

True Counsel

Somerset County Client Settles



Michael Paglione

Pedestrian Injury Case for \$1.27 Million

A Somerset County woman, suffering from serious, permanent injuries after being struck by a pick up truck, settled her claims against the driver of

the vehicle and her own insurance carrier, which provided underinsured coverage, for a total amount of \$1.27 million dollars. Michael Paglione, a partner with the firm, represented the plaintiff.

The accident occurred in 2009 when our client was struck by a pickup truck after exiting her vehicle. The truck's driver testified that he lost control of his vehicle after sliding on ice. The client suffered significant injuries to her right foot, requiring multiple surgeries and she continues to suffer from arthritis.

The truck driver had liability coverage of \$500,000, an amount inadequate to fully compensate our client given the extent of her injury. Through an investigation Michael determined that the client's husband had additional coverage available from his employer for an accident involving an underinsured motorist. Neither the client nor her husband was aware of the coverage which produced \$770,000 in settlement proceeds.

Highlights **Inside**
**\$1.05 Million Settlement for
Brain Injury Victim**

**Firm Successful in
Defeating Effort to
Dismiss Class Action
Case**

Firm Attorneys Receive Prestigious Recognition



Barry Szaferman

Nine Szaferman Lakind attorneys have been selected for inclusion on the 2013 New Jersey Super Lawyers or Rising Star lists, based on their credentials and votes by their peers in New Jersey's legal community. *Super Lawyers* is a rating service of outstanding lawyers from more than 70 practice areas.

Barry Szaferman and Daniel Sweetser were named in the practice area of Business and Corporate Law. Arnold Lakind was recognized in General Litigation area. In Family Law, both Jeffrey Epstein and Brian Paul received recognition. Michael Paglione and Craig Hubert were named in the area of Personal Injury Plaintiff.

Robert Panzer and Lindsey Moskowitz Medvin were both named as Rising Stars in the Family Law practice area. Rising Stars are lawyers recognized for their excellent work who are 40 or under, or who have been practicing for 10 years or less.

Bruce Sattin Named Partner

Bruce M. Sattin became a partner in the law firm effective in January. "We decided to ask Bruce to join us as a partner in recognition of his excellent work and substantial contributions to the firm," said Barry Szaferman, the firm's managing partner.

Sattin has more than 37 years of experience in commercial and residential real estate, zoning and land use, bank financing, general business and corporate law and bankruptcy. He has been of counsel with Szaferman Lakind since 2002.

General, Commercial & Environmental Litigation Department

By Arnold Lakind

This is one of several articles which we will publish in coming issues describing departments at Szaferman Lakind. Today's article is a short description of our General, Commercial and Environmental Litigation Department.

Thirteen attorneys work in litigation. Assisted by several paralegals, these attorneys represent our clients in all phases of dispute resolution ranging from negotiation, mediation and arbitration up through trial and appeal. Many of our attorneys have been litigating cases for nearly 40 years, which gives us a broad range of experience with a wide variety of controversies.

The Breadth of Our Experience

Two of our attorneys have worked as judges. One is a retired Presiding Judge of the Superior Court, Appellate Division, a second is the retired Mercer County Assignment Judge. Two attorneys have served as a judicial clerks in the Supreme Court of New Jersey; three have been judicial clerks in the Superior Court of New Jersey. Among us are five attorneys who served as Deputy Attorneys General, two members of the United States Army Judge Advocate General's Corps and four Assistant County Prosecutors.

Our attorneys have appeared in courts at every level. One has argued six cases in the Supreme Court of the United States. Others have appeared in the Third Circuit Court of Appeals, several United States District Courts, the Supreme Court of New Jersey and, of course, the Law

Division and Chancery Division of the Superior Court.

The Quality of Our Education

Two of us were educated at Harvard Law School, one at Columbia Law School. A fourth attorney served on the Rutgers Law Review.

The Significance of Our Cases

We are proud of the large number of significant and interesting cases which we have handled. The New Jersey Supreme Court and the New Jersey Superior Court reporters contain opinions of broad interest. In the last 50 years the courts have reported approximately 45,000 opinions. The retired judges in our department have authored more than 3500 judicial decisions; nearly 600 have been reported. The thirteen attorneys in our litigation department have over 150 judicial decisions reported in the New Jersey Supreme Court and Superior Court reporters. Today, there are 80,000 licensed lawyers in New Jersey. Less than half of these lawyers will have handled a single case which warrants inclusion in the judicial reporters; our lawyers average 15 reported cases each.

To learn more about this practice area or our Personal Injury/Workers Compensation attorneys visit our website.



Arnold Lakind



Craig Hubert

Brain Injury Victim Resolves Case for \$1.05 Million

A Hunterdon County client has agreed to settle his case for \$1.05 million, according to Craig Hubert, who represents David Mummey.

Mr. Mummey suffered severe, permanent head injuries as a result of an accident in June 2007. He was hired to unload a large piece of heavy equipment, a pavement sealer, from a tractor trailer to the ground. While doing so, he lost control of the equipment, which started to fall off the trailer, ejecting Mr. Mummey. He landed head-first upon a gravel driveway, causing brain injuries and cognitive losses.

