

NEWS & VIEWS

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- CONSTRUCTION ACCIDENTS
- SOCIAL SECURITY DISABILITY
- WORKERS' COMPENSATION
- FIRE LOSS CLAIMS

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DUREZ DEATH TOLL

Over the course of the last two years, many more of our clients have lost family members and friends to cancer resulting from asbestos exposure at the former Durez Plastics in North Tonawanda. The first death at Durez from mesothelioma was reported in the early 1980s. Since that time there have been close to fifty. There have also been dozens of deaths due to lung cancer and asbestosis.

Durez was established in 1926 and soon became a leader in the production of plastic molding compounds. Unfortunately for its employees and for the residents of the area surrounding the plant on Walck Road, Durez began to employ raw asbestos fiber as a filler to strengthen its molding compound products, and the process of adding

the raw asbestos to the mixes caused the harmful dust to become airborne and to spread around the plant and onto the neighboring lots.

The period of time between first exposure to asbestos dust and the onset of disease - whether mesothelioma, lung cancer or asbestosis - is typically between 15 and 50 years. Durez continued using asbestos until the end of 1978 and closed its facility in North Tonawanda in 1994. It is no surprise that new cases of serious and often fatal disease continue to develop.

The risk of contracting mesothelioma is not confined to employees - it also extends to their immediate families. This is because asbestos fibers are extremely small and light and are capable of being

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CHILDREN CONTINUE TO BE AT RISK FOR LEAD POISONING IN WESTERN NEW YORK

Childhood lead poisoning continues to be a major public health problem, especially in old urban centers where most homes were built before 1978. In New York State, there is a lack of well-publicized coordinated effort to rid the housing stock of dangerous leaded paint hazards in cities like Buffalo, Rochester and Syracuse. Past efforts in these cities to operate publicly-funded programs to bring about remediation through the use of public grant money have been largely unsuccessful to date, and stories of misuse and mismanagement of "lead paint" funds plagued Buffalo in early years. Legislation aimed at making property owners more accountable for ridding their

properties of lead hazards continues to be bogged down in Albany.

And so many children in Western New York continue to be at risk for lead poisoning, though this is an entirely preventable public health problem and could be prevented if only enough attention, community resources and money would be directed towards the eradication of lead-based paint from our cities' older housing stock.

Higher childhood blood lead levels are associated with older, poorly-maintained rental housing. Our minority populations are disproportionately impacted by the problem. Lead-based paint in rental housing is the major remaining

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DUREZ DEATH TOLL

(Continued from page 1)

transported home on a worker's clothing, hair and footwear. Even the relatively slight exposure involved in shaking out work clothes before doing the laundry is enough to result in mesothelioma decades later.

Medical literature contains many examples of housewives contracting mesothelioma by washing work clothes. We also know from experience that occasionally, but rarely, a child will contract mesothelioma as a result of household contamination originating from the workplace. Also, in many families connected to Durez

Plastics, the older children obtained summer jobs at the plant, especially in the late 1960's and early 1970's, further increasing the long-term risk of disease.

The attorneys at Lipsitz & Ponterio have been representing former and retired Durez workers and their families since 1985. We are very knowledgeable about the purchase and use of asbestos in all of its forms, including raw asbestos, solid-state insulation and gaskets.

We vigorously pursue claims of asbestos disease on behalf of our clients, we sue the companies

responsible for supplying asbestos to the plant, and we file death claims in workers' compensation court for widows and their families.

Because many of you have close friends and relatives who have moved away from the Western New York area but who are still at risk of disease due to their past association with Durez Plastics, we urge you to share this newsletter with them. If you would like to add the name of a friend or relative to our newsletter list, please let us know by contacting Mary Marsowicz at 849-0701.

CHILDREN CONTINUE TO BE AT RISK FOR LEAD POISONING IN WESTERN NEW YORK

(Continued from page 1)

source of lead exposure and is responsible for most cases of childhood lead poisoning today. These additional facts about the serious impact of childhood lead poisoning are widely recognized.

