



Corradino & Papa, LLC

A Personal Injury Law Firm

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CONGRATULATIONS TO ROBERT C. PAPA FOR BECOMING CERTIFIED BY THE SUPREME COURT AS A CIVIL TRIAL ATTORNEY. Corradino & Papa, LLC now has three certified civil trial attorneys and we will continue to advocate with a high level of expertise for our clients when they are subject to wrongdoing.

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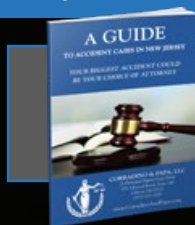
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the games adjusters play

The auto insurance industry is awash in profits. Part of the reason is that they deny liability, make lowball settlement offers, and delay payment for as long as possible, hoping claimants just go away. Here are a few other tricks they employ...

Some adjusters will charm your socks off. Keep in mind that they work for the insurance company, not you. Saving money is their ultimate goal. Don't be blinded by their friendliness.

Adjusters will likely want you to give a recorded statement. They may hint that the law requires it (it doesn't). Don't give a statement unless you have an attorney who approves and accompanies you. Never agree to having it recorded. Words can, and will, be twisted.

You may be asked to release all your medical records. Bad idea. Have your medical records released to yourself. Then you decide which information is relevant and pass that along to the insurance company.

The insurance company might offer you a quick settlement if you sign a release. With bills piling up and no income due to injury, this may be tempting. But by signing a release, you forfeit the right to ask for more money or to file suit down the road. Remember, some injuries don't become evident until well after the accident.

Adjusters will try to convince you that you don't need an attorney, who will "bog down the process" or "doesn't deserve a percentage of your settlement." Statistical evidence shows that claimants with an attorney fare much better than those without one. An attorney can deal with the insurance company, help you attain fair compensation, and protect your rights. ■



Your Biggest Accident Could Be Your Choice of Attorney

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KEEP SWIMMING POOL SEASON fun and safe



A refreshing dip in the pool is a good antidote for hot summer weather. But potential hazards could be lurking, and pool owners may be liable.

According to the federal government, drowning is the second-leading cause of unintentional injury-related death for children ages 1–14. And for every drowning, four other kids require ER care for nonfatal submersion injuries.

A pool owner has a duty to keep their pool well maintained to cut back on the chance of injuries, and to alert patrons or guests to potential dangers that might not be obvious to the average person.

Owners of public and private pools are responsible for properly securing drains, which can cause severe injuries; maintaining ladders, diving boards, and slides; and mixing pool chemicals appropriately. Electrical defects, unsafe pool toys, and lack of supervision or safety equipment are potential liability issues as well.

Pool owners generally don't owe trespassers a duty of care, with one major exception: young children who don't understand the danger of drowning. In most states, owners are obligated to prevent access to their pools by means of proper fencing, locked gates, and pool safety covers, as a pool is considered "attractive" to young children ("attractive nuisance doctrine").

Manufacturers, sellers, or installers of pools or pool fixtures might also be liable for injuries caused by pool usage.

If you have a pool on your property, take the proper steps to avoid premises liability issues. If you or a family member has been injured at a pool due to negligence, contact a premises liability attorney to protect your rights. ■

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surgical errors

All surgeries carry inherent risks to patients who undergo them, but doctor/nurse negligence further complicates their situations. Negligence can occur in "major" or "minor" surgeries, as well as tests/screenings, worsening patients' health and sometimes resulting in death.

Following is a list of some surgical errors that are more common than they should be:

- **Surgery on the wrong patient.** Miscommunication between health-care professionals, lack of preoperative verification, and inadequate hospital protocol can lead to the loss of healthy organs and other consequences, not to mention that the original intended surgery still hasn't been performed.
- **Wrong-side surgery.** Whether a patient has the wrong leg amputated or a healthy kidney removed and the diseased one left untouched, it's a mistake that should never happen.
- **Foreign objects left in the body.** Sometimes when a patient is "closed up" after surgery, they wind up having more parts inside them than prior to surgery. Sponges, clamps, gauze, pads, and scalpels have on occasion been left behind, inside patients. Extreme pain, serious infection, and death are the obvious potential outcomes. A patient who survives initially will need another surgery to remove the left-behind item.
- **Anesthesia errors.** Too much anesthesia may lead to lack of oxygen, brain damage, and death. Too little might result in a patient waking up in the middle of surgery in excruciating pain.
- **Collateral damage.** While surgery to correct one problem may be successful, other problems are sometimes created. A punctured organ or damaged nerves may lead to lifetime disabilities, chronic pain, and serious infection.



If you've been a victim of a surgical error, contact an experienced medical malpractice attorney to fight for your rights for just compensation. ■

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\$500K verdict IN ESSEX UIM CASE

Morrison-Newkirk v. Liberty Mutual:

A woman claiming she was injured in a rear-end accident was awarded \$500,000 by an Essex County jury on Dec. 6 in an action against her auto insurer, though her recovery is to be roughly half that sum.

