

# NEWS AND VIEWS

FROM THE LAW FIRM OF

## LIPSITZ & PONTERIO, LLC

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**ASBESTOS AND  
OCCUPATIONAL DISEASE**

**LEAD DISEASE  
CASES**

**AUTOMOBILE  
ACCIDENTS**

**CONSTRUCTION  
ACCIDENTS**

**SOCIAL SECURITY  
DISABILITY**

**MEDICAL  
MALPRACTICE**

**WORKERS'  
COMPENSATION**

**FIRE LOSS  
CLAIMS**

**SPRING 2003**

### **Lipsitz & Ponterio is Western New York's Leading Childhood Lead Disease Law Firm**

Cases of childhood lead poisoning occur wherever young children, usually six and under, live and play in environments contaminated by flaking and peeling lead based paint. This is a huge public health problem, especially in old urban centers, where most homes were built before 1978 when lead paint was used on interior and exterior surfaces. Although lead paint is no longer in use, it presents a serious hazard when newer layers of paint peel or flake, exposing old lead paint surfaces. Too often, absentee landlords ignore dangerous paint conditions even when they know that deteriorated paint surfaces endanger their tenants' children.

The law firm of Lipsitz & Ponterio has been representing children with lead poisoning since 1995. During the past seven and one-half years, we have sued dozens of negligent landlords and collected millions of dollars for children seriously injured

by lead poisoning. Our success in this area has lead us to devote countless hours in preparing cases for trial and securing settlements that are making a real difference in the lives of our clients. In addition to the many cases which our attorneys are guiding through the courts in Erie and Niagara Counties and in twelve other counties from Buffalo to Syracuse, we have nearly 200 cases under active investigation. This means that we are collecting medical records, lead paint surveys, and other important information so that we can continue to build strong cases against careless landlords throughout Western New York.

As any parent knows, toddlers and even children in kindergarten and beyond will play on the floor, often near windows or doors, where the action of constant opening and closing causes old lead paint to be exposed and to become available for swallowing. Even a house with intact painted surfaces that is safe today may present a hazard a year from now, especially in high friction surfaces. And, when a child places her hands or toys in her mouth, one chip of heavily leaded paint or lead-concentrated

paint dust can enter the child's digestive system and cause the child to suffer both the immediate and long term effects of lead poisoning. Lead paint chips are sweet and children will suck on the chips and swallow them. At the age of two or three or even six, this relatively small amount of lead can cause serious poisoning, at times requiring hospitalization, and have a detrimental impact on the child's intellectual and behavioral development.

Flaking and peeling paint should be removed carefully so as not to cause lead dust to spread throughout the living area, and surfaces should then be sealed with lead-free coatings. Although landlords and homeowners may not be able to make their homes lead-free, they can make them safe for children especially by consistent attention to painted interior and exterior wood trim and window surfaces.

If your child is found to have a lead reading in his or her bloodstream of 20 or higher, please call Lipsitz & Ponterio, LLC to discuss your potential legal rights. In an effort to spread the word about lead poisoning and what can

be done to stop the conditions that cause it, Lipsitz & Ponterio, LLC has and will continue to use newspapers and television to advertise our services. We believe this is a responsible use of lawyer advertising since it brings to vulnerable people a message that help is available. Many families have lived for years with children severely disabled as a result of lead poisoning and they can and should take steps to hold irresponsible landlords accountable.

## Asbestos Companies Profited at Expense of Workers

*by John Ned Lipsitz*

Lately, conservative newspaper columnists are arguing that trial lawyers are to blame for the general bankruptcy of the asbestos business. As an attorney who has represented the victims of the asbestos industry since 1986, I would like to place the blame for the current crisis where it belongs, on the shoulders of those companies like Johns Manville that made substantial profits from the sales of asbestos at the expense of the health and lives of workers here and around the world.

The real cause of the present crisis can be found in the misconduct of hundreds of companies that bought and sold asbestos and incorporated it into a large variety of products used in the shipbuilding industry during World War II, during the post-War boom in the construction industry, and in manufacturing. As a result of its widespread use and its physical characteristics-- indestructible, friable, and aerodynamic, hundreds of thousands of workers were exposed by inhaling the fine, needle-like invisible fibers. And, as the industry learned more than forty

years ago, relatively brief, low-level exposures can cause the development of a rapidly progressive, invariably fatal cancer known as mesothelioma.

Asbestos-induced diseases do not manifest themselves for many years after initial exposure. For lung cancers, this latency period is approximately twenty years or more; for mesothelioma, a tumor which engulfs and destroys the outside lining of the lung, the period is between fifteen and fifty years. It became apparent in the early 1970's that many asbestos exposed workers were dying from cancers, and soon it also became apparent that many more would die over the next several decades.

