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PERSONAL INJURY LAW

ROSENBERG | GLUCK | BLIGH | HARGIS

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Be Aware of Distracted Driving

Distracted driving is a serious problem on our roadways. Cell phones are the best-known distractor but are far from the only thing keeping drivers' attention off the road. Even though the roads are not as crowded lately as they usually are, we think now is a good time to take a moment and think about what distractions you allow inside your vehicle so that you can make an effort to eliminate them.



Anything a driver does while behind the wheel that takes their attention away from the task at hand – driving – is a distraction. If a driver takes their eyes off the road for only five seconds while traveling 55 mph, they will cover about 300 feet – blind.

To stay safe on the road, put the phone away and keep your attention where it belongs by avoiding the following 4 distractions:



VISUAL DISTRACTIONS

Watching a video, looking at a map, checking out something on the side of the road.



AUDIBLE DISTRACTIONS

A passenger talking to you, music playing too loud.



PHYSICAL DISTRACTIONS

Answering the phone, eating a snack, putting on makeup.



MENTAL DISTRACTION

Thinking about a work problem, shopping list, or weekend plans.



A Look Back, and Towards the Future

I have proudly represented injured people on Long Island for nearly 40 years and I was not sure how I would feel as I began moving into retirement. During my career what was a small office consisting of only me and a secretary grew into one of Long Island's most successful personal injury practices. Throughout those years we have always stayed focused on doing our best to take care of our client's needs. By simply doing the right things, by treating people with the dignity and respect they deserve and working tirelessly for them we earned a reputation as leaders in the legal community and the practice grew tremendously. While I am proud of the fact that Rosenberg & Gluck has helped thousands of our fellow Long Islanders over the years I am also immensely proud of the lawyers and support staff

that I have been privileged to work with and mentor. Observing and assisting others to grow into successful roles as first rate lawyers, paralegals and other support staff has been one of the great joys of my life.

So as I began to pack my diplomas and certificates it was with a great sense of accomplishment and pride in what I had helped create but also with tremendous confidence that the firm would continue to thrive under the very capable leadership of Matt Bligh and Erin Hargis. Matt and Erin as well as all the other lawyers at the firm are dedicated to delivering unparalleled legal services to all our clients. I look forward to my new role of guiding the firm into the future. The intelligence, energy and devotion of the lawyers and staff that make up the current generation of Rosenberg & Gluck leaves no doubt in my mind that the best years of Rosenberg & Gluck are yet to come.

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PRACTICE AREAS:

Motor Vehicle Accidents | Slip, Trip & Fall Accidents | Medical Malpractice | Wrongful Death | Birth Injury
Product Liability | Premises Liability | Nursing Home Abuse | Personal Injury | Construction Accidents



Government may start snooping on social media to root out SSD fraud

The Trump administration is working on a plan to let the Social Security Administration (SSA) check up on claimants on Facebook and Twitter in order to root out fraud and abuse in the disability program. This is the latest move by critics of the Social Security Disability Insurance (SSDI) program who claim that fraud and abuse is rampant in the system. The Heritage Foundation, a conservative think tank, is pushing this idea as a way to combat cheating the system.

There is a precedent for this; in 2014, SSA's Office of the Inspector General reviewed social media accounts as part of an effort to arrest more than 100 people for defrauding SSDI out of millions of dollars. Investigators found photos of disability claimants performing physical acts that should not have been possible with their condition. This is but one example. Now, the SSA is considering expanding the rule to allow front-line employees who work with initial claims to snoop on social media before an investigation is opened.

Disability advocates argue against this move by pointing out that dates when photos were shot are not always clear and not all legitimate disabilities prevent participation in activities that might seem suspicious.

"The proposal to allow disability adjudicators to monitor or review social media of disability claimants is an unjustified invasion of privacy unlikely to uncover fraud," said Lisa Ekman, director of government affairs at the National Organization of Social Security Claimants' Representatives.

Whether or not this policy is adopted, this is a good time for a reminder that everything you post on social media is out there on the internet forever! Be careful of what you post and use the maximum privacy settings possible to decrease your chances of something innocent being taken out of context and shown to be nefarious.



