

## TOP PENNSYLVANIA RECOVERIES IN 2013

A recent publication: *Top Pennsylvania Verdicts of 2013*, notes that Rick Jurewicz, a Senior Partner at Galfand Berger, had four of the top reported settlements in 2013!

Along with Galfand Berger, Rick will be honored for one of these cases at the “Top Verdicts & Settlements” awards dinner on July 29 at the Franklin Institute, where we will receive a top award in the “Premises Liability” category.

Rick’s 2013 top recoveries include:

- \$2.45 million dollars for a recycling plant worker with devastating arm and hand injuries. Our client sustained these severe injuries – which resulted in the amputation of his hand – while clearing a paper jam on a paper shredder. This case was the **second highest reported premises liability settlement** in Pennsylvania for 2013!

- Half a million dollars for a worker whose hand was pulled into a rotary airlock resulting in partial amputation of his thumb, index and long fingers. This case was the **12th highest reported recovery** for a products liability case in Pennsylvania for 2013!
- \$420,000 for our client, a flash dry oven attendant working on a pasting line at a manufacturer of lead-acid batteries. Our client lifted a guard to remove a jam and his hand was pulled into the machine’s nip point, crushing two fingers. This case was the **13th highest reported recovery** for a products liability case in Pennsylvania for 2013!

*Our firm has a proud history of top recoveries.*

- Nearly \$300,000 for a mixing hopper operator at a plastics manufacturing company. Our client lost portions of his left index and long fingers when a valve unexpectedly closed. This case was the **14th highest reported recovery** for a products liability case in Pennsylvania for 2013!

Like all Galfand Berger attorneys, Rick works tirelessly to represent and defend the rights of the injured. Our firm has a proud history of top recoveries. If you or someone you know has been injured, please contact us toll free at 1-800-222-8792 or by email at [mail@galfandberger.com](mailto:mail@galfandberger.com) to discuss your legal rights. ■

## Wage Theft and Other “Unsavory” Practices of the Restaurant Industry

Recently, Galfand Berger represented five restaurant workers who claimed that their employer, a popular Philadelphia restaurant, engaged in wage theft.

Unlike other workers, who must be paid at least a Federal Minimum Wage of \$7.25 per hour, servers at restaurants are paid at a rate of \$2.83 per hour, with the remainder of their wages coming from customer gratuities, or tips.

As is common in the restaurant industry, the restaurant in our case pooled the tips of the servers.

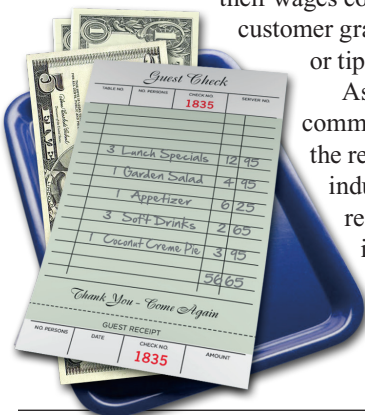
Tip pooling is a practice where all the servers pool their tips together and then divide them at the end of the night. Often, servers will share a portion of their tips with bussers and other restaurant personnel who have direct customer contact. According to the Federal Department of Labor guidelines, tip pooling is a perfectly legal practice that ensures that tips are distributed fairly among restaurant staff. However, in our case, the workers alleged that the restaurant split the tips not only between servers, but also among kitchen personnel, who had no direct customer contact. Because, the restaurant is supposed to pay kitchen workers at least a federal minimum wage of \$7.25 per hour, using tips from servers to pay kitchen staff subsidizes a restaurant’s legal obligation to their workers by taking away pay from one group of workers and giving it to the other. The courts and the Department of Labor

have repeatedly held that tip pooling among servers and kitchen staff and other workers who do not have direct customer contact is a violation of the Federal Fair Labor Standards Act and thus illegal.

It was also alleged in our case that that the restaurant instituted arbitrary tests for servers which it used to determine how much of their tips the servers got to keep. Any such tests, or other schemes, which put the gratuities earned by the workers into the pockets of the restaurant are illegal under both State and Federal Wage and Hour laws.

After negotiation with the restaurant, Galfand Berger attorneys were able to reach a settlement, without going to Court, under which the restaurant agreed to pay the workers all their back wages, liquidated damages and attorneys’ fees.

If you or someone you know has been a victim of wage theft, contact Galfand Berger, LLP and speak with one of our attorneys who can advise you of your rights under the State and Federal Wage and Hour Laws. ■



# GALFAND BERGER LAWYERS

## Selected to the *Pennsylvania Super Lawyers* and *Rising Stars* Lists

Year after year, Galfand Berger attorneys demonstrate their commitment to our clients and our community with success in and out of the courtroom. This year, we are proud to announce that five of our attorneys—**Arthur Bugay, Debra Jensen, Rick Jurewicz, Peter Patton and Norman Weinstein**—have been named to the *Pennsylvania Super Lawyers* list.

