

BASCH & KEEGAN

PERSONAL INJURY ATTORNEYS

Brief Insights



A DIGITAL BULLETIN—OCTOBER 2021

John A. DeGasperis Settles Another Labor Law Case



John A. DeGasperis recently obtained a \$250,000 settlement for a Basch and Keegan client who was seriously injured in a construction accident. Our client, a 24-year-old male, sustained a work-related injury on a construction site in Poughkeepsie. The construction site involved the erection of a large, multi-unit residential apartment complex now known as the Water Club. Our client was a general laborer who performed non-skilled tasks such as sweeping, cleaning, digging, and painting.

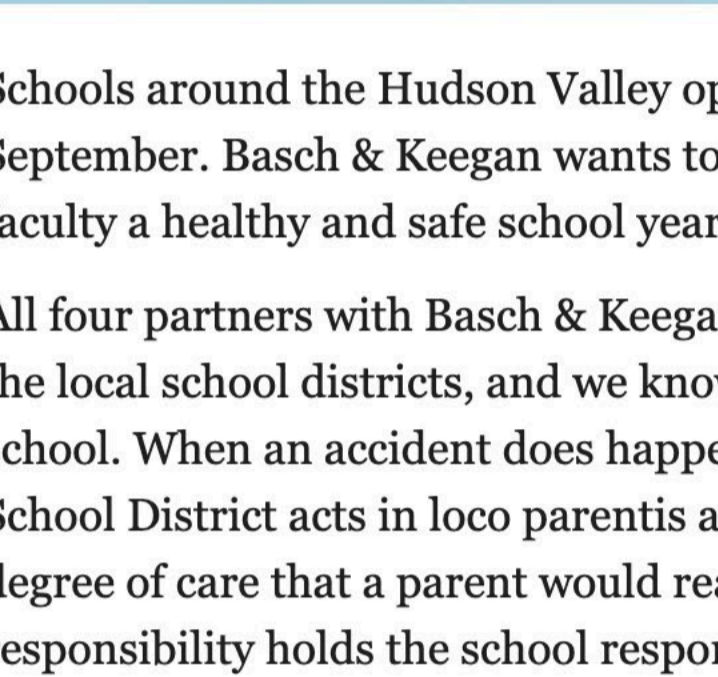
The accident occurred when a wooden shipping crate fell off a forklift during transport. The crate had been manufactured by a Canadian glass company and delivered to the construction site by a local glass distributor, which had been hired by the project developer to source all glass for the project. The crate was elevated on the forklift—but not secured—when it fell over and crushed our client who was standing below the crates. Our client suffered a femur fracture and needed emergency surgery. Our client needed physical therapy after surgery. Of course, he was disabled for a time and missed time from work.

After the accident our client filed suit to recover damages for his bodily injuries, conscious pain and suffering, medical bills, and lost wages. John filed suit with causes of action sounding in general negligence, strict products liability, and violations of New York Labor Law §§ 200, 240(1), and 241(6).

There were two substantial factors that caused the accident. First, the Canadian glass manufacturer designed a wood shipping crate that had to be hoisted from above with the use of lifting straps that got secured to the underside of the crate. The crate was not supposed to be hoisted or lifted from the bottom because it was too narrow and subject to fall. Unfortunately for our client, the Canadian glass manufacturer failed to warn shippers and handlers of the lifting requirements. The glass company's failure to warn caused our client to use the shipping crate in an unsafe manner.

The second substantial factor that caused our client's accident centers on the City of Poughkeepsie IDA, which owned the property. John filed suit against the City of Poughkeepsie IDA for failing to provide our client with adequate protection from elevation related risks. John argued that owners of commercial property owe a duty to provide construction workers with a safe place to work. The failure on the part of the City of Poughkeepsie IDA to provide adequate safety devices constituted a violation of New York's Labor Law § 240(1).

John was able to prove that The City of Poughkeepsie IDA's lease arrangement with the developer did not alter the City of Poughkeepsie IDA's nondelegable duty under the Labor Law. With his expertise and knowledge of the law, John obtained a six-figure settlement for the injured client. This significant settled benefit his life.