- Even low levels of lead in young children can result in reduced intelligence and attention span, learning disabilities, hearing impairment and behavior problems.

- A tiny amount of lead concentrated in just one chip of paint can result in serious poisoning and even irreversible developmental damage in children under the age of six.

- Children are poisoned by simple hand-to-mouth contact with leaded dust that exists in association with degraded lead-based paint in their households.

- Childhood lead poisoning causes enormous societal costs,

including medical costs and special education costs.

If you think that your child is lead poisoned and they are under the age of 21 years, talk to a lawyer today. Lipsitz & Ponterio has the most experience in childhood lead poisoning cases in Western New York, and we can help obtain a more secure future for your child with special needs.

ARE THE MANUFACTURERS GETTING THE LEAD OUT?

We think it can be said that attorneys who have sued the former manufacturers of lead-based paint products to hold them accountable for their part in causing the scourge of lead poisoning in our cities, have, in some measure, helped push those manufacturers into limited community action aimed towards eradicating dangerous lead-based paint in old houses.

A manufacturers' association has a role in the CLEARCorps Project, which first surfaced in certain cities where legal actions had been pending against the manufacturers, including Baltimore, Milwaukee, St. Louis and Chicago.

The CLEARCorps Project is a program jointly partnered (and

funded) by The National Paint and Coatings Association, which includes as members former manufacturers of lead-based paint products and the Shriver Center at the University of Maryland, a community service foundation.

Using a further partnership with Americorps, it is claimed that CLEARCorps has helped reduce poisoning risks for 2,150 children by funding and conducting hands-on lead hazard control work in 1,026 homes between January 2000 and March 2004.

As of this writing, CLEARCorps does not appear to have an affiliate group operating in Western New York, however, concerned New Yorkers can check out the website

for CLEARCorps and take note of the project's mission statement "Core Values" which asks families to take PERSONAL RESPONSIBILITY in protecting their children from lead poisoning.

The CLEARCorps brochure, not surprisingly, says nothing about the MORAL RESPONSIBILITY borne by the manufacturers of lead-based paint for their role in coating our older housing with toxic paint when, years ago, lead was known to be dangerous and poisonous to humans.

Visit: www.clearcorps.org and click to download CLEARCorps "latest brochure."

BUFFALO MAN SUES COKE OVEN MANUFACTURERS

A Buffalo resident who worked in the Coke Oven Division at Bethlehem Steel Corporation for over thirty years and is suffering from lung cancer is suing asbestos companies and the companies that built, designed and maintained the coke ovens. As far as we have been able to determine, this is the first lawsuit in the Western New York area to seek damages from the coke oven companies, not only for their reckless use of asbestos but also for their failure to contain the harmful gases emitted by the coking process.

Workers who worked on top of or alongside the coke oven batteries are at a substantially increased risk for developing lung cancer and other cancers. The coke industry should have known about the hazards at

the time our client went to work at the steel plant, or well before. The chemical substances causing these cancers were known as carcinogens more than two hundred years ago when a London surgeon discovered that chimney sweeps were afflicted with high rates of cancer.

If you or any of your family members worked at any of the various coke oven operations around the area, including Bethlehem Steel, Republic Steel, Tonawanda Coke or Donner Hanna, and if you are suffering from lung or other cancers, please call Lipsitz & Ponterio to discuss a potential legal claim. Our services include lawsuits against manufacturers and claims under the New York State Workers' Compensation Law.

CRUSHING VERDICT AGAINST ASBESTOS COMPANIES IN NIAGARA COUNTY CASE

On November 5, 2004, a Niagara County jury delivered a stunning verdict against two asbestos companies held responsible for the mesothelioma cancer of a retired employee of the Ashland Oil Refinery in Tonawanda, New York. The plaintiff had been employed at the refinery for forty years until he retired in 1983. During most of his employment, he was exposed to asbestos dust from the application and removal of asbestos-containing gaskets manufactured by Garlock Inc. and from the application and removal of asbestos-containing insulation sold and distributed by Niagara Insulations, Inc.