Galfand Berger attorneys **Michael Malvey** and **Henry Yampolsky** were named to 2014 *Pennsylvania Rising Stars* list, a unique award for attorneys under the age of 40.

This honor is even more noteworthy when you look at the numbers. Selection to the *Super Lawyers* list is reserved for only the top 5% of more than 34,000 attorneys practicing in Pennsylvania. And, the honor of *Rising Star* is only given to 2 ½ % of Pennsylvania lawyers. The *Super Lawyers* selection uses a process of nomination and voting by peers to single out attorneys with noteworthy achievements in their area of practice.

After you read their biographies, you will learn why our attorneys received these top honors:



**Arthur Bugay's** practice areas include Products' Liability, Construction Accident litigation, Personal Injury litigation, Negligent Security, and Employment law. Arthur is a regular presenter at Continuing Legal Education seminars and has taught at Temple University and Moravian College. He currently

teaches Products Liability law at Temple University's Beasley School of Law. Arthur is an "AV" rated attorney by Martindale-Hubbell and a member of the Multi-Million Dollar Advocates Forum. In addition to his work in the firm's Personal Injury Department, Arthur is an advocate for disabled and injured children and for the elderly, which is evident through the volunteer legal services he provides for the Legal Clinic for the Disabled. In 2009, Arthur was Pennsylvania's regional top fundraiser for the American Diabetes Association, and has participated in a series of Iron-Man competitions to fundraise for both the ADA and Amyotrophic Lateral Sclerosis (ALS) Association. This is Arthur's fifth consecutive year to be selected to the *Pennsylvania Super Lawyers* list.



**Debra Jensen** has been selected five times to the *Pennsylvania Super Lawyers* list, is a member of the Million Dollar Advocates Forum, has been included in The National Trial Lawyers Top 100 Trial Lawyers – Pennsylvania, and is Galfand Berger's Managing Partner. When Debra's fellow partners unanimously elected her as Managing Partner in 1999, she became one of three women who were the top managing attorneys at Philadelphia law firms. Debra has achieved significant results for her clients in the area of

medical malpractice, representing individuals and families who suffered catastrophic losses as a result of medical mistakes. Additionally, she a frequent lecturer on subjects including nursing home abuse, medical malpractice, and labor and employment law. Debra also helped write the firm's well-known publications, "Workers' Rights to Workers' Compensation" and "Injured on the Job."



**Rick Jurewicz** represents people injured by unsafe products and defective tools, equipment, and machinery. As a trial attorney, he is Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy. Rick holds memberships in the Million Dollar Advocates Forum, Outstanding Lawyers of America, American Association for Justice, Pennsylvania Association for Justice, the Philadelphia Trial Lawyers Association, and the American Academy of Trial Counsel. With more than \$150 million in verdicts and settlements for his

clients, Rick is responsible for some of the largest recoveries in Galfand Berger's history. In 2007, he had two of the twelve highest Pennsylvania recoveries. In 2010, he had one of the top 35 Pennsylvania recoveries, and in 2011, he had two of the top 35 Pennsylvania settlements. **In 2013, Rick had four of the highest reported settlements in Pennsylvania.** On top of his already stellar year, this is the eleventh consecutive year that Rick has been selected to the *Super Lawyers* list!



## Pennsylvania Super Lawyers and Rising Stars Lists



**Michael Malvey** handles a wide variety of cases within Galfand Berger's personal injury department, including automobile accidents, premises liability, construction site accidents, products liability, and medical malpractice. A Senior Partner with the firm, Michael has been a member of the team of Galfand Berger lawyers who have obtained over \$75 million dollars in settlements and judgments and attained some of the largest, multi-million

dollar client recoveries in Pennsylvania. Michael's proficiency in Spanish has been a great asset in representing members of the Hispanic and Latino communities. He currently works with the Board of Directors at Esperanza Immigration Legal Services to provide low-cost legal services to immigrants and their families in the Philadelphia area. This is Michael's eighth year to be selected to the list of *Pennsylvania Rising Stars*.



**Peter Patton** concentrates in the fields of products liability, construction and vehicular accidents. He was awarded the American Jurisprudence Award for Professional Responsibility from the University of California, Berkeley. Peter holds membership in the Multi-Million Dollar Advocates Forum, Brain Injury Association, System Safety Society, Pennsylvania and Philadelphia Bar Associations, the American Association

for Justice, the Pennsylvania Association for Justice, the Philadelphia Trial Lawyers Association, and the National Lawyers Guild. Peter has received an "AV" rating from Martindale-Hubbell, the highest rating an attorney can achieve. Peter is also listed in the Bar Register of Pre-eminent lawyers and has been included in The National Trial Lawyers Top 100 Trial Lawyers in Pennsylvania. In 2011, Peter had one of the top 35 Pennsylvania settlements. This is Peter's third year to be named to the list of *Pennsylvania Super Lawyers*.