Back to School in the Hudson Valley

Schools around the Hudson Valley opened their doors for students in early September. Basch & Keegan wants to wish all the teachers, students, and faculty a healthy and safe school year!

All four partners with Basch & Keegan have family and friends who attend the local school districts, and we know that sometimes accidents occur at school. When an accident does happen at school, the law states, "[t]he School District acts in loco parentis and is responsible for exercising that degree of care that a parent would reasonably provide." This level of responsibility holds the school responsible at a parental level to supervise all students and keep them safe while in the school's care.

When these unfortunate accidents happen at school, Basch & Keegan knows how to respond. As an injury-only law firm with 30 plus years of experience, we know how to handle negligence cases against schools and school districts. We've seen school accidents involving recreational activities, falls, playground accidents, industrial machines, sexual and physical abuse, and more.

We love our local schools, but you can be sure that if there is an accident at school Basch & Keegan will find justice for the injured.



Derek J. Spada Elected President of The Ulster County Bar Association For Unprecedented 3rd Term

Basch & Keegan is pleased to announce that Partner Derek J. Spada has been voted President of the Ulster County Bar Association yet again! This will be his 3rd Term as President, which is a record for the Bar Association as no other president has served more than one term.

Judges and attorneys agree that Derek is the right man for the position and will get things done for members of the Ulster County Bar.



COMMUNITY NEWS & Local Events

October Events Sponsored by Basch & Keegan

October 1st: Starry, Starry Night with Walkway Over the Hudson

October 2nd: StockadeFaire Day in Uptown Kingston

October 4th: Hurley Lions Club Golf Tournament

October 7th: SUNY Ulster Annual Gala

October 10th: Italian-American Festival at the Kingston Waterfront

October 14th: The Capital District Trial Lawyers Association Annual Dinner

October 16th–23rd: Fall for Art with the Jewish Federation of Ulster County

October 24th: R.Y.A.N 5k Run

October 24th: Fall Fanfare NYS Marching Band Competition at Dietz Stadium



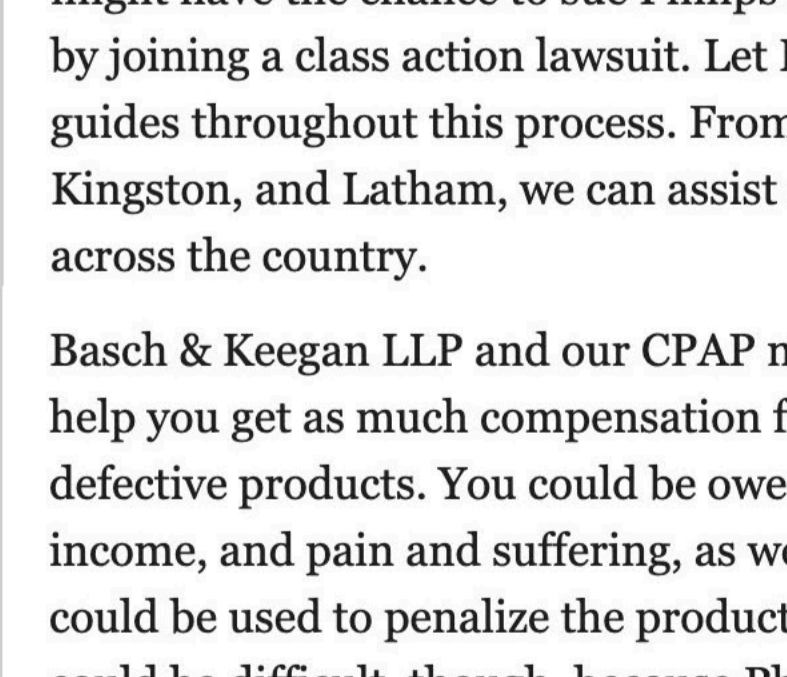
Basch & Keegan attends Bike for Cancer

Basch & Keegan was a proud sponsor of the 18th annual Bike for Cancer Care event held in Kingston on September 26th. This fundraiser is held by the Benedictine Health Foundation in partnership with the Gruner Family. All proceeds from this event go to aid in the treatment, care and support of cancer patients in need in the Mid-Hudson Valley.

