

BASCH & KEEGAN

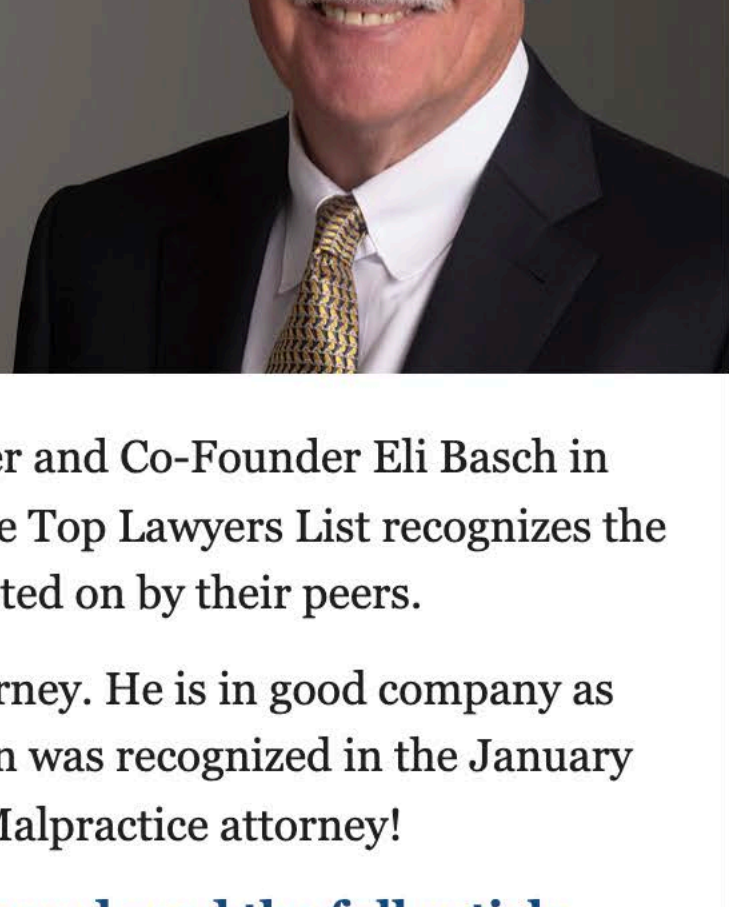
PERSONAL INJURY ATTORNEYS

Brief Insights



A DIGITAL BULLETIN—DECEMBER 2021

Eli Basch featured as Top Lawyer by Hudson Valley Magazine

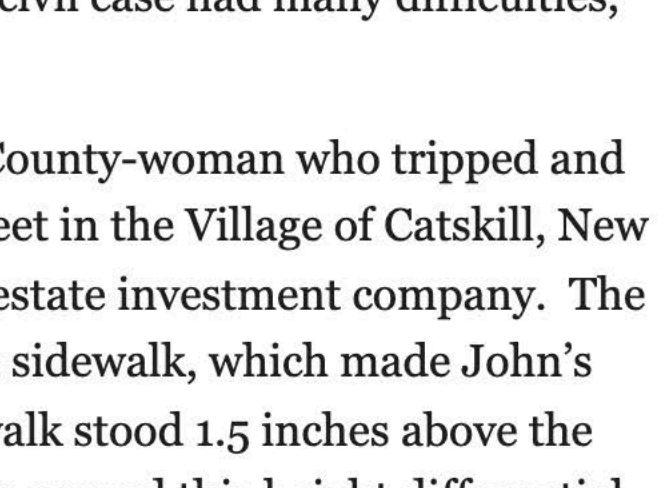


Hudson Valley Magazine included Partner and Co-Founder Eli Basch in the December 2021 Top Lawyers List. The Top Lawyers List recognizes the best attorneys in the Hudson Valley as voted on by their peers.

Eli is listed as a Top Personal Injury Attorney. He is in good company as Partner and Co-Founder Maureen Keegan was recognized in the January 2021 Top Lawyers list as a Top Medical Malpractice attorney!

[Click here to view the digital edition and read the full article about Eli Basch](#)

John A. DeGasperis Triumphs in Greene County Trial



John A. DeGasperis received a favorable trial verdict for a Basch & Keegan client in Greene County last month. This civil case had many difficulties, but John's trial skills won the day!

In this case, John represented a Greene County-woman who tripped and fell over an uneven sidewalk on Main Street in the Village of Catskill, New York. The sidewalk was owned by a real estate investment company. The property owner had recently replaced the sidewalk, which made John's case more challenging, but the new sidewalk stood 1.5 inches above the adjacent property owner's sidewalk. John argued this height differential constituted a trip hazard under the law.

John's client, an otherwise healthy fifty-four-year-old woman, tripped and fell over the trip hazard. She suffered a shoulder injury (rotator cuff tear) that required surgical intervention. The surgery failed, and John's client was recommended for a shoulder replacement, which she declined.

With no offer to settle, John went to battle for his client and took the matter to trial in front of a jury in Greene County. John retained a professional engineer to testify at trial. The expert witness inspected the sidewalk and opined that the 1.5-inch height differential constituted a trip hazard from an engineering perspective. The differential did not conform to safe construction or design standards, including the American National Standards Institute (ANSI).