Conservative political commentators, writing in the interests of the insurance industry and big business, prefer to point to the sixty asbestos companies which have filed for bankruptcy protection from their creditors. They never discuss the individuals suffering and dying from lung cancer or mesothelioma. Perhaps if they took the time to speak to someone like the widow of one of the clients of Lipsitz & Ponterio, they would not be so quick to identify as victims the companies that profited from the asbestos business.

When Paul was eighteen years old, he took a job in a chemical factory in Niagara County. The company purchased asbestos fibers in one hundred pound sacks to use as filler in the production of plastic molding compound for re-sale to other companies to make things like distributor caps and other durable, heat-resistant parts for appliances. Paul handled the asbestos himself and was around when his co-workers handled it, too. His employer used hundreds of thousands of pounds of asbestos and the air was contaminated by it. No one at the factory had any idea

that it was hazardous. Paul's employer bought the asbestos from four different companies. The two largest suppliers were Johns Manville and Cape, at the time the world's foremost supplier of asbestos from South Africa. Cape operated through a wholly owned subsidiary called North American Asbestos Corporation.

The general public knows that Johns Manville went bankrupt in 1982 and that the leading producer in the world "hadn't protected workers against known dangers." What is not generally reported is that it was company policy not to tell workers that their medical examinations revealed they had asbestosis since the company saved money by letting them work until they dropped dead. As for Cape, it dissolved North American Asbestos Corporation in 1978 in order to shield itself from tort liability in the United States. Cape, a British firm, has since refused to appear in American courts, taking the position that default judgments obtained in the United States are unenforceable in England. By the way, by 1960 Cape was well aware of dozens of cases of mesothelioma resulting from exposure to asbestos dust in the vicinity of its mines in South Africa, including a social worker, a housewife, and an accountant, none of whom handled asbestos but nonetheless were exposed to the dust.

While Johns Manville and Cape were busy figuring out how to avoid responsibility for their morally reprehensible actions, my client Paul, who left the factory in 1966 to go back to school, was beginning his career as an artist. Eventually, he received a college degree in Fine Arts. In the spring of 1999, Paul began to experience symptoms of chest pain, severe shortness of breath, and fatigue. In late 2000, his doctors diagnosed

mesothelioma. Paul underwent chemotherapy, was hospitalized on numerous occasions, and died of his condition in October 2001.

When Johns Manville went into bankruptcy, the company's assets were greater than its debts. It has continued to this day to operate at a profit. Of the two other companies that supplied asbestos to the factory where Paul worked in Niagara County, Carey Canada filed bankruptcy in 1990, ten years before the current wave of new lawsuits for asbestos-related personal injuries criticized by the media. The fourth company is headquartered in Quebec where it maintains that the judgments of American courts are unenforceable.

Let's not shed any tears for the asbestos industry. The asbestos industry is not the victim. It is the killer.

## **Union Activist, Dedicated Volunteer**

### **Robert DiPirro (1931 -2002)**

Robert DiPirro died of asbestos-caused mesothelioma on September 4, 2002. Bob went to work at the Durez Division of Hooker Chemical and Plastics in North Tonawanda, New York in November, 1958. The production process in the resin buildings where Bob was assigned to work was very dusty, and the dust was highly explosive. On January 3, 1969, a powerful explosion ripped across several buildings. Several men died that day, and many others were severely injured. Bob suffered third degree burns. He was unable to return to work full-time for two and one-half years. During this period of recuperation he became a tireless volunteer and fundraiser for the Burn Treatment Center at

Emergency Hospital in Buffalo. Among the events which he organized was a musical show featuring Mitzi Gaynor at Melody Fair in Wurlitzer Park, North Tonawanda.

Upon his return to full-time work at Durez in 1971, Bob became intensely involved in safety issues. His typical day included several hours touring buildings and grounds throughout the entire facility. When he found hazardous conditions, he not only brought them to the attention of labor and management, he used his authority as a union officer to insist on closing down operations until the problems were fixed.

Dust explosions were a constant worry at Durez, but as deadly as they were, it was Bob's fate to address an even more deadly problem lurking at the plant. Durez had used asbestos as a filler material for the production of plastic molding compound since before Bob's arrival there in 1958. It was, as far as he and others at Durez knew, just another raw material shipped in from outside and thrown into the mix that ultimately became the stuff used to make durable plastics for the automotive and other industries. However, by the early 1980s, it was becoming clear to the American public that asbestos was a killer, and some of Bob's co-workers were becoming sick from asbestosis and then from a very rare disease known as mesothelioma. They learned that it would take between twenty and fifty years for the disease to take hold before it crippled or killed its victims. Bob educated himself and spread the word at the plant about the dangers of asbestos. The Durez facility itself had discontinued the use of asbestos by 1979.