After a two week-long trial, the jury awarded damages in the amount of \$3,750,000 against Garlock Inc. and Niagara Insulations, Inc. The jury assigned sixty percent of the blame to Garlock Inc. and forty percent to Niagara Insulations, Inc. The case was marked by dramatic testimony from the plaintiff who

described his working conditions and the effect that the disease was having on his wife and family. Several co-workers also testified.

It was gratifying to see the plaintiff's fellow employees of many years take the witness stand and speak the truth about the hazardous conditions under which they worked. They were unaware, at the time, of the deadly nature of exposure to airborne asbestos dust, and they patiently explained, under frequently hostile questioning from lawyers for the defendants, how they worked day after day with dangerous products about which no warning was ever given.

Several expert witnesses testified on behalf of the plaintiff, including medical doctors. Their testimony was impressive and carefully documented. The plaintiff and his wife of fifty years were represented at trial by Lipsitz & Ponterio attorneys Michael A. Ponterio and John P. Comerford. In keeping with the



**IF YOU OR A FAMILY MEMBER
WORKED IN THE COKE OVEN
DIVISION OF BETHLEHEM STEEL
CORPORATION OR ANY OTHER COKE
OVEN FACILITY IN WESTERN NEW
YORK, OR ELSEWHERE, YOU SHOULD
CONSIDER THE FOLLOWING:**

- COKE OVEN EMISSIONS ARE A POTENT CAUSE OF **LUNG CANCER** AND OTHER CANCERS;
- COKE OVEN EMISSIONS ARE COMPOSED OF GASES AND DUST WHICH ARE **HARMFUL TO YOUR LUNGS AND SKIN**;
- A FINAL COKE OVEN EMISSIONS STANDARD WAS NOT PUT IN PLACE BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) UNTIL **1979**;
- FORMER COKE OVEN WORKERS, **EVEN IF THEY SMOKED CIGARETTES**, MAY HAVE VALUABLE CLAIMS THAT CAN BE PURSUED IN COURT AGAINST COMPANIES SUCH AS **KOPPERS AND WILPUTTE**.

IF YOU BELIEVE THAT YOU OR A FAMILY MEMBER ARE SUFFERING FROM OR DIED AS A RESULT OF A CANCER FROM WORK **ON TOP OF OR ALONG SIDE COKE OVEN BATTERIES**, YOU SHOULD CONSULT A LAWYER WITH EXPERIENCE IN PURSUING CASES FOR CANCER CAUSED BY EXPOSURE TO COKE OVEN EMISSIONS.

**OUR WESTERN NEW YORK FIRM HAS
EXPERIENCE IN THIS AREA:**

LIPSITZ & PONTERIO

general inability of the asbestos companies to admit that they were wrong, Garlock, Inc. has appealed from the verdict. Although it may take several months or longer for the appeal to be heard and decided, we are confident that justice will prevail and the Court's judgment will be upheld.

LEAD PAINT LEGISLATIVE UPDATE

City of Rochester

In the City of Rochester, two proposed bills have been introduced in the Common Council to amend the City Charter to promote a reduction of lead based paint hazards in city dwellings. The bills must be studied for economic impact before any action on them can occur. The Mayor of Rochester, William Johnson, introduced one of the measures, but its provisions have been criticized for lacking specific standards for lead hazard inspections and safe work practices; for lacking in tenant protections; and for not directing focus on city neighborhoods where lead poisoning cases are concentrated.

