

Undocumented immigrants who are injured have rights

Our firm wins nearly \$2 million award for construction worker who was injured from a fall

Fear over deportation initially kept an undocumented immigrant, who sustained serious injuries on the job, from seeking help.

Fortunately, after consulting with our firm, Ross, Legan, Rosenberg, Zelen & Flaks LLP, a year later, the 18-year-old laborer pursued his case. **Our firm ultimately won a \$1.98 million recovery** for the man, who fell three stories from a scaffold and broke two vertebrae in his back, which required surgery.

We explained to our client that the Labor Law of the State of New York protects all workers, including undocumented immigrants, from height-related accidents at construction sites.

The workers' compensation law also provides that anybody injured on the job in the State of New York, whether they are legal or illegal, is entitled to have the workers' compensation carrier pay lost earnings and medical expenses that arise from the accident.

We further advised our client that lost earnings are recoverable even if the worker was paid his salary in cash and that, while the case is pending, workers' compensation will provide lost earnings to help cover living expenses.

In this particular case, the laborer's job was to take buckets of wet cement from one end of the scaffold all the way to the other end, where the masons were. Some of the wet cement spilled over onto the decking and on a subsequent trip to the masons, the worker slipped on the cement he spilled, whereupon he fell off the outer edge of an unguarded section of the scaffold.

Our law firm faced many obstacles during the case, including that the employer lied

at his deposition and claimed that the section of the scaffold where the fall occurred had guardrails. To combat the employer's false testimony, our firm subpoenaed the victim's co-employee, who also is an undocumented alien, to testify. At his videotaped deposition, the co-worker asserted that the section from which the worker fell did not have a guard railing.

Furthermore, our firm hired a civil engineer who determined that it would be impossible for the worker to have fallen off the scaffold if there had been a guard railing. As New York State Labor Law holds the owner and general contractor strictly liable to construction workers who fall from a height due to inadequate safety devices, the defendants were determined by the court to owe the plaintiff all damages without any reduction for the worker's own negligence in causing the accident.

After establishing liability, to prove damages, our firm hired a vocational expert who determined that the plaintiff was permanently disabled from work. We also retained an economist who evaluated the total amount of past and future lost earnings, including inflation.

Presently, our client still resides in Brooklyn and has completed physical therapy. He now is able to engage in regular everyday activities with some pain. He has bending and lifting limitations and can no longer carry heavy items.

After obtaining a judgment on liability, the case was resolved just before trial. As part of the settlement, the workers' compensation carrier agreed to waive its lien on the money it had expended for past lost earning and medical expenses. The monetary recovery amply compensated the worker for his pain and suffering and provided the injured worker with long-term financial security.

Don't wait to contact us

The moral of this story is, no matter your immigration status, **CALL A LAWYER IMMEDIATELY**. Our firm will fight for you and get you what you deserve. Undocumented immigrants are protected under the labor and workers compensation laws of New York State.

Our firm has handled several other successful lawsuits in which our clients' immigration status was undocumented.



No matter your immigration status, if you are injured in a fall or other accident while on the job, you may be entitled to recover damages.

Some of these suits include enabling a 28-year-old woman to obtain a **\$750,000** settlement after she lost her uterus while giving birth. She was under the care of a midwife, who pulled too hard on the umbilical cord that was still attached to the uterus.

Another recent case involved a 41-year-old man who was riding a bicycle and was struck and killed by a garbage truck. His family received a **\$500,000** settlement.

Two other accidental death cases also involved undocumented immigrants. Our firm represented a 46-year-old man who died after the cherry-picker truck he was working in was hit by another truck, causing the man to fall off the crane. His family obtained **\$340,000**.

Our firm also secured a **\$475,000** settlement for the family of a 34-year-old man killed after he climbed a ladder to work on a rooftop and was electrocuted by a live conduit.

If you are a victim of an accident, regardless of your immigration status, please call our law firm at **(212) 967-8500** for a free consultation. Our firm offers legal expertise in English, Chinese and Spanish.

Injured in an accident outside of NY or NJ?

Our firm has long-standing relationships with excellent attorneys in Florida, Massachusetts, Pennsylvania, Connecticut and other states. If you or a loved one were injured in one of these states, please call us at **(212) 967-8500**, and we will be happy to put you in touch with one of our wonderful out-of-state colleagues who can assist you.

Ross, Legan, Rosenberg, Zelen & Flaks, Attorneys at Law

*We're not just lawyers,
we're **your** lawyers.*

- ◆ Medical Malpractice
- ◆ Personal Injury
- ◆ Auto Accidents
- ◆ Estate Planning

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RLRZF successfully helped seriously injured clients in 2011

In 2011, our law firm recovered large settlements for many seriously injured clients. Below are some cases our firm successfully handled and the dollar amounts awarded:

Work-related accidents

- **\$1,980,000** for an undocumented laborer who fell off an unguarded scaffold, resulting in a fractured back and surgery.
- **\$475,000** for the family of an undocumented laborer electrocuted at a job site.
- **\$340,000** for a 46-year-old undocumented laborer who was knocked off a scaffold when the scaffold was struck by a car.
- **\$320,000** for a middle-aged laborer who fell through an unclipped grating at a construction site, resulting in a torn rotator cuff and deranged hip.
- **\$265,000** for an air-conditioning installer who fractured his ankle and needed surgery when he tripped over uneven planks at a job site.

Auto accidents

- **\$1,500,000** for a 45-year-old female

pedestrian, who experienced multiple fractures and skin grafts, after being struck by a minibus.

- **\$500,000** for the family of a bicycle delivery man killed by a garbage truck.
- **\$375,000** for a delivery man on a motorcycle who was hit by a cab, fracturing his hip. This included the \$100,000 insurance limit and \$275,000 paid by the taxi owner out of pocket.
- **\$275,000** for a middle-aged pedestrian struck by a truck backing up at a storage facility, fracturing her pelvis.
- **\$125,000** for an intoxicated bicyclist going the wrong way on a one-way street and hit by a truck.

Medical malpractice

- **\$750,000** for an undocumented woman whose uterus was pulled out of the birth canal along with the placenta when the hospital midwife pulled too hard on the umbilical cord during delivery.
- **\$350,000** for a 32-year-old woman who was improperly administered anesthesia be-

fore her C-section, causing her to slip into a three-week coma.

- **\$250,000** for a mother whose child's shoulder got stuck in the birth canal during delivery. The child suffered nerve damage to the arm during delivery.
- **\$125,000** for a 13-year-old whose appendicitis was not diagnosed at the hospital, resulting in a ruptured appendix and surgery.

Premises liability

- **\$237,500** for a New Jersey woman who injured her back jumping out the window of an illegal boardinghouse that caught fire.
- **\$225,000** for a pedestrian who tripped on a broken curb and fractured her ankle.
- **\$175,000** for a 73-year-old supermarket shopper who was knocked over by a store employee pushing a cart, fracturing her L3 vertebrae and requiring kyphoplasty.
- **\$122,500** for an elderly woman who slipped on a ramp in a supermarket and fractured her knee. We proved the ramp was "optically confusing."

Call to set up your free consultation

You have legal rights to be fully compensated for your injuries **regardless of your immigration status** in the United States. Don't be afraid to call us at **(212) 967-8500** – the consultation is free. All information disclosed is confidential.

We currently operate offices in Manhattan, Flushing/Queens and Hackensack, N.J.

Free legal information in English, Chinese and Spanish is also available on our law firm's website at www.flrzf.com.

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