



Traumatic Brain Injury Victim Recovers \$300,000

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A Basch & Keegan client who had suffered a Traumatic Brain Injury, accepted a settlement offer of \$300,000. Our client was a passenger of a car driven by her husband. Their car was t-boned in an intersection, and it was determined that her husband caused the collision. How then did she recover a six-figure settlement? She filed a “Spousal Liability Claim” with the car insurance company.

This might seem counterintuitive. Can one spouse assert an insurance claim against the other? The answer is yes. Supplemental Spousal Liability coverage is an important safety net that many insurance agencies don’t advertise. Spouses, by nature, spend a lot of time together in the car. Mistakes can happen, and this type of coverage recognizes this fact. If your spouse causes an accident while you are a passenger and you sustain serious injury or death, you can file a claim against your spouse for compensation.

John A. DeGasperis handled this case on behalf of his client, a nurse, who sustained a head injury in the crash. She had a traumatic brain injury, concussion, and post-concussion syndrome in addition to spine, back and shoulder damage. Traumatic brain injury cases are difficult cases. They are harder to settle or bring to trial because the testing for brain injuries is not efficiently detailed to capture microscope trauma. These are not the type of cases that allow attorneys to learn as they go. John DeGasperis, partner at Basch & Keegan, has significant experience handling brain injury cases. “I see TBI cases differently,” explains John. “They are hard cases. Every personal injury lawyer wants the case with a broken bone over a TBI because broken bones show up on x-rays. Closed head injuries do not show up on tests. The lawyer must prove an invisible injury.”

John understands this struggle more than the average personal injury attorney. John’s late father suffered from a brain injury after multiple strokes. He witnessed firsthand the struggle of a brain injury. He knows how family will often be the victim’s advocate and be the ones who articulate the injury.

John was the right attorney for this case. He hired a neurological expert to evaluate his client. The neurologist found that she showed: “clinically significant deficits in her attention and concentration, memory, processing speed, visual-spatial skills, verbal skills and visual scanning, as well as severe levels of anxiety and depression.”

The neurologist also concluded that our client was totally disabled. The report from the neurologist forced the insurance company to settle for \$300,000.

Persistence Pays: Six Figure Settlement Recovered, Derek J. Spada Never Gives Up



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You may recall an article in our July Newsletter about Derek Spada winning two appeals in two weeks. One of those appeal victories settled this month for \$297,500!

Our client sustained serious injuries due to a slip and fall on ice in a parking lot at a casino. The defense submitted a summary judgment motion, which was denied. The defense then appealed that decision, and Derek won the appeal. The defense tried to argue the “storm in progress” defense. Under NYS law a property owner is under a duty to maintain the property in a reasonably safe condition, including snow removal and laying salt or sand on walkways. However, the “storm in progress” defense suspends a property owner’s duty of reasonable efforts to remedy dangerous conditions resulting from an existing storm – such as shoveling and salting ice. The property owner’s duty to rectify any unsafe conditions related to the storm is not brought back until after the storm has ended. This gives the property owner time for the storm to end before needing to clear the snow/ice.

Derek argued in front of the appellant division that the summary judgment motion was properly denied because the storm was no longer in progress. The defense hired two meteorologists who alleged that there was a storm in progress. However, Derek provided evidence from weather reports and witness testimony that no storm occurred the day our client was injured. The Appellate Division agreed with Derek and our client won the appeal.

After wearing the defense down, they offered a very fair settlement of \$297,500 for our client.



Eli Basch is Guest on Episode 8 of Upstate & Litigate: Celebrating 35 Years!

This month attorneys Derek Spada & John DeGasperis invited Eli Basch onto Upstate & Litigate to discuss his career and his role as a mentor. Beginning on September 5th you can watch Episode 8 of Upstate & Litigate: Celebrating 35 Years, on YouTube or listen to the show on Spotify of Apple Podcast.

You don't want to miss this special episode! New episodes of Upstate & Litigate are released the first Tuesday of every month.



Final "Cruise In" at Woodstock Harley-Davidson on September 13th



We've had a great second season at Woodstock Harley-Davidson this year as the Presenting Sponsor of Cruise in 2023! September 13th is the final "Cruise In" of the year, and we hope to see you there between 4pm – 7pm. Basch & Keegan will be supplying food, giving away merchandise and raffling off \$100 gift card to the dealership.

Show off your ride - all are welcome: bikes, trikes, antiques, and cars!

As leading personal injury attorneys in the Hudson Valley, we understand the risk our friends on two wheels take and want to make sure everyone on the road is aware of motorcyclists. If an injury does happen on your motorcycle, we are Here to Help.



Get a FREE Reflective Vest on September 24th at Bike for Cancer Care!

Join Us at the 20th Annual Bike For Cancer Care!

On Sunday, September 24th the 20th Annual Bike for Cancer Care will be kicking off in Kingston. Basch & Keegan has a long history of sponsoring this event, and this year we will be giving out custom reflective vests along with other swag! We want to keep all our friends on two wheels safe.

With Dietz Stadium under construction, the event is taking place at the former Freeman Building at 79 Hurley Avenue. The first bike ride kicks off at 8:30am, and the event goes on until 1:30pm.

We'll be set up all day - come say hi!

Basch & Keegan at Kingston Farmers Market: September 30th, 9am!



Basch & Keegan has proudly sponsored the Kingston Farmers Market every year since its inception in 2000. The Kingston Farmers Market has over 50 local vendors every Saturday at the Ulster County Courthouse Parking Lot in Uptown Kingston from 9am - 2pm.

Support the market and join us on September 30th where we will be giving away our token "You Can't Beet Homegrown" Farmers Market Bags along with other custom Basch & Keegan swag!

COMMUNITY NEWS & Local Events

Basch & Keegan is Here to Help the Community.

Here is a List of Upcoming Sponsorships:

- **September 2:** Kingston Softball Hall of Fame at Best Western on Washington Avenue, Kingston.
- **September 13 :** "Cruise In" Night at Woodstock Harley-Davidson, 4pm - 7pm.
- **September 24:** 20th Annual Bike for Cancer Care, 8:30am - 1:30pm. 79 Hurley Avenue, Kingston (Former Freeman Building Parking Lot).
- **September 28:** Ulster Community College Foundation Gala, 5:30pm at Diamond Mills.
- **September 30:** Kingston Farmers Market, 9am - 1pm in Ulster County Courthouse Parking Lot.

As a law firm, we contribute to many local charities and sponsor community events. We love to get involved in what's going on in Kingston, and we love to get out and see our neighbors at local events.

If you have an event coming up and are seeking sponsorships, tell us about it by scanning the QR code and filling out the form on our website!

→ **HERE** ←
TO HELP

