



# LEGAL REPORT

**Jeffrey  
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## Freedman Law Firm Obtains over \$400,000 for Injured Passenger

In a hard-fought personal injury case, Jeffrey Freedman Attorneys obtained over \$400,000 for Kristen,\* a seriously injured passenger in a multiple vehicle accident. She was on her way to college with a classmate to take a final exam when a semi truck crossed the center line on a cold winter's morning. A part-time employee as well as a full-time student, Kristen was facing months of painful recovery from multiple fractures sustained in the accident. After several days in the hospital, she began outpatient treatment including medication, therapy, and injections.



When Kristen became eligible to apply for Social Security Disability (SSD) benefits, Kerr referred her to one of the firm's disability attorneys. After a hearing before a Social Security Administration (SSA) judge, Kristen was awarded SSD benefits until she was able to return to work.

Upon completion of the lawsuit's pre-trial discovery phase, Kerr submitted and the judge granted a motion for summary judgment. This ensured there

Kristen's family contacted Christopher C. Kerr of Jeffrey Freedman Attorneys who came out to visit her while she was still in the hospital. "Sometimes lawyers have to make hospital visits and then get working to preserve evidence and monitor police investigation," Kerr said. "We also make sure that our clients quickly apply for no-fault insurance and short-term disability benefits to help relieve their financial burdens. We also helped arrange for Kristen's home care, medical equipment, and supplies."

After the truck driver was prosecuted and convicted, Kristen brought suit against him and his employer, among other parties.

would only be a trial regarding how much Kristen would be compensated. When the trial was scheduled, the defendants finally offered a substantial settlement.

"They wanted to avoid facing us in court," Kerr said.

Having patience throughout this process benefited Kristen, getting her more money than if she had accepted a quick settlement. While the case was complicated and time consuming, what Kristen remembers was that Kerr was understanding, compassionate, a great communicator, and a top-notch litigator.

*\*The client's name has been changed for the purpose of this story to protect confidentiality*

### IN THIS ISSUE

Distracted Drivers Cause Personal Injuries .....	2
Employee Spotlight: Molly Muffoletto .....	2
Jeffrey Freedman Attorneys Obtains \$500,000 for Injured Roofer .....	3
Attorney Christopher Kerr Named To Super Lawyers List .....	3
Why You Need An Injury Lawyer For A Construction Accident .....	4



## Distracted Drivers Cause Personal Injuries

"When people hear the term 'distracted driver,' the first thing they think is texting while driving. However, there are many other reasons a driver can be distracted such as eating, drinking, speaking to people in the back seat, checking on a child, or picking up a dropped object," said Attorney Brian Knauth of Jeffrey Freedman Attorneys. "We are seeing an increasing number of accidents related to cell phone use and texting. When working with a client who was injured in a car accident, we can easily obtain the cell phone records of the driver we are trying to prove caused the accident."

Knauth tells of a case involving a father and son who were injured in a serious multi-vehicle accident. The driver who caused the accident admitted she was texting while driving and upset about a fight with her boyfriend. She hit the rear end of a vehicle stopped at a traffic light. This vehicle was pushed into an intersection and hit the car Knauth's clients were

driving. The father suffered back and neck injuries. The son fractured several ribs.

"These clients came to us immediately,"



said Knauth. "When people are in an accident, they are bombarded with paperwork. They feel overwhelmed. We assisted the clients with a property damage claim, saw that the medical bills were paid, and that loss of income was compensated. We also filed a claim for pain and suffering. We were successful in obtaining the full amount of coverage that was available for our clients."

"A particular area of concern is young drivers," said Jeffrey Freedman, Manag-

ing Attorney of Jeffrey Freedman Attorneys, PLLC. "Talking on a cell phone while driving can make a young driver's reaction time as slow as that of a 70-year-old. AT&T and Verizon have joined in a national campaign called It Can Wait. This campaign asks people (especially teens) to take a pledge not to text and drive. We urge parents and teachers to discuss this important issue with young drivers."