The critique of the Mayor's bill comes from an active citizen-based group called The Coalition to Prevent Lead Poisoning that has worked on charter revisions promoted by one of the council members that would, in the coalition's view, better implement a systemic, proactive and primary prevention strategy to eradicate lead on a city-wide basis, with first focus on concentrated high risk inner-city neighborhoods. The proposed charter amendments, backed by the Mayor, would require owners of pre-1978 "target" housing to obtain and file a "Certificate of Lead Poisoning Prevention Code Compliance" prepared by an EPA-certified lead paint inspector or risk assessor within 120 days of being notified that such filing on the property is necessary, upon actual citation for peeling or deteriorated paint, or upon expiration of a current Certificate of Occupancy which is required for all city rental dwellings.

The Coalition-supported charter proposals would extend to tenants a private right of action to force compliance with the code requirements to eliminate lead hazards, while the Mayor's bill would only prohibit landlords from taking retaliatory action to evict tenants who reports a suspected lead paint hazard to the landlord or to the City. If

you are interested in the Rochester Coalition to Prevent Lead Poisoning can check out its website: www.lead-safe-by-2010.org or call 585-256-2260.

Proposed Legislation Directed to Lead Paint Issues State-Wide

The year 2005 brings a new bill cycle to Albany so all old legislation, if re-introduced, is assigned a new bill number. As of this writing, the following bills pertaining to lead paint issues have again been introduced and referred to committees, and any action in this session of the Legislature remains doubtful.

Bill No. Pending (former A11750)

This is a wide-ranging bill, that is sponsored by Assembly Member David F. Gantt (D, Monroe Co.), and will likely have a State Senate co-sponsor and be introduced in both houses this session. The bill is aimed at achieving goals of reducing overall lead paint hazards in upstate rental housing stock by inducing property owners to remediate their properties. This legislation would afford landlords some liability protection as an inducement to make their rental properties lead-free, with creation of a revolving loan account, and formation of a lead-safe housing registry. Other provisions in this proposed legislation would increase housing inspections for lead paint hazards. The new version of the bill is likely to exempt New York City from its application.

An earlier version of the Gantt bill also barred property insurers from excluding coverage for lead poisoning injuries, but that provision was dropped from A11750 in 2004, and the Rochester Coalition to Prevent Lead Poisoning has asked for reinstatement of the provision requiring insurers to provide property owners with coverage for lead injuries. The Coalition is also on record stating that the provision for landlord liability protection in this legislation is NOT sufficiently protective of children. This bill is being closely watched, and substantial revisions are likely.

A01897 - This bill would amend the public health law to increase the civil fines from \$2500 to \$5000 assessed against a property owner who fails to remediate a paint

condition that poses a risk for lead poisoning.

S00225 - This bill would exempt local governments from liability for negligence for their roles in conducting housing inspections as part of the state's lead poisoning prevention efforts. In 2004, New York's highest court, the Court of Appeals, issued a decision that, in any event, all but exempts local governments from liability for lead poisoning injuries to children.

S00820 - This bill would amend the public health law to require the Commissioner of Health to make a report to the State Attorney General if he discovers that manufacturers, suppliers or retailers are engaging in any improper measures that could have the effect of increasing lead poisoning risks to children.

A01261 - This bill would amend the Public Health Law to establish training and certification programs for lead abatement contractors and would make New York State eligible for special federal funding through the Department of Housing and Urban Development (HUD) to help abate lead hazards in low and moderate income housing.

With regard to Assembly Bill A01261 above, the longstanding failure of New York State to adopt a formal certification program for lead abatement in this state has caused New York to consistently lose opportunities for enhanced federal funding to help rid the housing stock of lead paint hazards. Rochester-area Assemblyperson Susan V. John is this bill's sponsor, and her Albany staff believes that consistent promotion of this bill has, at least, raised the awareness of state lawmakers who may someday act on some version of this bill.

Readers of this newsletter who wish to keep track or learn more about pending state legislation in Albany can go to the State Assembly's website: www.assembly.state.ny.us or contact the Albany offices of the sponsoring Assemblypersons directly. The phone number for the Albany office of Assemblyperson David Gantt is (518) 455-5606; and the phone number for the Albany office of Assemblyperson Susan V. John is (518) 455-4527.

