



Brief Insights

A PERSONAL INJURY NEWSLETTER—SEPTEMBER 2022 • BASCHKEEGAN.COM

John A. DeGasperis Recovers \$2 Million for Victim of Ulster County Car Wreck



Basch & Keegan partner, John A. DeGasperis, recovered \$2,000,000.00 for an Ulster County-woman who was seriously injured in a car wreck that occurred in Saugerties. John handled this case with the assistance of paralegal, Katherine R. Farley.

To understand the impact of this car crash, a little history is required. John's client had joined the workforce at the young age of fourteen, and she worked two jobs through high school, college, and graduate school. She became a Foster Care Program Coordinator after obtaining her Master's Degree. Her responsibilities included managing and overseeing a foster care program in the Hudson Valley. She held this position for six years before resigning her position due to fertility issues.

Our client and her husband had tried for years to conceive children naturally. After several failed IVF treatments, her OB/GYN suggested her stressful work environment might be hindering their efforts. Her desire to get pregnant compelled her to tender her resignation. She did however take less stressful positions with two small businesses, which were owned and operated by her parents. She went on to give birth to twin boys, one of whom suffered with a disability.

The car accident happened one year after their birth.

John's client was traveling alone in her car when a man operating a pickup truck on behalf of a major auto parts retailer fell asleep at the wheel and crashed into her head-on. Her SUV spun 180-degrees upon impact and came to rest on the shoulder of the road. The impact was devastating and caused extensive damage to all vehicles involved. Our client hit her head against the airbag and headrest. Both knees hit the underside of the dashboard. Her left arm went numb. She had difficulty breathing. She was bleeding from her mouth.

She was transported by ambulance from the scene of the accident to the Emergency Room. She complained of headaches, chest pain, lower back pain, left shoulder pain and numbness and tingling in the left arm. For weeks after the accident our client had extensive bruising throughout her chest, breasts, clavicle, and left wrist. The medical evidence demonstrates that as a direct result of the

accident our client suffered extensive injuries to her cervical spine, lumbar spine, central and peripheral nervous systems, joints, and musculature.

Four weeks after the accident, our client went back to the Emergency Room for, "a headache that had been ongoing for approximately 1 month." Something was obviously wrong.

Our client sustained a multitude of injuries, the greatest of which was a Traumatic Brain Injury (TBI). This case was challenging because the diagnostic images did not detect a TBI, but there was other proof to show the client had suffered with cognitive dysfunction, vertigo, memory loss, and visual problems after the accident. Our client is a well-educated woman who was no longer able to function at her previous intelligence.

Her TBI necessitated an exhaustive workup and extensive medical treatment. She consulted with multiple specialists including neurologists, optometrists, neuropsychologist, and psychologist. John was ready to put them all on the stand to testify. Collectively, these specialists confirmed that our client had sustained a concussion, post-concussion syndrome, post concussive headaches and dizziness, post-traumatic stress disorder, visual disturbances, anxiety, and depression.

In addition to the medical issues she faces, our client was stripped of the early joys of motherhood and has been forced to rely heavily on her mother and sister-in-law for childcare. She struggles to effectively care for two small children alone. These limitations in this regard have caused her a lot of emotional problems. She carries a lot of stress and feelings of inadequacy. These emotional responses were only compounded by the guilt associated with burdening her family with no ability to pay them for their assistance.

This case was hard to prove because the client's injuries were invisible, but these challenges did not stop John. He was determined to go to trial with the support of multiple experts. After extensive negotiations, the corporate defendant offered to settle the case for \$2 million dollars. This recovery will change the life of our client and her family.

The Master of Appeals



Derek Spada has once again won an appeal. His dedication to the clients of Basch & Keegan is unwavering. The time and energy he put into writing briefs and motions on behalf of the firm's clients proves this fact.

"I never give up for two reasons," Derek explains. "First and foremost, I want to do the best job for our clients. Second, I hate to lose. When I win a case, it's closure. I don't really think about a case much after winning and move on to the next challenge. However, on the rare occasion when a case is lost, I think about it for days. I harp on the details of why the case did not work out. These two reasons are why I fight so hard to win."

This case has been ongoing for almost five years. John DeGasperis is the attorney on the case, and Derek handled the appeal. Our clients are married and were both injured in a car collision. Both commenced a lawsuit against the negligent driver. After the completion of discovery, the Defendant moved for summary judgement on the serious injury threshold, which means that the defense claimed that the case should be dismissed because our clients were not injured sufficiently for their case to proceed. We opposed the motion.