Knauth hopes all drivers will practice defensive driving and remain safe on the roads. "If, however, you are involved in a personal injury accident due to a distracted driver or other cause, it's in your best interest to have a team of attorneys with vast experience in all aspects of personal injury on your side," he said. "We make sure all your paperwork is filed properly and in a timely manner. It's our job to ensure that you receive full allowable compensation for your injuries and pain and suffering."

## Employee Spotlight: Molly Muffoletto, Paralegal

Molly Muffoletto began her career with Jeffrey Freedman Attorneys over three years ago and has been an instrumental component of our personal injury department for the past two years. She graduated from Buffalo State College with degrees in Art History and Photography, has an associate's degree in paralegal studies, and obtained her certificate from the University at Buffalo, where she ranked amongst the top of her class. Before joining us at Jeffrey Freedman Attorneys, Molly developed,

owned, and operated several small businesses, including a successful Elmwood Avenue boutique. She is also a founding member of the Board of Directors for the Elmwood Avenue Festival of the Arts. She enjoys the company of her co-workers at Jeffrey Freedman Attorneys and the level of responsibility that accompanies her close work with attorney Brian Knauth. In her spare time, Molly likes to teach and practice yoga as well as spend time with her family.



### Questions?

As a client, you can be assured that your case will receive special care and consideration. That means providing you with the most up-to-date legal advice. It also means taking time to fully explain the legal procedures we recommend, including all the options available to you.

**Schedule your Free Consultation today. Contact us toll-free at: 1-855-847-8969**



## Jeffrey Freedman Attorneys Obtains \$500,000 for Injured Roofer

Jeffrey Freedman Attorneys, PLLC obtained a \$500,000 court settlement for Steve,\* a roofer who was injured on the job. "This was a complex case," said Christopher C. Kerr, a litigation attorney who heads the personal injury department. "It was the maximum settlement allowed under the employer's insurance."

Roofing is complex and dangerous work. The safety of a roofer depends on co-workers and others responsible for safety doing their jobs right. Steve, who had worked as a roofer all his life, was injured in a 50-foot fall resulting from another worker's negligence.

"When you're doing a roof, you attach 2 x 4s to the roof joists as 'toe boards' to keep from slipping," he said. "Each toe board is supposed to be attached by six, three-inch nails. Someone only used one or two roofing nails – which aren't long enough – to attach the toe boards on this particular job."

As Steve moved from board-to-board, they gave way and he slipped down the roof, clinging to the edge until he could no longer hold on. He then fell 50 feet onto a driveway.

Although Steve was able to collect Workers' Compensation, it hardly made up for the fact that he was unable to work, endured constant pain, and would never fully recover from the heel fractures caused by the fall. Legally, he could not sue his employer directly, but he could sue the general contractor who had sub-contracted with his employer.

"Steve's case was not actually decided on the basis of negligence, as many other personal injury cases are," Kerr said. "Fortunately, New York State Labor Law recognizes some jobs as so



dangerous that resulting injury cases get special treatment."

After Kerr won a court decision against the general contractor, the general contractor's attorneys won a court decision against Steve's employer. Steve's employer's insurance company ultimately paid the maximum \$500,000 policy amount.

To better deal with the limitations of his disabilities, Steve has moved his family to a warmer climate where he used his settlement money for a new career in real estate.

"I've been able to invest my money to make a better life for myself and my family," Steve said. "Without the help of Chris Kerr and the staff at Jeffrey Freedman Attorneys at Law, I would never be where I am today."

*\*Although the situation described is real, the name of the person in this article has been changed to protect confidentiality.*

## Attorney Christopher Kerr Named to Super Lawyers List



Christopher Kerr, a Litigation Attorney for Jeffrey Freedman Attorneys, PLLC has been named to the 2013 Super Lawyers list. Kerr has been practicing law for 30 years, spending the past 26 years with Jeffrey Freedman Attorneys.