VIOXX CLAIMS

Last September the nation and the world learned that Merck, the manufacturer of Vioxx, knew that the drug significantly increased the risk of heart attacks and strokes but did everything it could to keep this information from the general public. One study showed an increased risk after eighteen months of continuous treatment with Vioxx. Another study has demonstrated that patients taking Vioxx in doses higher than 25 milligrams per day experience a threefold increase in the risk of heart attack. These are serious findings and require careful consideration.

Shortly after the news came out about Vioxx, and then about Celebrex, a large number of law firms, some without any relevant experience with toxic tort lawsuits, began advertising furiously for clients. Lipsitz & Ponterio is actively investigating claims of stroke and heart attack in patients who were prescribed Vioxx. We are not advertising.

Before you rush to the telephone to call the latest law firm to jump on the Vioxx bandwagon, consider calling Lipsitz & Ponterio. We will gather your medical records and carefully review your individual case. We will ask you the following questions:

- Why was Vioxx prescribed for you?
- Do you have a history of heart disease or stroke?
- Do you have a family history of heart attack or stroke?
- Did you suffer a recent heart attack or stroke while taking Vioxx?
- What other medications were you taking?
- How old were you at the time of your heart attack or stroke?
- What other risk factors, apart from taking Vioxx, did you have?

Remember that it has been a matter of only several months since the news about Vioxx, Celebrex and other non-steroidal anti-inflammatory drugs has come to light. We are continually learning more about the situation.

This newsletter does not provide individuals with legal advice because

each case is different. In general, it appears that under New York law a person has three years from the date of the attack or stroke in which to file a lawsuit. After that, the claim may be barred. If you had a heart attack or stroke more than two years ago and you had a history of taking Vioxx or another pain reliever similar to Vioxx, your three-year period in which to bring a lawsuit may be running out, and you should not delay seeking legal advice. Even if more than three years have already gone by, however, you may still have a remedy.

If you or a family member has been injured as a result of taking Vioxx, please call us for a free consultation.

PATAKI SEEKS CHANGES FOR PAYMENT OF NURSING HOME CARE

Much of the following is taken from a report of the New York State Bar Association Elder Law Section:

Most New Yorkers are aware that state and county expenditures on Medicaid coverage have been a source of budget woes, but how many are aware that our representatives may be inclined to adopt measures to restrict the rising costs that will put millions of people in harm's way? Governor Pataki, for instance, has submitted a 2005-2006 budget that may be applauded to the extent that it explores affordable nursing home insurance for able-bodied citizens. Unfortunately, the Governor's budget also makes proposals that seek to alter Social Security provisions of the federal Medicaid program eligibility rules that ignore the plight of frail, elderly New Yorkers facing the daunting task of paying for long-term care. The process followed by the Governor in developing his recommendations is notable for the almost complete absence of any input from consumers or organizations other than those representing various health care providers or the

insurance industry.

This space is too limited to detail all the adverse impacts that may result, but here are a few:

- Low-income elders may be denied admission to a nursing home because of inadequate record keeping even if they have been suffering from dementia;
- Older family members may be inhibited from providing financial assistance to younger members with such things as down payments on homes and college tuition;
- Frail elderly and disabled people may find themselves uprooted from their homes and familiar surroundings and have to live with a caregiver family member;
- Healthy spouses may have to seek divorce in order to keep their assets and keep their frail spouse at home.

The elderly did not cause the rate hikes in health care that have greatly outpaced inflation and should not be blamed for the high cost of their care.

The current Medicaid eligibility provisions should not be changed until there is a comprehensive long-term care program for the elderly. As the New York Court of Appeals has summarized: "No agency of the government has any right to complain about the fact that middle class people confronted with desperate circumstances choose voluntarily to inflict poverty upon themselves when it is the government itself which has established the rule that poverty is a prerequisite to the receipt of government assistance in the defraying of the costs of ruinously expensive, but absolutely essential medical treatment."

