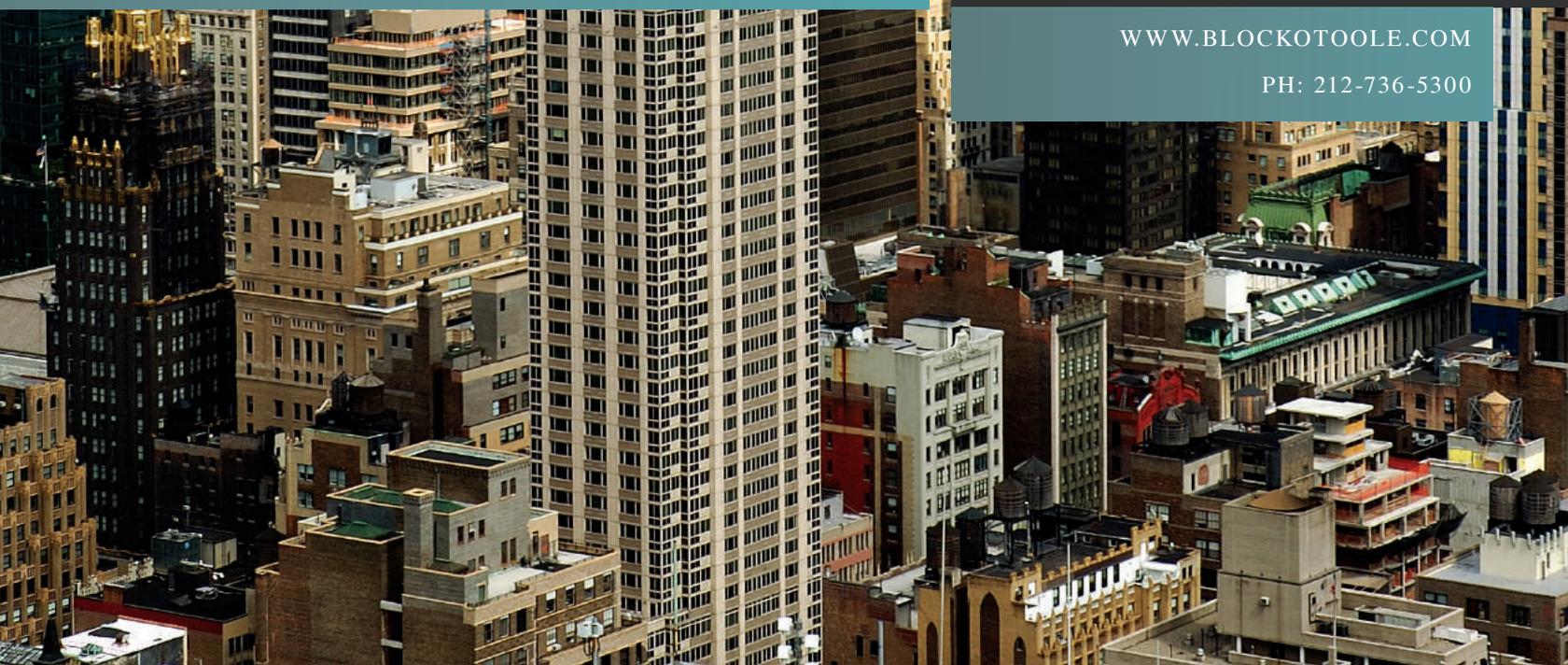




**TRIAL BY JURY**  
*The Block O'Toole & Murphy, LLP Newsletter*  
VOLUME 6

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Amendment VII of the U.S. Constitution offers you this protection: "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 re-examined in any Court of the United States, than according to the rules of the common law."