According to Craig, the lawsuit was primarily based upon the manufacturer's failure to warn, and adequately warn, his client as to the safe operation of the pavement sealer. "The manufacturer, Neal Industries, a Georgia corporation, had inadequate warnings on the machine and delivered the

owner's manual separately from the product, violating its duty to warn the end user," Craig said. "Since we filed suit, the manufacturer has added warnings and relocated warning labels so that they are visible to operators. This case resulted in a safer product for future end users. Our client takes great satisfaction in the fact that his misfortune will result in a safer workplace for many men and women throughout the United States."

Information obtained during the discovery process led Craig to Atlanta, Georgia to conduct sworn statements of the product manufacturer's employees, including the design engineer. Craig subsequently found that the manufacturing plant's retired manager was living in a remote area of Alabama. In order to obtain testimony critical to the case, Craig again traveled south, this time to depose the ex-plant manager in rural Alabama. Craig noted, "The testimony greatly strengthened the plaintiff's position, resulting in a million dollar plus settlement."

Firm Successful Against Effort to Dismiss Class Action Case



Robert Lakind

Firm associate Robert Lakind represented retirement plan participants against a motion to dismiss brought in U.S. District Court by Transamerica Life Insurance Company, defendant in the matter.

The action, brought by Szaferman Lakind against Transamerica, charged that the defendant violated its fiduciary responsibility by charging excessive fees on 401k retirement savings accounts. Transamerica, in its motion, sought to have the case dismissed, arguing it did not meet the legal test to be considered a fiduciary.

The Hon. Dean Pregerson of the U.S. District Court for the District of Central California, denied most of Transamerica's motion, keeping plaintiffs' claims on track for a possible trial.

Bob Lytle Sworn in as Mercer County Bar Assoc. Secretary

Partner Bob Lytle was recently sworn in as the new secretary of the Mercer County Bar Association. This places him on the ladder to become the President of the organization in 2017, a position previously held by partners Barry Szaferman, Michael Paglione and Craig Hubert.

Per Committee on Attorney Advertising Ethics Opinion 42, this advertising is not approved by the New Jersey Supreme Court.

SzafermanLakind Overview

The law firm of Szaferman Lakind, AV rated by Martindale-Hubbell™, is a full service law firm with a multi-faceted team of attorneys who provide legal representation for businesses, municipalities, investors, professionals, families, and individuals.

Our attorneys use imaginative, sophisticated and cost effective solutions to provide clients True Counsel in handling a wide range of legal needs, including litigation, business and commercial law, matrimonial disputes, class actions, environmental law, intellectual property and personal injury matters. Founded in 1977, our firm provides the experience, strength and resources of a large firm in a caring and friendly environment.

Reflecting the excellence of our firm, nearly a third of our attorneys have been selected by their peers in the legal community for inclusion in the prestigious 2013 New Jersey Super Lawyers™ and/or Rising Star™ lists and Best Lawyers in America.

Szaferman Lakind Practice Areas

Business
Business Organizations and Transactions
Class action lawsuits
Commercial and General Litigation
Commercial Leasing
Corporate and Banking Finance

Criminal Defense
Environmental Law
Foreign Trade Zone
Insurance Coverage
Intellectual Property
Labor & Employment Law
Matrimonial
Municipal Court
Personal Injury

Real Estate & Land Use
Solar Development and Renewable Energy
State and Federal Appeals
Tax Trusts & Estates
Transportation Law
Workers' Compensation
Zoning

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Attorneys Help Enable Help Those With Disabilities

You never know what will happen at a chamber of commerce event. You may attend in hopes of finding a new client. Of counsel Richard Catalina found a cause for his time and efforts. Richard says he met Enable, Inc.'s chief executive officer, Sharon Copeland at a chamber event in 2011. They talked and he became interested in the organization. Richard is now vice president of Enable's board of trustees and on its executive committee.

Its website states Enable provides services, supports and living arrangements to individuals with developmental disabilities and their families throughout central New Jersey. They have permanent or chronic disabilities that may be physical or cognitive, and usually cause difficulties with communication, self-care or the ability to live independently.

Richard introduced fellow of counsel Linda Feinberg, retired Superior Court Judge, to the organization and now she, too, sits on the board. Both are working to organize Enable's major fund raiser on April 27, A Taste of Art and Spirits, at the Grounds for Sculpture in Hamilton.

Ms. Copeland explains that 95% of the group's funding comes from government, but it doesn't fund critical expenses relating to improving the quality of life of those they help. She says government funding can be inflexible and cumbersome. "Fundraising is key for cash flow and meeting clients' needs in a timely manner," she says. Enable has an art program thanks to private funds and help from the Stuart Country Day School. "Art is a great way to express one's self," Sharon says, "It's a good option for people who are non-verbal and those who cannot read or write. We need more financial support to make things like this happen." Some of that artwork will be featured at the fundraiser.

*Interested in Enable, Inc., or the Taste of Art and Spirits?
Call (609) 987-5003, ext. 138*

The information you obtain from this publication is not, nor is it intended to be, legal advice. Consult an attorney for advice regarding your individual situation. We invite you to contact us, however, contacting us does not create an attorney-client relationship. Please do not send any confidential information to us until such time as an attorney-client relationship has been established