The lesson to be learned is that planning by middle class individuals for potentially devastating long-term care expenses is no less respectable than estate tax planning by wealthy taxpayers (who, ironically, have already been afforded one of the biggest gifts of all time by President Bush's championing of the elimination of the "death tax," which only affects marital estates over \$3 million, and who don't really have to worry about the costs of long-term care).

LOCAL SUCCESSES, WE CAN HELP YOUR LEAD POISONED CHILD!

The attorneys at Lipsitz & Ponterio dedicate much of their time to representing children who have been injured by lead poisoning.

We have sued dozens of negligent landlords and pushed our cases with countless hours of work to bring about settlements that will make a difference in the lives of these children. Results in some of our recent lead poisoning cases follow:

- A Buffalo landlord's insurance company agreed to pay \$200,000 to the guardian of a 13-year-old boy who suffered lead poisoning in a Vermont Street house when he was a toddler. Most of the settlement funds have been placed into a Supplemental Needs Trust account that will provide him with future lump sum payments, and additional monies were made available for this young man's current educational, extra-curricular and counseling needs as he struggles with academic and functional disabilities due to his lead poisoning.

- An Orleans County landlord's insurance company agreed to pay \$150,000 to the guardian of a 7-year-old girl who was lead poisoned as a young baby in her parents' rental apartment. Most of these settlement funds have been placed into a Supplemental Needs Trust account that will provide her with future lump sum payments for vocational training or education, and some monies were made immediately available for this young girl's current academic and extra-curricular needs.

- A settlement of \$300,000 from a landlord's insurer was achieved for a 6-year-old Buffalo boy who had very high lead levels and several hospital treatments for his lead poisoning that occurred at apartments on Jewett Avenue, where his mother and grandmother were living. The guardian for this child will receive lump sums for this boy's future educational needs, and he will also receive monthly payments over a period of years under the terms of his Supplemental Needs Trust and

structured settlement.

- Another Buffalo girl, aged ten, received a settlement of \$225,000 from a landlord's insurer for her injuries caused by lead poisoning in a rental dwelling on Mayer Street. Settlement monies were structured to provide lump sum amounts to address this child's current and future academic needs and to provide funding for vocational training or higher education in later years.

- In Rochester, a settlement for \$312,500 was obtained from the insurance companies for two landlords on behalf of a 14-year-old boy who had been lead poisoned as a toddler in two apartments on Alexander and Wilder Streets in Rochester. This young man will also benefit from a structured settlement that will provide him with future economic security and resources to help him meet the challenges resulting from academic and functional disabilities caused by his lead poisoning.

TESTIMONIALS

Michael:

Thank you for the lovely flowers. Also, thanks for all the help and support you've shown us. Ron considered you a friend, as well as his attorney.

Sincerely, Val Kromer and Family

Dear Mr. Lipsitz & Mike:

Thank you for the excellent service we received from your firm and for assigning John Comerford to my case. He is a great lawyer and person to work with. We wouldn't hesitate one minute to recommend your firm to anyone...

See you soon, Bernie and Don Tutuska

Dear Sirs:

Just a note of appreciation regarding your employee, John Pullano. His thoroughness and genuine concern during my husband's hearing made a very emotional situation easier to bear. In our very "professional" world, it is a comfort to know not all have lost the "human" aspect.

Thank you, Paula Muir

Dear Michael Ponterio:

Just a little note to say how much I appreciated your firm's hard work in winning my lawsuit. If it was not for you and your associates my Howard Johnson Hotel in Niagara Falls would have been history. We would have filed for bankruptcy and put the heads of 4 families out of work.

The professionalism of John P. Comerford and Kathleen A. Burr was outstanding. I was never involved in any litigation before this roof incident and I did not realize how much time and effort is involved. Every detail was sought out and acted on. John & Kathleen made me feel confident that I would prevail. They advised me properly that it is not over till a settlement or verdict is reached. It seemed that they would never let me sleep. Consultation after consultation with them really paid off when John told me that we reached a settlement to my liking.