### LAWYERS FIGHTING FOR WRONGFULLY INJURED NEW YORKERS

*"Justice is a joy to the godly, but it terrifies evildoers." - Proverbs 21:15*

Block O'Toole & Murphy, LLP has been fighting for the rights of wrongfully and catastrophically injured New Yorkers for decades. Whenever a working man or woman, motorist, cyclist or pedestrian is injured due to somebody else's negligence, Block O'Toole & Murphy will be there to defend their rights and fight for the compensation they deserve. Notable results\* where justice was served on behalf of seriously injured clients include:

- \$110,174,972 for a cyclist who was paralyzed in a falling object accident during subway maintenance
- \$32,756,156 for a Vietnam Veteran who was struck by an impaired driver
- \$22,500,000 after a motor vehicle accident caused by a recurrent icy road condition
- \$14,000,000 after a motorcyclist was hit by a truck attempting an illegal left turn
- \$13,500,000 for a woman who was hit by a car — a record-breaking settlement in Suffolk county
- \$12,000,000 for a worker who fell over 40 feet through an unguarded shaft on a subway extension project
- \$12,000,000 after a 5-year-old child was struck because of a car accident at an intersection
- \$11,500,000 for a construction worker who suffered severe wrist injuries in a defective saw accident
- \$10,875,000 for a construction worker who fell and was impaled on a piece of steel rebar
- \$9,950,000 for a social worker who required a leg amputation after being struck by a van
- \$9,263,326 for a taxi passenger who suffered a back injury when the taxi was rear-ended
- \$8,800,000 after a motor vehicle accident caused by a tree obscuring a stop sign
- \$8,000,000 for a musician who was injured in a rear-end accident
- \$7,525,000 after a mother and her son were tragically killed in a car crash
- \$7,400,000 after a construction worker fell from a roof during a renovation project
- \$7,300,000 for a worker who needed an arm amputation after a demolition accident
- \$7,000,000 for a worker who was injured by an object which fell from a scaffold
- \$6,793,881 after a worker was impaled on an uncapped piece of steel rebar
- \$6,500,000 for a demolition worker injured by a falling object in Queens
- \$6,400,000 for an ironworker who suffered multiple broken bones in his back after a fall
- \$6,250,000 after a worker was paralyzed in all four limbs following a nine-foot fall
- \$6,000,000 for a bus passenger who was injured when his bus collided with a dump truck
- \$6,000,000 after a waterproofer suffered herniated discs in a scaffold fall
- \$5,900,000 for a bricklayer who was injured in a ladder fall during a renovation project
- \$5,885,000 for a worker who required spinal fusion surgery after a ladder fall
- \$5,850,000 for a mother of three who was injured when her apartment ceiling collapsed
- \$5,500,000 after a construction worker was injured by an improperly-operated excavator
- \$5,500,000 for a motorist whose pick-up truck was sideswiped by a semi-truck
- \$5,500,000 after a truck driver injured his back in a defective freight elevator accident
- \$5,500,000 for an electrician who fell from a ladder after being electrocuted
- \$5,160,000 for a motorist who required spinal fusion surgery after being hit at an intersection
- \$5,000,000 after a mother of four was killed when a garbage truck driver suffered a seizure
- \$5,000,000 after a woman's pre-existing back condition was aggravated in a car accident
- \$5,000,000 for a carpenter who suffered multiple injuries in a scaffold fall
- \$4,995,000 after a construction worker fell twenty feet due to a floor collapse
- \$4,925,000 after a car crash caused by an illegally parked tractor trailer in Orange county
- \$4,900,000 for an electrician who suffered a herniated lumbar disc in a ladder fall
- \$4,750,000 for a demolition foreman who was injured by flying debris created by the blast
- \$4,650,000 after a worker was injured in a fall caused by inadequate fall protection equipment
- \$4,600,000 for a motorist who was injured when a negligent driver ran a stop sign

\* Prior results do not guarantee a similar outcome



Block O'Toole & Murphy prides itself on obtaining the highest results possible for our clients. Below are recent cases that demonstrate our excellence in the courtroom and our commitment to the people we serve.

### \$110,174,972 VERDICT FOR CYCLIST PARALYZED BY FALLING RAILROAD TIE

Our client was riding his bike when he came to a portion of the road where maintenance work was happening on overhead subway tracks. The area was partially barricaded, but a transit worker told him it was safe to bike through.