The 5K Run/Walk was in honor of Tommy Keegan, a longtime supporter of the Benedictine Health Foundation and Bike for Cancer Care 5K participant and Maureen Keegan's nephew.

The 50-mile ride is dedicated as the "Dan Barnes Memorial Ride." Dan was a Kingston High graduate who was an outstanding student, athlete, and friend to all who knew him.

This year partners Maureen Keegan and John DeGasperis participated in the event with their families, along with support staff Lori Puetx and Marianne Greaves and their families. We had a great time for a great cause!



CPAP Class Action Lawsuit

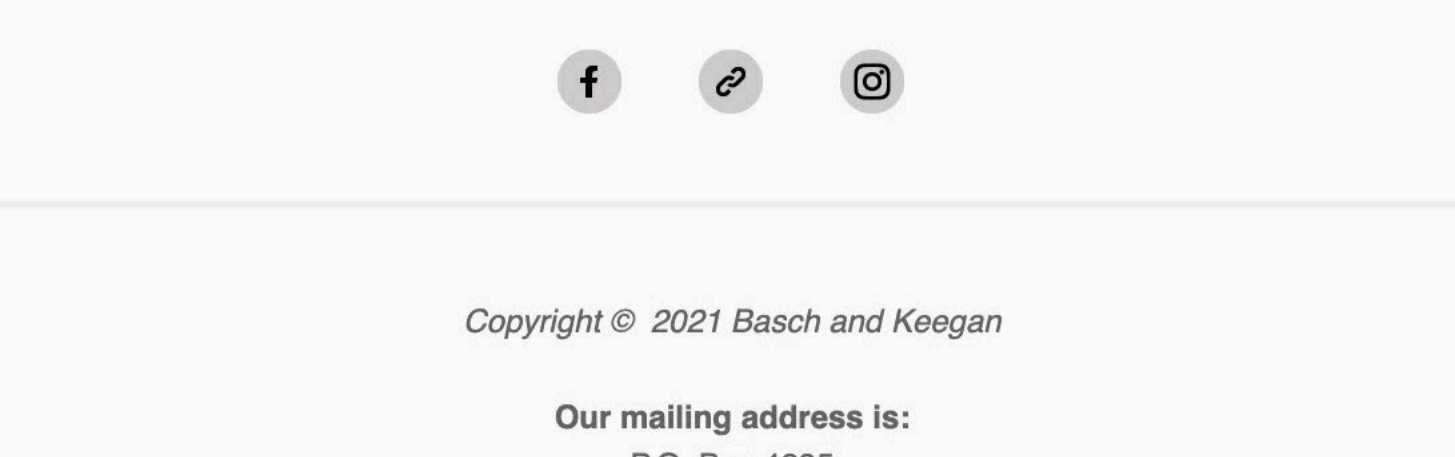
Philips Respironics has recalled millions of its CPAP machines, BiPAP machines, and ventilators due to a potentially fatal defect. According to Philips and the Food and Drug Administration (FDA), small pieces of foam can come loose while an affected CPAP machine is in use, exposing the user to toxic chemicals and/or a choking hazard.

If you have used any of the recalled devices and suffered a serious illness that was otherwise unexplained, then there could be a connection. You might have the chance to sue Philips for compensation through a claim or by joining a class action lawsuit. Let Basch & Keegan LLP be your legal guides throughout this process. From our offices in Poughkeepsie, Kingston, and Latham, we can assist clients throughout New York and across the country.

Basch & Keegan LLP and our CPAP machine recall attorneys are here to help you get as much compensation from Philips for its dangerously defective products. You could be owed money for your medical bills, lost income, and pain and suffering, as well as further punitive damages that could be used to penalize the product maker. Getting that compensation could be difficult, though, because Philips is expected to put up a strong legal fight as cases move through the courts. Do not face that challenge alone when you could allow our highly praised legal professionals to manage your case on your behalf.

Please [visit our website](#) for a full list of recalled machines and to learn more about this class action lawsuit.

A Brief Relief



WE HAVE LEGAL TROUBLE, BUT NOW ALL EMPLOYEE WEAR SAFETY GEAR

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