**Norman Weinstein** is *Of Counsel* at Galfand Berger and chairs the firm's Community Outreach and Social Action program. He has practiced in Workers' Compensation and Personal Injury law for over 30 years. A Trustee of the Philadelphia Bar Foundation, Norman is also past President of the Philadelphia Volunteers for the Indigent Program (VIP), past Co-Chair of the Workers' Compensation Section of the Pennsylvania

Trial Lawyers Association and the Workers' Compensation Committee of the Philadelphia Bar Association. He is past President of the Hebrew Immigrant Aid Society (HIAS) and Council and Trustee of the Jewish Federation of Greater Philadelphia as well as Chairman of the Jewish Federation of Greater Philadelphia Young Leadership Council. Norman has performed pro bono work for the Support Center for Child Advocates, Legal Clinic for the Disabled and Philadelphia Volunteers of the Indigent Program (VIP). Norman is a recipient of the Pennsylvania Trial Lawyers Association Community Service Award and has been recognized for his pro bono services by the Pennsylvania Bar Association. He is a recipient of the Philadelphia Bar Association Young Leadership Award and the Jewish Federation Myer Feinstein Young Leadership Award. Norman has been selected to the *Pennsylvania Super Lawyers* list every year since 2005.



**Henry Yampolsky** practices in the areas of personal injury litigation, employment discrimination and labor law, and workers' compensation. Since joining our firm, Henry has been on the team of lawyers who have achieved some of the largest client recoveries in Pennsylvania. Henry is fluent in Russian and Ukrainian and takes an active role in the affairs of the Greater Philadelphia Russian-Speaking community. He serves as the Vice-

President and Member of the Board of Directors of the New World Association of Immigrants from Eastern Europe and is one of the founding directors of the Russian-Speaking Professionals Network. Additionally, Henry sits on the Board of the Hebrew Immigrant Aid Society (HIAS) and serves on the *Amicus Curiae* committee of the Pennsylvania Association for Justice. This is Henry's fifth consecutive year of inclusion on the *Pennsylvania Rising Stars* list.

# Dauphin County Jury Awards Over \$730,000 to Galfand Berger Client in Hand Injury Lawsuit



Personal  
Injury  
Attorneys  
Helping  
People

A Dauphin County jury returned a verdict for \$731,000 to a Galfand Berger client in a recent products liability case. The trial involved a faulty printing press machine, which caused significant hand injuries to our client, whose non-dominant hand became caught in the printing press machine resulting in fractured ring and long fingers. Our client needed surgery on his fingers following the accident and missed eleven weeks of work. As a result of the accident, our client has ongoing minor loss of range of motion in his two fingers.

Although the defendant claimed that the printing press machine was originally sold with

a guard at the nip point where the injury occurred, Galfand Berger was able to produce contradicting evidence resulting in the large six figure jury verdict. Galfand Berger attorney, Richard Jurewicz represented our client, who received compensation for all of his economic damages including \$20,000 in medical costs and \$11,000 in loss of wages. The jury's award included \$700,000 for past and future pain and suffering.

If you would like more information on this hand injury case, or to schedule a free confidential consultation to discuss a potential products liability claim, call **Galfand Berger** today at **1-800-222-8792**.

## Galfand Berger, LLP

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## Workers' Compensation and Third-Party Liability Claims

### Have you been injured at work?

Your employer may not be the only one responsible for your injuries. If someone other than your employer is responsible, or even partly responsible, for your injury or disease, you may be able to sue that third party in addition to collecting your Workers' Compensation benefits.

The third party may be

a manufacturer of unsafe equipment, a seller of dangerous chemicals, a contractor working on your employer's premises who created the dangerous condition, or a subcontractor whose negligence resulted in an injury. Likewise, a third party may be the driver of a vehicle that causes a work-related accident, or the owner of a property where your accident occurs.

Making a claim against the party responsible for your accident does not affect your right to pursue a Workers' Compensation claim. In fact, Workers' Compensation insurance carriers encourage claimants to investigate and pursue claims against third parties. Your third-party claim allows you to recover certain

damages that are not available in a Workers' Compensation claim, including damages for pain and suffering, loss of life's pleasures, and damages suffered by your spouse as a result of your injuries.

The personal injury lawyers attorneys at Galfand Berger can handle all of your work injuries claims, including Workers' Compensation claims and third-party liability lawsuits. Our attorneys have obtained substantial recoveries in all types of work accidents cases. We can help you obtain the justice you deserve for your injuries against all responsible parties. Call **Galfand Berger** today to schedule a free consultation at **1-800-222-8792** or contact us online at [mail@galfandberger.com](mailto:mail@galfandberger.com).