Principles governing New York's premises liability law provides that property owners owe a duty of care to maintain their properties in a reasonably safe condition. The law gives owners three options: (1) correct any known problems, (2) take reasonable precautions, or (3) warn of potentially dangerous conditions not readily observable.

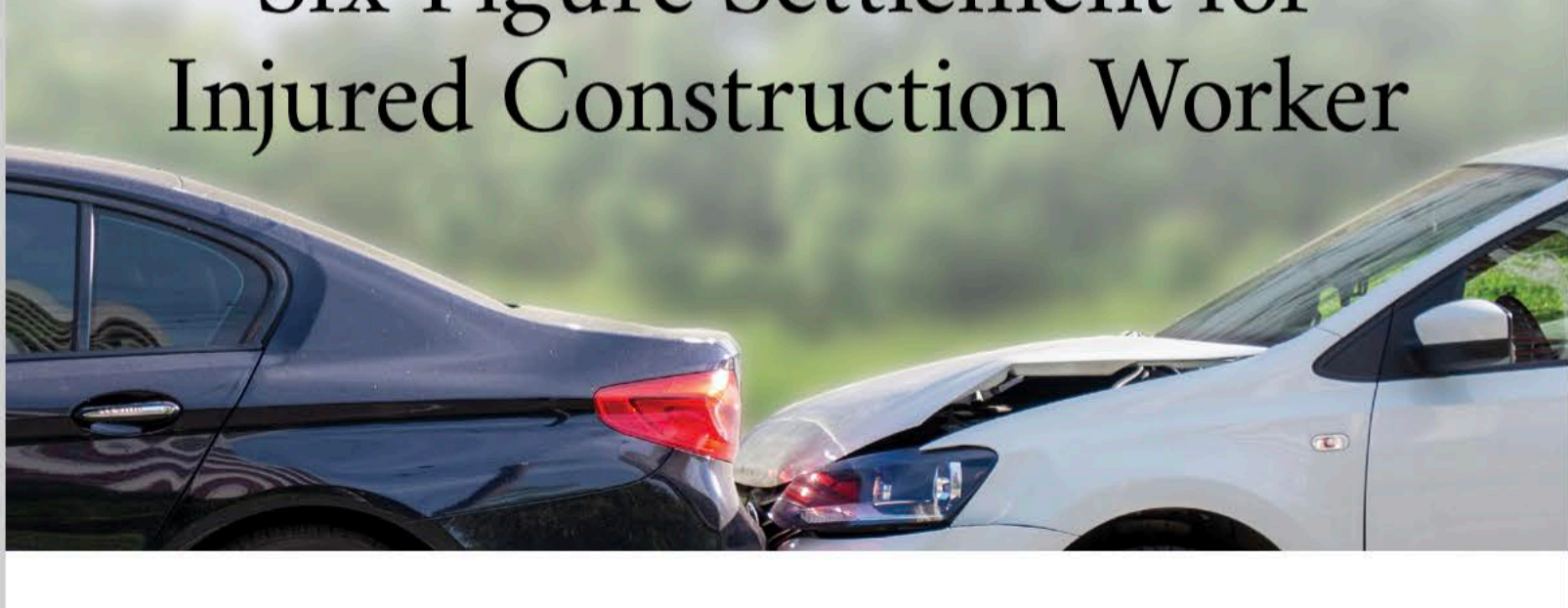
In this case, the property owner did try to correct the problem. The property owner constructed a new sidewalk, but it was uneven with the adjacent sidewalk. In his closing argument, John argued that it would probably be unreasonable to ask the property owner to demolish and rebuild the sidewalk again. John also recognized that it would be impractical for the property to institute any reasonable precautions because they would obstruct the sidewalk. Thus, John argued that the property owner failed to warn of the trip hazard.

During trial, John used an enlarged picture of the uneven sidewalk. He also brought a can of yellow spray paint. John explained that the property owner was legally obligated to warn pedestrians of the trip hazard, and John argued the accident could have been avoided if the property owner had painted the differential with yellow spray paint. He demonstrated this by drawing a stripe with a large yellow paint marker on the enlarged picture.

John said, "When I drew that yellow line across the sidewalk, it was a powerful display in the courtroom. I could feel the jury nodding their heads behind me."

The jury concluded that the property owner was 65% negligent. The jury did apportion 35% of comparative fault against the Plaintiff. This was a win for John's client especially considering the property owner's insurance company refused to settle. Due to the jury's favorable verdict, the property owner's insurance company is obligated to pay John's client \$97,500. This is because prior to trial John and the insurance company had agreed that the Plaintiff's injury was worth \$150,000, and the insurance company agreed to pay any percentage of fault found against the property owner.