As our client biked through a 12-foot gap in the barricades that never should have been there while work was ongoing, he was struck by a rotten railroad tie which had been blindly dropped by workers on the tracks above. If those workers had checked that the drop zone was clear before dropping the tie, or if the drop zone had been properly barricaded, this tragic accident would never have occurred.

A jury found the NYCTA 100% liable for the accident and rendered a \$110,174,972.38 verdict, believed to be the largest non-medical malpractice verdict in the history of New York.

### \$12,000,000 SETTLEMENT FOR UNION TUNNEL WORKER INJURED IN 40-FOOT FALL

Our client, a tunnel worker for the Sandhogs Local 147 union, was rigging a personnel lifting cage to a crane on a construction site for the 7 Line extension project. The cage began to sway while it was lowered, however, and our client went to the shaft covers to try and stabilize it. Unfortunately, the momentum of the swinging cage was too great and carried our client over an opening in the shaft, causing him to fall nearly 40 feet.

Our firm filed for summary judgment regarding liability pursuant to New York Labor Law Section 240(1), and the case settled at mediation for \$12,000,000.

### \$13,500,000 SETTLEMENT - THE HIGHEST IN SUFFOLK COUNTY

Our client was walking home at night when she was struck by a car. The Defendant claimed she was unable to see our client due to her dark clothes and the poor lighting in the area, and she was not charged with anything by police.

To try and recreate the conditions of that night, our attorneys recruited a team of experts, including a professor from the United States Naval Academy with a specialty in nighttime visibility, who determined that the Defendant should have been able to see our client at a distance of about 174 feet, and that she was driving about 50 mph rather than 25 to 30 mph as she originally claimed.

The case resulted in a \$13,500,000 settlement during trial, the largest reported personal injury settlement in the history of Suffolk County.

### \$9,950,000 SETTLEMENT FOR A MOTOR VEHICLE ACCIDENT IN BUFFALO

Our client, a social worker living in Buffalo, was loading her car with bags of groceries intended for less-fortunate families when she was struck from behind by a commercial van which had swerved into the parking lot after getting into an accident with another vehicle on an adjacent street.

Following a private mediation approximately two months before the scheduled trial date, the case settled for \$9,950,000, among the largest reported motor vehicle accident settlements in New York State. Thanks to a successful course of physical therapy and the prosthetic limb she was fitted with, our client was able to resume living on her own, driving, and enjoying her leisure activities.

### New Faces and Advancements:

Block O’Toole & Murphy is excited to announce the hiring of **Ameer Benno**, who will add yet another talented trial attorney to our roster. After graduating from Cornell Law School, Mr. Benno worked as a prosecutor at the Manhattan District Attorney’s Office, where he handled serious violent felony cases. Since leaving government service, Mr. Benno has represented plaintiffs in serious personal injury and civil rights cases. He lectures frequently on trial practice and civil rights, and has been named a Metro New York Super Lawyer every year since 2017. He is also an executive officer of the Nassau Lawyers’ Association and he sits on the board of directors for the New York State Academy of Trial Lawyers.



In other firm news, we are happy to announce that **Scott Occhiogrosso** has been named as a partner of the firm. Mr. Occhiogrosso has been an invaluable part of the firm since first joining in 2011 and continues to bring in strong results for his clients. In 2019, Mr. Occhiogrosso made headlines as the handling attorney on a record-breaking \$110 million jury verdict for a cyclist who was paralyzed due to a falling railroad tie.

We are equally thrilled to announce the promotion of attorney **Michael J. Hurwitz** to the position of Senior Counsel. Mr. Hurwitz has been with the firm since early 2013 and is well-known as a gifted and compassionate attorney who always makes his clients feel like they are part of the family. He was awarded a 2018 Avvo Clients’ Choice Award for his efforts and has been recognized as a Super Lawyer every year since 2015.