The death toll from asbestos disease was just beginning to rise when Bob and other strong union activists throughout New York State started to lobby in Albany for a change in state law that would finally give the victims of industrial diseases, like silicosis, asbestosis and cancers like mesothelioma, their day in court. In New York State a worker had to bring his lawsuit for one of these industrial diseases within three years of the date of his last exposure to hazardous dusts or chemicals. Bob and his colleagues lobbied hard to change this law, and they succeeded in 1986 when the Legislature passed The Toxic Tort Reform Act. Under the new law, a worker could file his lawsuit within three years of the date of the onset of his disease. This was a major victory for workers in our state and one for which Bob and others should long be remembered. However, Bob's work did not end in Albany.

In the decades following World War II, over two thousand workers became employed at Durez. Some worked for thirty years and retired. Some worked for a brief period and then found work elsewhere. And some were college students who worked a few summers to help pay for their education. Realizing that every single man and woman who passed through the gates was at risk of developing asbestosis or cancer, Bob, in his capacity as Union President, pressed management for an annual medical screening program for retirees and former workers and their spouses and for a special enhanced pension. In 1986 he succeeded in persuading the company to establish the screening program and the pension. Although Bob did not have a crystal ball, he clearly foresaw the importance of the screening program. Bob became its

Director and remained so until his death last year. The screening program grew under his watchful eye and has helped detect many cases of disease at early stages so that more effective treatment could be provided. The pension program made it possible for hundreds of Durez workers to afford to retire early so they could enjoy their remaining years. The financial benefits have eased the burden of the widows of the men who have died directly as a result of the exposures they experienced at Durez.

Bob died of mesothelioma. He could never have known when he first began to campaign for safety that he would one day become a victim of the worst industrial scandal the world has ever known. So far, there have been more than forty deaths from mesothelioma among the Durez work force. Every year in the United States about 2500 people die of this disease. Bob DiPirro was married for 47 years to Marlene who passed away in 1998. He is survived by their five children and by many friends.

## **Motorcyclist Receives Substantial Award**

Common sense triumphed in a courtroom in Chautauqua County last month. It is said that a picture is worth a thousand words. After attorneys John C. Comerford and Neil J. McKinnon displayed our client's heavily damaged motorcycle to a jury last month in Mayville, the defendant's insurance company came to its senses and offered a large settlement nearly equivalent to the full amount of the policy covering the defendant's vehicle.

While riding his motorcycle to work on July 9, 2001, our client, a 53 year-old construction worker,

was struck from behind as he pulled off the side of the road in Busti, New York. As a result of the impact of the collision, he suffered lower back disc herniations. The insurance company's lawyer argued that our client pulled out in front of an oncoming vehicle, causing his own injuries. Comerford and McKinnon presented the testimony of an accident reconstructionist, an expert who offered his educated opinion about how the accident really happened. He made it very clear that the damage to the motorcycle was the result of the action of the other vehicle crashing into our client from behind.

When you show a jury of six reasonable members of the community real evidence of negligence, common sense usually wins out.

## **Workers' Compensation Law**

Workers' Compensation insurance provides weekly cash payments and the cost of full medical treatment, including rehabilitation, for employees who become disabled as a result of a disease or injury connected with their employment. It also provides payments for qualified dependents of a worker who dies from a compensable injury or illness.

In administering this program, the Workers' Compensation Board receives and processes workers' claims for benefits, employers' reports of injury, and medical reports from physicians and other health care providers. The Board adjudicates and resolves all issues and makes decisions and awards to ensure that claimants receive the benefits and medical treatment to which they are entitled. Hearings are conducted before law judges,

or, in the case of an appeal, before a panel of three Board members.

When the Workers' Compensation Law was enacted, workers gave up the right to sue the employer in exchange for medical care and payment for their injuries. Exceptions to the Workers' Compensation Law include: accidents caused solely due to the intoxication of the injured employee; accidents caused by the willful intent of the injured employee; and accidents caused by the intentional actions of or at the direction of the employer.

The New York State Workers' Compensation Board administers various laws which protect the rights of injured workers. These include the Workers' Compensation Law, the Disability Benefits Law; the Volunteer Firefighters' Benefit Law and the Volunteer Ambulance Workers' Benefit Law.