Don't let social media destroy your case

By now we should all be aware that nothing on the internet is private, least of all things posted on social media. Social media sites, like Facebook, Instagram, TikTok, Twitter, YouTube, LinkedIn, etc., make their money by collecting and monetizing information about you. If you are involved in a legal case, it is vitally important that you take every precaution to make sure your social media activities don't end up destroying your case.

The first thing you must do when you begin a legal claim is maximize the privacy settings on all your accounts. For examples, we will use Facebook since that is the most popular of these sites, and one that can easily get you in trouble. The other sites will have similar settings. Start by going to the Settings and selecting "Only Friends" as who can view your profile. Then, under Public Search Listing, check the box that

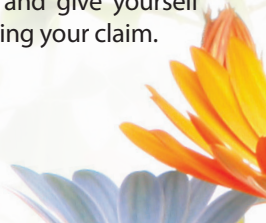
prevents your profile from showing up in a Google search. Any other privacy options you see, choose the most restrictive. Check back every so often to make sure your settings remain highly private as Facebook updates options regularly.

Next, watch your behavior on the platform. Don't accept friend requests from people you don't know. They may be a private investigator, opposing attorney, or insurance adjuster. What's the point of only allowing your friends to see your profile if you allow an enemy inside your circle? Be mindful of every post you make; anything you post that finds its way into the opposition's hands can and will be used against you if possible. For example, if you are pursuing a worker's compensation claim regarding a shoulder injury, a picture of you playing catch with your child can

be used to show that your injury is not as severe as you claim; even if a simple game of catch isn't the same as what you now can't do at work.

Finally, protect yourself from any mistakes your friends might inadvertently make. On Facebook, select the option "Only Me" for who can see your tagged photos. That way, if a friend posts a picture of you, you will have the option of keeping it private.

The best strategy when in the middle of a lawsuit is to stay off social media entirely. If this is not possible or just highly unpleasant to you, follow the above advice to limit your exposure and give yourself the best chance at winning your claim.





Lemon Asparagus Pasta

Ingredients:

- | | |
|--|---|
| 1 lb. penne pasta | 1 lemon, zested and juiced |
| 1 lb. thin asparagus, trimmed and cut into 2" pieces | 1 tsp. kosher salt |
| 3 tbsp. extra-virgin olive oil, divided | 1/2 c. freshly grated Parmesan, plus more for serving |
| 1 small onion, diced | 1/2 tsp. freshly ground black pepper, plus more for serving |
| 2 cloves garlic, thinly sliced | 1/4 c. fresh parsley, finely chopped |
| 1/2 c. heavy cream | 1/2 tsp. crushed red pepper flakes |
| 1 c. dry white wine, such as Sauvignon Blanc | |

Directions:

1. Bring a large pot of salted water to a boil. Add penne and cook according to package directions, until al dente. Reserve 1/2 cup pasta water, then drain. Set aside.
2. Meanwhile, in a large skillet over medium-high heat, heat 1 tablespoon oil. Cook asparagus until crispy, then season with pinch of salt. Transfer to a plate and set aside.
3. Heat remaining 2 tablespoons oil over medium heat. Cook onions and garlic until softened, about 5 minutes. Add heavy cream, white wine, lemon juice, and zest. Bring mixture to a boil, then simmer for 5 minutes. Add in salt, Parmesan, and black pepper. Reduce heat to low and mix until well combined.
4. Turn off heat and mix in pasta, asparagus, and parsley until well coated. Add small amounts of pasta water until you reach desired consistency. Serve with more grated Parmesan, cracked black pepper, and red pepper flakes.

Asparagus season may run through the spring months from March to June but it hits its prime in April. If you can get your hands on some quality in-season asparagus, give this recipe a try. We shine a spotlight on the star ingredient with a supporting cast of creamy white wine sauce, deeply infused with fragrant lemony notes and a nice salty Parmesan kick.

The key to acing this dish is to cook the asparagus until its tips are crispy and stalks slightly blistered. The slight char will add a whole other dimension to the enticing flavor of this vegetable.

Contaminated **Valsartan** recalled

Valsartan is an ingredient in a number of drugs used to treat hypertension, heart failure, left ventricular failure, and left ventricular dysfunction following myocardial infarction (heart attack). In 2018, a massive recall of the drug was announced after a cancer-causing contaminant was found.