On Nov. 3, 2014, Jade Morrison-Newkirk was stopped at a red light at the intersection of Hoover Avenue and John F. Kennedy Drive in Bloomfield when another motorist, Rayshawn Brown, failed to stop and struck her vehicle from behind at full speed, causing her in turn to strike the vehicle in front of her, said her lawyer, **Timothy Fonseca of Corradino & Papa** in Clifton.

Brown claimed his brakes failed and he could not stop. Morrison-Newkirk alleged that Brown negligently failed to maintain his vehicle. Brown settled for his policy limit of \$15,000, Fonseca said.

Morrison-Newkirk claimed she sustained injuries to her cervical and lumbar spine, leading to ongoing neck pain, numbness and tingling in her left arm, and intermittent spasms in her lower back.

She lodged an under-insured motorist claim against her auto carrier, Liberty Mutual, which defended Brown's position at trial, Fonseca said, noting that she had to



Timothy Fonseca

overcome the verbal threshold. At trial, he said, Liberty Mutual contended that Morrison-Newkirk was not injured in the accident and had preexisting conditions, while Morrison-Newkirk sought to prove she was permanently injured in the accident.

According to Fonseca, Liberty Mutual stipulated to Brown's liability during jury selection, and offered \$7,000 to settle the UIM claim, which was declined.

After an eight-day trial before Essex County Superior Court Judge **Garry Furnari**, the six-member jury unanimously found that Morrison-Newkirk had an objective permanent injury caused by the November 2014 accident, and awarded \$500,000 in total: \$485,000 for pain and suffering to Morrison-Newkirk, and \$15,000 on her husband's per quod claim.

Liberty Mutual was directed to pay \$235,000, which was the policy limit less a \$15,000 credit for the settlement already paid by Brown. The amount of the verdict also triggered the offer of judgment rule, and Liberty Mutual was ordered to pay about \$136,000 in attorney fees and \$20,000 in costs, plus \$13,000 in interest, making the total judgment \$404,802, Fonseca said.

Liberty Mutual's counsel, Mary Chen of Viscomi & Lyons in Morristown, declined to comment on the case. — David Gialanella. ■

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summer berry slab pie

INGREDIENTS

- 1 box refrigerated pie crusts, softened as directed on box
- 2 containers (6 oz each) plain yogurt
- 2 packages (3 oz each) cream cheese, softened
- 3 cups sliced fresh strawberries
- 1 1/2 cups fresh blueberries
- 1 1/2 cups fresh raspberries
- 1 cup strawberry glaze

DIRECTIONS

- Heat oven to 450°F. Unroll pie crusts and stack one on top of the other on lightly floured surface. Roll to 17 x 12-inch rectangle. Fit crust into 15 x 10 x 1-inch pan, pressing into corners. Fold extra crust under, even with edges of pan; crimp edges. Prick bottom and sides of crust with fork.
- Bake 10 to 12 minutes or until golden brown. Cool completely on cooling rack.
- In medium bowl, beat yogurt and cream cheese with electric mixer on medium speed until smooth. Spoon into cooled baked crust. Refrigerate about 1 hour or until set.
- In large bowl, toss berries and strawberry glaze. Spoon berry mixture over cream cheese layer. Store in refrigerator.

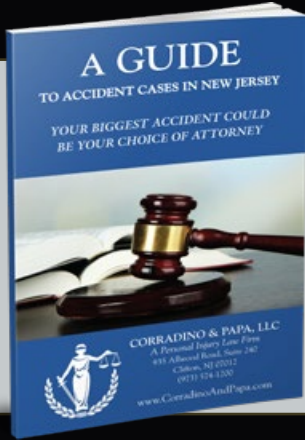
Courtesy: Pillsbury.com ■



Photo: pillsbury.com/recipes/fresh-berry-slab-pie

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FREE BOOK

Get Jack Corradino and Robert Papa's *New Ultimate Guide to Accident Cases in NJ*, written by Jack and RC. It will explain "Why your biggest accident could be your choice of attorney", and what to do in the event you are injured.

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Quote of the Month: "Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover." —Mark Twain

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

COMMON CAUSES OF **wrongful death**

Wrongful deaths—those that are caused by the negligence or misconduct of another party—are more common than a lot of people think. For instance, it's estimated that medical malpractice alone may be responsible for nearly 100,000 deaths annually.

While some wrongful deaths occur instantaneously as a result of a fatal injury, other deaths can take a long time to happen—sometimes many months or even years—from serious injuries such as traumatic brain injuries, internal bleeding or spinal injuries.

Some of the most common causes of wrongful death include:

- Car accidents
- Medical malpractice, such as serious surgical errors or medication errors. Other examples of medical malpractice can include misdiagnosis, failure to diagnose or a delayed diagnosis.
- Defective products, especially in cases in which medical products are involved.
- Dangerous drugs or drug interactions.
- Workplace injuries, especially at construction or manufacturing sites.
- Slip and fall premises liability injuries.



No matter what the cause or how long the wrongful death took to occur, surviving family members (such as a spouse or children – including adopted children) or, in some states, life partners or even distant family members, have the right to sue for wrongful death and recover compensation for damages they have suffered. ■