### The Super Lawyers of Block O’Toole & Murphy:

It’s official — all of the attorneys at Block O’Toole & Murphy have been recognized by the prestigious New York Super Lawyers list. Many of our attorneys have received this honor in previous years, and the Name Partners of Block O’Toole & Murphy have been recognized as Super Lawyers for more than a decade.

The Super Lawyers designation is reserved for the top 5% of attorneys in their practice area and state, while the Rising Stars designation is given to the top 7.5% of attorneys who are under the age of 40 or have been practicing for less than 10 years. Congrats to all of the attorneys who work so hard for our clients, and who have once again been recognized for their efforts:

- Jeffrey A. Block
- S. Joseph Donahue
- Frederick C. Aranki
- Ameer Benno
- Daniel P. O’Toole
- David L. Scher
- Michael J. Hurwitz
- Stephen J. Murphy
- Scott Occhiogrosso
- Ravi Sattiraju
- Christina (Mark) Mercado
- Daniel Seiden
- Romina Tominovic

### The Rising Stars of Block O’Toole & Murphy:

Block O’Toole & Murphy is proud to celebrate our three Rising Stars, who bring an injection of youth, intelligence, and energy to the firm and fill out our team of talented and hard-working attorneys: Daniel M. Seiden [Left], Romina Tominovic [Center], and Christina (Mark) Mercado [Right].



**Daniel M. Seiden** earned his Juris Doctor degree from Benjamin N. Cardozo School of Law, where he was awarded the prestigious Monrad Paulson scholarship. Since joining the firm in 2015, he has handled cases involving construction accidents, premises liability accidents, and motor vehicle accidents, and assisted in the recovery of numerous verdicts and settlements in excess of \$1,000,000.

**Romina Tominovic** joined the firm after a very successful three-year stint as a prosecutor for the Nassau County District Attorney’s Office, where she handled a diverse caseload including the prosecution of some high-profile drug and gang cases. She has helped secure numerous multi-million results since joining the firm in 2015.

**Christina (Mark) Mercado** is well-renowned for her strong research and writing skills and adds something to just about every case that Block O’Toole & Murphy takes on. In recognition of her unique skillset, she was promoted to Senior Associate, Appellate and Motion Counsel and has been a valued member of the team since joining in 2011.

## REFERRAL CORNER

Lawyers across New York bring their most complex cases to Block O'Toole & Murphy. We accept referrals on:

- Construction Accidents
- Serious Personal Injury Cases
- Premises Liability
- Wrongful Death Cases
- Auto and Truck Accident Cases
- Medical Malpractice
- Wage and Hour Theft Cases
- Roadway Design Defects
- Employment Discrimination Cases

### What do referring attorneys have to say about Block O'Toole & Murphy?

Christopher Bragoli, Esq. of Bragoli & Associates: *"When it comes to the really complex, time-intensive cases that we sometimes get, there is no better law firm than Block O'Toole & Murphy. They have the resources and ability to take on any case and get a great result for the client."*

Tim Sullivan, Esq. of Sullivan Law Firm : *"Our firm has been working with BOM for years now and can attest to their integrity and the quality of their work. There is a reason that so many firms go to them with their high-value cases."*

Daniel J. Savino Jr., Esq. of Caruso, Spillane, Leighton, Contrastano, Savino & Smollar, P.C.: *"There's no case too big for the folks at BOM. They are aggressive in court when they need to be, and very understanding when dealing with clients. When I refer a case to them, I know that they will get the job done and the client is going to be happy with the result."*

Block O'Toole & Murphy accepts referrals of construction accident and serious personal injury cases from law firms from all over New York. It is an honor and a privilege when one of our esteemed colleagues reaches out and entrusts us to help the people who need it the most, and we take that responsibility personally.

We also accept referrals from former clients and other friends of the firm. We want to be thought of as the law firm that you would want your friends, family and colleagues to come to, because you know that they will be well-represented, personally cared for, and happy with the results.