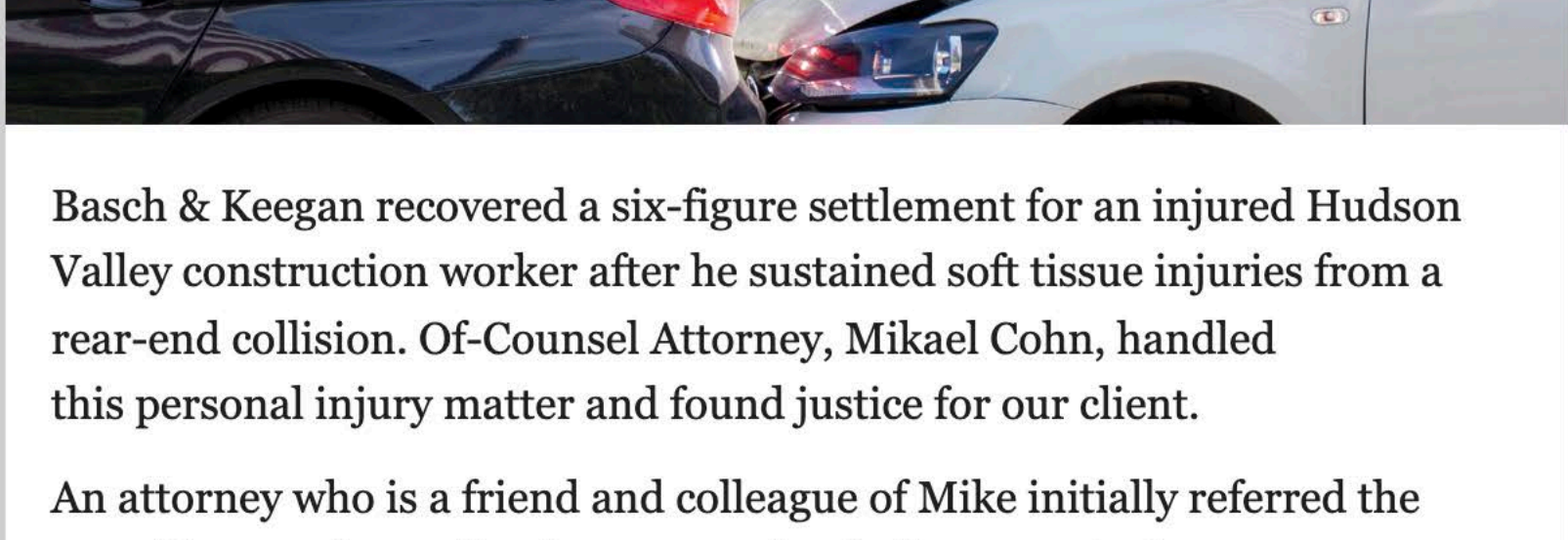
HAPPY HOLIDAYS



from
BASCH & KEEGAN

Basch & Keegan would like to wish everyone a holiday season full of warmth and love. Happy Holidays and thank you for your support the past year. We look forward to working with you in the New Year!

Of-Counsel Attorney Mikael Cohen Recovers Six-Figure Settlement for Injured Construction Worker



Basch & Keegan recovered a six-figure settlement for an injured Hudson Valley construction worker after he sustained soft tissue injuries from a rear-end collision. Of-Counsel Attorney, Mikael Cohn, handled this personal injury matter and found justice for our client.

An attorney who is a friend and colleague of Mike initially referred the case. The case immediately presented a challenge as the insurance company tried to claim that our client signed a bodily injury release for \$1,000. A release of all claims form is exactly what it sounds like: a document that absolves the parties of any liability for an accident. Once this form is signed, it is no longer possible for an injured accident victim to pursue a personal injury claim against the at-fault driver.

Mike argued on several grounds that the release was not knowingly signed. The Judge agreed the release was invalid and the Motion to Dismiss filed by the Defense was denied.

Once the Defense's Motion was denied, Mike was able to prove the injuries sustained by our client far surpassed the \$1,000 release, negotiating a recovery in the amount of \$225,000 for our client. Mike's knowledge of the law and diligence are what got our client the settlement he deserves.

Thank You for Making the 5th Annual Basch & Keegan Stuffing Drive Another Success



Last month Basch & Keegan helped feed 594 Ulster County families for Thanksgiving! For the 5th year Basch & Keegan connected with People's Place to provide stuffing for their "Talkin' Turkey" Thanksgiving Feast.

We asked our friends & neighbors to deliver stuffing to our offices for People's Place, and our Hudson Valley community did not let us down! Including the stuffing purchased and donated by Basch & Keegan LLP, we were able to donate 594 boxes of stuffing to People's Place this Thanksgiving! Thank you everyone who helped us with this great cause.

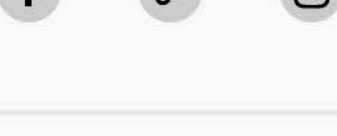
People's Place is a not-for-profit organization feeding, clothing, and responding to the needs of the people in Ulster County with kindness, compassion, and the preservation of human dignity since 1972.

Basch & Keegan is proud to be a part of this great tradition and help our wonderful community during the season of giving.

A Brief Relief



The information on this newsletter is for general information purposes only. Nothing found in the content should be taken as legal advice for any individual case or situation. This information is not intended to create, and receipt of viewing does not constitute, an attorney-client relationship.



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