N-nitrosodimethylamine (NDMA) was first discovered in a generic version of the drug that was manufactured by a Chinese company and distributed by several U.S. companies. NDMA is a probable human carcinogen that is associated with an increased risk of developing cancer in the liver, kidney, stomach, or intestines.

If you or a loved one were prescribed a valsartan product from Major Pharmaceuticals, Solco Healthcare, or Teva Pharmaceuticals Industries Ltd. and are now suffering from liver, gastric, or colorectal cancer, you may be eligible to participate in a lawsuit. Contact our office right away for a free consultation.





Coronavirus (COVID-19) and beyond: How we can help

Social distancing, constant hand washing, stockpiles of toilet paper...we're all adjusting to life during a pandemic, but that doesn't make it easy. For many of us, the most frustrating part is knowing that lots of people are suffering and thinking there's nothing we can do to help. The good news is, there are things we can do to help those around us! During the COVID-19 pandemic and any that come in the future, do your part for the community by helping in the following six ways:

1. **Follow all official orders and recommendations.** This is a society-wide problem that requires a society-wide solution. If we all act together, we can beat a pandemic.
2. **Be a role model for those around you:** wash your hands often; cough or sneeze into a tissue or your elbow; clean and disinfect surfaces and objects; avoid touching your face; and keep your distance from others. And don't just do these things, talk about doing them too. Set an example others can follow.
3. **Don't hoard.** Call out others who are hoarding. In a time of crisis, basic supplies can run low when our first responders and medical professionals need them the most.
4. **Stay home from work when sick.** If you have the power to influence the culture of your workplace, make sure to push for others to do the same. It should not be socially acceptable to come to work sick.
5. **Help with child care and meals.** When schools are closed, childcare becomes a major issue for working parents! Help if you can. Nutritious meals, for children or for our elderly neighbors, may be harder to come by during a pandemic. If you have extra, sharing is a great way to help.
6. **Look out for the most vulnerable.** Be especially mindful about putting seniors or people with health conditions at risk. If you have loved ones who fall into a high-risk category, it is hugely helpful if you are able to run errands for them so they can avoid putting themselves at risk in public.



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A referral is the greatest professional compliment we can receive. If you have a friend, neighbor, or family member who is in need of legal representation, please consider referring them to our firm. We will do our best to provide the highest possible level of service and deliver winning results.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please call the appropriate legal professional.

First wrongful death case brought against



Juul is the country's largest e-cigarette company, controlling 70% of the market share, so it's no surprise that they are facing the bulk of the backlash to the vaping trend. As evidence piles up proving the dangers of vaping, lawsuits continue to be filed against the company behind the ubiquitous nicotine-delivering devices. Many have focused on a misleading marketing campaign, allegedly targeted at teens, that downplays the risk of addiction and negative health effects of vaping. Now, the first of what may be many wrongful death suits has been filed.

The mother of an 18-year old Florida boy is suing Juul after her son died in his sleep due to vaping-related breathing

complications. The suit claims the company's marketing misled the boy into believing vaping was safe. The boy suffered from asthma when he was very young but had been symptom-free for years. He led an active, healthy lifestyle, full of BMX riding and skateboarding. Since he began vaping at 15, he suffered from breathing and lung complications. His official cause of death is listed as asthma.

Studies presented in the case show that Juul can cause asthma and exacerbate its symptoms. As these problems began to affect the boy, the highly addictive nature of Juul proved to be a serious issue. Addicted to a product that was killing him, the victim was encouraged to quit. Juul pods contain high levels of nicotine, the

same addictive drug found in cigarettes. For a teen, nicotine withdrawal symptoms are stronger than for adults. Because of the marketing implying the product was not addictive, he did not take it seriously enough to do what needed to be done.

While Juul may be a useful tool for adult smokers to use to quit their deadly habit, the company's misleading marketing aimed at teens has created a health emergency as a whole new generation is becoming addicted to nicotine. The Federal government is finally beginning to regulate the product, but harm has already been done. If your teen has become a "vaper", contact our office to find out if there is any legal recourse against the company responsible.