The Supreme Court denied the Defendant's motion for the husband. John went on to settle his case for six-figures. However, the court dismissed the wife's case. Derek appealed this decision on behalf of the wife.

Going back to the accident in 2017, the Defendant failed to yield the right of way and made a left turn in front of our clients' vehicle. Prior to the collision, our client was in very good health. She had no previous injuries to her neck, back or right shoulder, nor any physical limitations whatsoever. She was employed as pharmacist. Her life changed dramatically after the collision.

Our client continued to experience pain in her neck and shoulders. Despite attending physical therapy twice a week for six months, the symptoms in her neck, back and shoulder progressively worsened over the months following the collision. She sought treatment from an orthopedic surgeon and began a course of pain management

with injections. This provided some relief to her neck and right shoulder, but she continued to experience the same level of numbness and tingling in her right hand, which has persisted since the collision.

Our client returned to work as a pharmacist but struggled every day for months thereafter and had a sharp reduction in her productivity. She could not stand for prolonged times, could not reach the back of her workstation, could not operate the cash register, could not push down on safety caps for prescription bottles, could not pull filing cabinet drawers open, and could not reach up on high shelves or lift heavy objects. She basically had difficulty performing every aspect of her job for more than six months due to the pain she experienced from the crash.

In addition to the troubles at work after the collision, our client's injuries adversely affected her at home as well. She struggled to complete household chores, such as vacuuming, sweeping, mopping, washing dishes and handling laundry. She has been limited in engaging in activities with her children. Overall, she has experienced a diminution in her ability to enjoy life.

Multiple doctors noted that our client had serious injuries to her spine and shoulders. Nonetheless, the Supreme Court credited one doctor's unfounded opinion, overlooked the significance of the three-disc herniations, discounted recommendation for cervical surgery and dismissed her case.

Derek fought back. He wrote a brief and filed an appeal, and then argued the case in Brooklyn in front of a panel of judges at the Appellate Division, Second Department.

After the case remained in the Appellate Division for two years, Derek received a decision this month stating that he won the appeal. The case is reopened and will go back to Dutchess County to set a new trial date.

This is yet another victory for our client and the firm, and just one example of how Basch & Keegan never gives up and is always here to help.

John A. DeGasperis Spoke To Law Students at Albany Law School



On August 19th, John DeGasperis spoke in front of approximately 30 law students who were enrolled in their second year at Albany Law School. John discussed his experience with the Albany Law School Science and Technology Journal, and he provided general insights into the law school experience. John also provided the students with tips for success in their legal careers. After the speaking engagement, John said "I really enjoyed speaking to the students. The entire experience brought me back to the very beginning of my journey as a legal professional. I hope to do it again!"

BASCH & KEEGAN

PERSONAL INJURY ATTORNEYS

Here to Help the Community

Last month Basch & Keegan had multiple giveaways and raffles. Here is a list of how we helped the community in August:



• **Platinum Sponsor for the 15th Annual La Guelaguetza** (August 14th): We had so much fun at this event, organized by Grupo Folclorico de Poughkeepsie to celebrate the culture, cuisine, and community of Oaxaca, Mexico. We gave away commemorative bandanas with the festival name and enjoyed the experience! Partner John DeGasperis made a speech on stage in front of thousands of people, and we are so thankful to have had been a part of this great event. We hope to be part of La Guelaguetza again next year!



• **Launched first ever “Back to School Giveaway”** (August 19th – 24th): We bought three backpacks full of supplies and had many entries in a few days. We promoted the giveaway on our social media platforms. We randomly selected three local families on August 24th as the winners!



• **Attended the Kingston Farmers Market** (August 27th): Basch & Keegan has been a sponsor of the Kingston Farmers Market since its inception. We host a table at the event every year. We give away farmers market bags along with other Basch & Keegan swag. This year, we held a raffle during the month of August for \$100 in Kingston Farmers Market Dollars. Participants entered the raffle by cutting out our ad in the Sunday Daily Freeman, filling out the form and bringing it to our booth at the market. The winner was drawn at the market. Congratulations Gayle from Saugerties! This was a fun way to engage with our community and support the Kingston Farmers Market.