## BOM IN THE NEWS

### Name Partners Recognized as Best Lawyers Yet Again

Every year, Best Lawyers® designates the top 4% of attorneys in the country for their specific practice areas. This year, Jeffrey A. Block, Daniel P. O'Toole and Stephen J. Murphy were once again named Best Lawyers in Personal Injury Litigation, an honor they have received every year since 2013. The firm also secured over \$100 million for a variety of construction accidents, motor vehicle accidents, premises liability accidents, and other serious personal injury cases. When it comes to our track record securing the maximum compensation available to our clients, results speak for themselves.

### A Tier One Personal Injury Firm - US News & World Report

Block O'Toole & Murphy was ranked as a Tier 1 Personal Injury law firm in the 'Best Law Firms' ranking, an annual collaboration between U.S. News & World Report and Best Lawyers®. To be considered for this ranking, a firm must have at least one recognized Best Lawyer, and BOM is led by three.

### Daniel P. O'Toole Receives the James F. Gill Spirit of Hope Award

Partner Daniel P. O'Toole received the James F. Gill Spirit of Hope award from the Feerick Center for Social Justice of Fordham University, where he received his law degree in 1992. This award was given in recognition of Mr. O'Toole's extensive philanthropic work, which includes donations to St. Jude Children's Hospital, the Candlelighters of New York City, and the Frances Pope Memorial Foundation.



Former Fordham Law School Dean John Feerick presents Mr. O'Toole with the James F. Gill Spirit of Hope award.

### Inside Evil with Chris Cuomo and Partner Stephen J. Murphy

Partner Stephen J. Murphy was recently interviewed by CNN's Chris Cuomo for the true crime show *Inside Evil* regarding a homicide case Mr. Murphy handled while he was a prosecutor at the Brooklyn DA's office. The criminal Defendant, John J. Lennon, also the subject of the interview, is serving 28 years to life in prison and is now an advocate for prison reform and a published author.

### Stephen J. Murphy Named St. Jude Event Chairperson of the Year

Mr. Murphy was recently named the national St. Jude Event Chairperson of the Year for his 10+ years serving as Event Chair for the annual St. Jude Autumn Wine Tasting. Under his leadership, the annual fundraising of the event has gone from \$60,000 in 2007 to \$750,000 this year. Since taking over the event, over \$5,000,000 has been raised towards putting an end to deadly pediatric diseases.



Mr. Murphy gives his acceptance speech in Memphis, where St. Jude is located, at the Volunteer Leadership Conference.

## ST. JUDE AUTUMN WINE TASTING

Block O’Toole & Murphy is extremely proud to sponsor the annual St. Jude Autumn Wine Tasting, which we have done since 2007. When we first took over the event, the annual fundraising was \$60,000. Since then, the event has exploded in popularity, and last year was the most successful year yet. The event has raised well over \$5,000,000 and consistently has more than 700 people in attendance.

When Stephen J. Murphy was awarded the national Event Chairperson of the Year award by St. Jude, both he and the event committee were praised as “the model of an ideal event chair and committee” for their personal generosity, resourcefulness and dedication to the St. Jude Children’s Hospital. The committee members for the event are BOM Partners Jeffrey A. Block, Daniel P. O’Toole, S. Joseph Donahue, David L. Scher, and Scott Occhiogrosso, pictured below.

Through Murphy’s leadership and the hard work of the event committee to bring in donors and attendees, we are excited to continue growing the annual St. Jude Autumn Wine Tasting for many years to come.



From left to right: Partners Scott Occhiogrosso, Daniel P. O’Toole, Stephen J. Murphy, Jeffrey A. Block, S. Joseph Donahue, and David L. Scher

## HURRICANE MARIA RELIEF EFFORTS

Hurricane Maria struck Puerto Rico in September 2017 and left widespread devastation and destruction in its wake. Crucial infrastructure was destroyed, and many thousands were left without access to proper water, food or electricity.

This tragic event hit very close to home for Founding Partner Jeffrey Block and his wife Maritza, who have family on the island. Compelled to help and dismayed at the stories they were hearing, the two asked the firm’s staff, friends and family to donate whatever supplies they could spare.