You should feel proud that you have such dedicated associates and I will certainly recommend your firm to others in need of your services.

Again a heartfelt thank you to you, John and Kathleen for your dedication and the expertise your firm exhibited. Kind regards, David M. Fleck

HOME ASBESTOS EXPOSURE CASE SETTLES FOR \$2 MILLION

Last September, Lipsitz & Ponterio negotiated a settlement on behalf of a 60-year-old West Seneca woman who had recently contracted mesothelioma from asbestos she inhaled while washing her husband's work clothes nearly thirty years ago. Our client's husband, an electrician, worked on several large-scale construction projects in the Buffalo area and would sometimes come home with his clothes covered in

asbestos dust. He had no way of knowing that the asbestos fibers he brought home on his clothing endangered the lives of his wife and children. The asbestos industry, on the other hand, knew, or should have known, about years of medical literature indicating that workers' families could be harmed by exactly that situation.

Attorneys John Comerford and Mike Ponterio presented voluminous

evidence demonstrating that the client's disease was caused by her exposure to her husband's work clothing and proving that the asbestos companies knew the deadly harm their products could do well before our client was exposed. Within a year, the companies settled for two million dollars. We are pleased to have achieved this settlement on our client's behalf.

AUTOPSY – A NECESSARY INSTRUMENT

The death of a loved one or a family member is always a traumatic event. Funeral arrangements need to be made, friends and family need to be notified, and there are always a lot of particulars that need to be attended to. If the deceased has a history of occupational exposure to asbestos, one of the particulars that needs to be attended to is the question of an autopsy. The autopsy can be limited to the lungs, although in some cases a full autopsy may be necessary. An autopsy is an extremely useful tool in obtaining Workers' Compensation benefits for the surviving spouse and/or family of the decedent. In many instances, the autopsy report has been the main medical report relied upon in establishing a Workers' Compensation claim for death benefits.

An autopsy may be necessary for several reasons. Asbestos is a well-

known cancer-causing agent. Lung cancer is attributable to occupational exposure to asbestos, as well as to cigarette smoking. Many individuals who pass away from lung cancer have a history of occupational exposure to asbestos, as well as a smoking history. In order to file a Workers' Compensation claim for death benefits when an individual passes away from lung cancer, it is necessary to determine whether the medical condition known as asbestosis, or asbestos fibers, are present in the decedent's lung. This finding can be made through an autopsy. In individuals who pass away from the medical condition of mesothelioma, an autopsy should sometimes be performed to determine whether the individual also suffered from asbestosis. Individuals with a history of occupational exposure to

asbestos who pass away from a heart-related condition should also have an autopsy performed to determine whether the asbestos exposure played a role in the heart condition.

Despite our general recommendation for an autopsy, each client's circumstances are different, and we invite you to review the situation with a member of our legal staff.

Certainly, you should discuss the need for the autopsy with your loved ones prior to the time of his passing. Your family members, treating physicians, and funeral director need to be advised that you may request a limited autopsy at the time of death.

For more information regarding this subject, please feel free to telephone our offices.

IN MEMORIAM

2003

Ronald Harder February 1
Lucille I. Holford March 11
Joseph Kostecke April 28
Mrs. Edward Long September 2
Gerald J. Piepszny October 28

2004

Helen C. Frost January 25
Charles Smith March 1
Howard W. Lewis April 23
Lawrence Krezmien May 7
John T. Perram September 21
Frederick N. Elenfeldt December 7

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INFORMATION ABOUT EACH OF OUR AREAS OF PRACTICE, INCLUDING
FREQUENTLY ASKED QUESTIONS AND A BRIEF HISTORY OF A FEW OF OUR
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"TELL A FRIEND" LINK AND PASS THE INFORMATION TO ANY FRIENDS AND
RELATIVES THAT MAY BE INTERESTED.**