• **Presenting Sponsor for Woodstock Harley-Davidson’s “Cruise In” nights** (August 17th): Woodstock Harley-Davidson gives away food, music, and giveaways on the 3rd Wednesday of the summer months, June - September. Bikes, trikes, and cars welcomed (If it has wheels, it’s welcomed)! At each event we raffle a \$100 gift card to the dealership, and you can enter to win by being added to our email list. Last month Justin Stracuzzi was the lucky winner! The last Cruise In at Woodstock Harley Davidson is on Wednesday September 21st between 4pm and 7pm. Basch & Keegan is dedicated to helping motorcyclists who are injured due to the negligence of another person. If an accident or injury happens while you’re on your bike, we’re here to help.



COMMUNITY NEWS & Local Events

Upcoming Sponsored Events:

Keegan Army Scavenger Hunt in Uptown Kingston Saturday, September 17th

- 3pm – 6pm starting and ending at Keegan Ales.
- Proceeds benefit the President's Challenge Scholarship at Ulster Community College.
- Teams of up to 4 people search walkable area around uptown Kingston, solving puzzles & questions with a given set of clues. Cash & other prizes for winning teams.
- Learn More or Sign Up here: runsignup.com/Race/NY/Kingston/KeeganArmyHunt

Cruise In at Woodstock Harley Davidson Wednesday, September 21st.

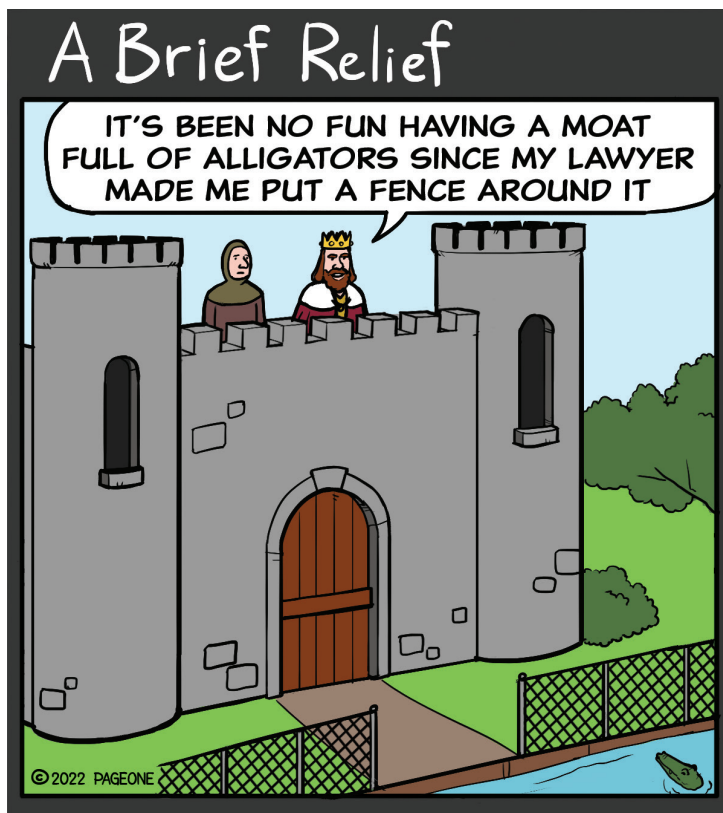
- 4pm – 7pm at Woodstock Harley-Davidson: 949 State Route 28, Kingston.
- Join us for food, music, and a chance to win \$100 Gift Card to the Dealership!

2nd Annual Hispanic Heritage Festival, Saturday, September 24th 11am – 6pm at Center for Creative Education, 16 Cedar Street in Kingston.

- FREE family, block party style celebration to highlight the unique traditions of the Hispanic culture with entertaining performances, delicious food, unique vendors, resources, kids' corner including bouncy house and so much more.

19th Annual Bike for Cancer Care at Dietz Stadium, Sunday, September 25th.

- Raise money for families fighting cancer in our community.
- 12, 25 and 50 mile rides.
- 5K Run or Walk
- In memory of Ozzie Beichert
- Honoring volunteers of the year, Terri Dwyer & the late John Dwyer Sr and Valerie Sheley & the late Jack Sheeley.
- Learn more and volunteer or register here: <https://bikeforcancer.org/>



If you or someone you know was injured due to someone else's negligence, contact us for a free consultation.

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