Christopher Kerr received his B.S. from Syracuse University and his Juris Doctor from Duke University. He joined Jeffrey Freedman Attorneys in 1986 to found the firm's personal injury litigation department. Under his supervision, the firm's litigation practice has expanded to practice in all Western and Central New York courts. In addition, the firm has handled cases

from all areas of personal injury law and won settlements and awards for thousands of clients.

Kerr said of being listed: "It's rewarding to be mentioned with the other lawyers on the list. Super Lawyers performs their due diligence to make sure qualified attorneys are included, and I'm honored to be selected."

According to the publisher of Super Lawyers, the selection process is rigorous. Inclusion on the list recognizes an attorney's achievements and the fact that they are well-regarded among their peers. The Super Lawyers list showcases attorneys who exemplify excellence in law.

## Why You Need An Injury Lawyer For A Construction Accident

Construction sites are dangerous places to work. Workers face a number of hazards on the job that can lead to serious injury or death. The most recent Department of Labor Statistics list four types of accidents that are most common on construction sites. These “fatal four” types of accidents result in 3 out of 5 construction worker deaths:

- Falls
- Electrocutation
- Being struck by an object
- Caught in/or between objects (machinery, vehicles)

Construction workers face not only the possibility of dying, but also of suffering devastating permanent injuries. Christopher Kerr is an attorney at Jeffrey Freedman Attorneys, PLLC. He has handled con-

struction accident cases since 1984 and has seen the aftermath of unsafe practices on the job site. “We see cases where the defendant has failed to provide proper safety equipment to prevent falls. We have represented clients who have fallen 6 to 50 feet. Falls from significant heights lead to numerous types of injuries,” Kerr says.

According to Kerr, he has seen many calcaneus (heel) fractures after such falls, an injury which affects not only walking, but also the ability to climb a ladder. “When a construction worker whose livelihood depends on being able to climb ladders can no longer do so, the financial impact is devastating.” Mr. Kerr has also worked on cases where workers who fell suffered fractured pelvises and broken wrists. “These injuries often require multiple surgeries, and in the case of a shattered wrist, a worker who uses his hands can be left unable to do his or her job,” Kerr says.

Kerr continued, “Being hit by falling objects, electrocuted or caught in machinery can also cause devastating injuries.” The Freedman firm has handled all these types of cases. One notable case involved a roofer who suffered brain and neck injuries when an unsecured bundle of roofing shingles fell onto him from above. Another client was electrocuted when the metal ladder he was using came into contact with power lines. Powered equipment has injured many of the firm’s clients, resulting in hand and arm injuries.

Unfortunately, construction workers sometimes are not provided with a safe place to work as required by law. According to the Occupational Safety and Health Administration’s (OSHA) 2012 statistics, failure to follow fall protection standards is the number one violation, with improv-



er scaffolding another common offense.

Although Workers’ Compensation covers medical payments and lost wage indemnity intended to provide a financial safety net, Mr. Kerr contends this is often not enough. “Injured workers lose much more than a pay check; they may be in agony, their family life affected, their self-esteem ruined and they may no longer enjoy the simple things in life. Workers’ Compensation does not cover their pain and suffering.”

Workers injured on a construction site should strongly consider hiring an attorney. “These cases almost never settle before a lawsuit is filed. Many are litigated for years. The insurance companies for possible defendants will start working on the case right away and use their head start to gain an advantage against the injured party,” Kerr says. Jeffrey Freedman Attorneys is ready to jump in and fight the insurance companies and their attorneys, by conducting a thorough investigation and by notifying OSHA and other government agencies that have jurisdiction. “If you are injured and cannot work due to the fault of others, trusting an insurance company to be fair or taking them on by yourself is gambling with your financial future—something you cannot afford to do.” Kerr says.

## Contact Us

*Providing excellence in legal services has been a top priority at Jeffrey Freedman Attorneys, PLLC since our firm was founded in 1980. Our commitment to the highest professional and ethical standards is the foundation for the services we provide.*

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