Over a four-day period, the two collected over 2,400 pounds of rice, 100 cases of water, 800 bars of soap, 80 boxes of cereal, 64 jars of peanut butter, 120 toothbrushes, and other essential items such as baby formula, diapers, lanterns and batteries. This experience “goes to show that the communal effort of many can bring impactful results,” said Mr. Block.



Sarah Soogrim, paralegal

## FEATURED EMPLOYEE

Sarah has been with the firm since December 2011 and has made a name for herself due to her work ethic, attention to detail, and natural compassion for our clients ever since. Sarah takes immense pride in the client-attorney/paralegal relationship that forms the foundation of the family here at Block O’Toole & Murphy. Sarah’s top priority is to make our clients feel confident and comfortable at all stages of the litigation process. Sarah genuinely enjoys her role at BOM as a key member of the team who is depended on and trusted, and her natural enthusiasm and work ethic is evident to anybody who has the pleasure of working with her. Sarah has become an indispensable member of the day-to-day operations here at BOM and is always a favorite among clients who she provides regular updates to. We have immense faith in any task we put in Sarah’s hands, and for that we offer sincere thanks. Congratulations, Sarah, for being such a critical part of the Block O’Toole & Murphy family!

## CLIENT TESTIMONIALS . . .

*"If you are looking for a firm to help get justice for your accident then look no further. I've had the greatest experience in this law firm. They were always available when I needed them and they always made me feel like I was family."*

- Darlene

*"They made one of the most horrendous experiences of my life more bearable. Their kindness extends beyond just ordinary human kindness. Their professionalism was beyond bounds of what I expected. They informed me immediately of any changes in my case. To say this, may sound somewhat cliché, but they felt and still feel like family."*

- Shauna

*"From the moment this firm was hired I walked into their offices and I could feel the true compassion and care. I also knew they would fight for me."*

- Tommy

*"They became like a part of my family. This is the firm that cares about the clients, they [are] always there when you need them, whether to explain or simply just to talk. They were always there for me and they still are, and I would like to thank them for that!"*

- Agron

*"The level of professionalism, consideration, and kindness at Block, O'Toole, and Murphy is outstanding; from the moment you are greeted in reception and guided through the back office, it is obvious that you and your case are in good hands. Block, O'Toole, and Murphy has the best attorneys in New York and they will fight on your behalf, ensuring that you receive the best possible result."*

- Neil

*"Ever since I walked into their office at Penn Plaza, I felt I was part of a family."*

- Blasdimil

### CONNECT WITH BLOCK O'TOOLE & MURPHY ON SOCIAL MEDIA:



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## BLOCK O'TOOLE & MURPHY – A CLOSER LOOK

### Jeffrey A. Block

Jeffrey Block began his legal career after graduating from Brooklyn Law School in 1989. Since then, he has made a name for himself by following two guiding principles: never let yourself be outworked and prepare every case like it's the only one in the office. Now, with more than 100 results exceeding \$1,000,000 to his name, Mr. Block has established himself as an authority in the field and is regularly called on by his peers to act as trial counsel on complex cases. Every day, Mr. Block sets the tone of the firm through his skill and tenacity as an attorney and the easy rapport he establishes with the clients whom we are honored to serve.

### Daniel P. O'Toole

The best introduction to Daniel P. O'Toole begins with the results he has won, having handled over 125 verdicts and settlements each exceeding \$1,000,000. Since 2012, Mr. O'Toole and his team have secured over \$450,000,000 in personal injury cases, an eye-popping number that includes a \$110 million jury verdict in 2019. Aside from his impressive work in the courtroom, Mr. O'Toole also advocates for better laws to protect New York workers in his position as Co-Chairman of the New York State Trial Lawyers Association Labor Law Committee. In October 2018, he was honored with the James F. Gill Spirit of Hope Award from Fordham Law School's Feerick Center for Social Justice. Having been named a Best Lawyer every year since 2013, Mr. O'Toole looks forward to continuing to provide excellent legal representation for injured New Yorkers who have been put in vulnerable positions with nobody left to fight for them.

### Stephen J. Murphy

Stephen J. Murphy joined the firm in 2005 after working as a homicide prosecutor in the Brooklyn District Attorney's Office, where he established himself as a legendary trial lawyer due to his uncanny ability to take apart a Defendant's witness in court. Mr. Murphy handles a wide variety of cases with an emphasis on serious construction accidents and catastrophic personal injury accidents. He has been named a Best Lawyer every year since 2013 and made headlines for winning more million dollar results in 2016 than any other attorney in New York. His excellence in the courtroom aside, Mr. Murphy is most proud of the work he has done as Event Chair for the St. Jude Autumn Wine Tasting, for which he received the Event Chairperson of the Year award from St. Jude Children's Research Hospital. With the help of other BOM employees, the event has raised more than \$5 million dollars since 2007. The event hits new heights every year, consistently attended by over 700 people and raising over \$750,000.



Stephen J. Murphy, Daniel P. O'Toole, and Jeffrey A. Block



## RESULTS MATTER

\$110,174,972	\$5,900,000	\$4,100,000	\$3,400,000	\$2,925,000	\$2,500,000
\$32,756,156	\$5,885,000	\$4,000,000	\$3,400,000	\$2,900,000	\$2,500,000
\$22,500,000	\$5,850,000	\$4,000,000	\$3,375,000	\$2,850,000	\$2,500,000
\$14,000,000	\$5,585,000	\$4,000,000	\$3,369,066	\$2,840,000	\$2,500,000
\$13,500,000	\$5,500,000	\$4,000,000	\$3,300,000	\$2,800,000	\$2,450,000
\$12,000,000	\$5,500,000	\$4,000,000	\$3,258,000	\$2,760,000	\$2,400,000
\$12,000,000	\$5,500,000	\$4,000,000	\$3,250,000	\$2,750,000	\$2,400,000
\$11,500,000	\$5,500,000	\$4,000,000	\$3,200,000	\$2,750,000	\$2,325,000
\$10,875,000	\$5,160,000	\$4,000,000	\$3,200,000	\$2,750,000	\$2,300,000
\$9,950,000	\$5,000,000	\$3,925,000	\$3,175,000	\$2,700,000	\$2,300,000
\$9,263,326	\$5,000,000	\$3,800,000	\$3,125,000	\$2,700,000	\$2,275,000
\$8,800,000	\$5,000,000	\$3,750,000	\$3,100,000	\$2,700,000	\$2,270,000
\$8,000,000	\$4,995,000	\$3,750,000	\$3,075,000	\$2,700,000	\$2,250,000
\$7,525,000	\$4,925,000	\$3,720,000	\$3,075,000	\$2,650,000	\$2,250,000
\$7,400,000	\$4,900,000	\$3,700,000	\$3,000,000	\$2,650,000	\$2,250,000
\$7,300,000	\$4,750,000	\$3,500,000	\$3,000,000	\$2,640,000	\$2,250,000
\$7,000,000	\$4,650,000	\$3,500,000	\$3,000,000	\$2,600,000	\$2,250,000
\$6,793,881	\$4,600,000	\$3,500,000	\$3,000,000	\$2,600,000	\$2,250,000
\$6,500,000	\$4,475,000	\$3,500,000	\$3,000,000	\$2,558,000	\$2,250,000
\$6,400,000	\$4,250,000	\$3,500,000	\$3,000,000	\$2,550,000	\$2,250,000
\$6,250,000	\$4,250,000	\$3,500,000	\$3,000,000	\$2,545,000	\$2,225,000
\$6,000,000	\$4,200,000	\$3,450,000	\$3,000,000	\$2,500,000	\$2,200,000
\$6,000,000	\$4,150,000	\$3,411,000	\$3,000,000	\$2,500,000	\$2,200,000



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