Here at Lipsitz & Ponterio, it is our mission to ensure that each injured worker, or the family of a deceased worker, is treated fairly and reasonably by the insurance company under the Workers' Compensation Law. Many compensation carriers choose to ignore the Workers' Compensation Law, or "bend" the law to suit their needs and convenience. At Lipsitz & Ponterio we only represent the interests of the injured worker, not the compensation carrier. You and your loved ones can rest assured that under our representation you will be treated fairly and equitably by the insurance carrier, and your claim will be resolved as expeditiously as possible.

## **Everyone Needs a Power of Attorney**

Many people are familiar with the phrase "power of attorney." New York law permits you to authorize

another to do with few limitations any financial acts that you might do directly. This is the law of agency and has been part of the Anglo-American legal system for hundreds of years. A power of attorney is an essential document in planning for the possibility of physical or mental incapacity.

A general "durable" power of attorney permits the authorizing person (called the "principal") to give the appointed person (called the "attorney-in-fact") the power to act even after the principal becomes incapacitated. In other words, it permits the attorney-in-fact to write checks, make business decisions, and take other steps on behalf of the principal indefinitely until the principal's death.

Careful selection of the attorney-in-fact is of utmost importance. It is an important responsibility with which to trust another person, as that person will have enormous control over your life and assets. Without such an advance direction, however, there is the possibility that a Court will need to appoint an agent after an expensive legal proceeding.

Attorney Henry D. Gartner, with whom we maintain a close relationship, is available to prepare a power of attorney for you, and to counsel you regarding the important consideration in selecting the appropriate attorney-in-fact and what powers to afford that person.

## **Insurance Industry Lobby Threatens Rights of Malpractice Victims**

Sherry Keller had a routine hysterectomy, but her doctor forgot to stitch up her incision under the

staples. While in her doctor's office for a post-surgical exam, her wound opened up "like a zipper." A half-hour passed before the doctor returned with help. In the meantime, Sherry went into shock, fainted, and fell off the table. She broke her neck suffering a spinal cord injury that confines her to a wheelchair. You might say she should sue, but what could happen if she does? What kind of award might she get? Well, under a bill passed by the U. S. House of Representatives on March 13 and headed for a vote in the Senate, an award for pain and suffering for a case as outrageous as this might be capped at \$250,000.00, the equivalent of about 10 days' salary for the CEO of one of the nation's leading liability insurance companies.

There are many more shocking stories like Sherry Keller's. For instance, there is the former barge captain whose surgeon mistakenly removed a healthy lung rather than a cancerous one; the woman whose jawbone was removed for a cancer she did not have; and the young girl who lost her left hand and both feet after her doctor failed to treat her for blood poisoning, allowing gangrene to spread to her limbs. And who hasn't heard or read about Jessica Santillan, the seventeen-year old girl who died after surgeons implanted a heart and lung with the wrong blood type. Sadly, cases like these occur everyday throughout our nation, and they are tragedies that could and should be prevented.

A recent analysis of records of complaints of physician malpractice shows that five per cent of our doctors are responsible for 54% of the payouts by the insurance industry on claims of medical malpractice. Yet the solution proposed by the liability insurance

industry and its allies in the pharmaceutical industry and in Congress is to place unfair limits on jury awards for pain and suffering. Without the credible threat of fair and reasonable jury awards, there will be precious little left to deter misconduct by careless physicians.

The real reason for the current increases in premiums for medical malpractice insurance is the weakness of the economy which has hurt the industry's investment earnings. When the economy is strong and earnings are good, premium rates are adjusted downward as insurance companies try to attract new business. Then, when the economy enters a period of recession, insurance companies scramble to cover their losses with heightened premiums. Instead of acknowledging the real causes for high premiums (the industry's own short-sighted investment strategies and the failure of the medical profession to weed out grossly negligent doctors), insurance companies are asking Congress to make the victims of medical malpractice absorb these losses.

Our state governments must do a better job of disciplining careless doctors. Our hospitals must do better at preventing errors of the kind that needlessly lead to the loss of limbs and lives.

Sherry Keller and other survivors of medical malpractice went to Washington in February to oppose placing unfair limits on pain and suffering awards for future malpractice victims. However, the bill that caps malpractice awards passed the House of Representatives on March 13, 2003 and is headed to the Senate. We must work together to stop it there.

There is no evidence that the proposed legislation will reduce malpractice insurance rates.

Clearly, this legislation is designed to discourage ordinary people from going to court to ask for simple justice. How many of us would fight for years to get justice from the courts if victory meant receiving less for our pain and suffering over an entire lifetime than an insurance executive earns in less than two weeks? But the legislation works even more evil than this. It will harm our jury system and erode the faith we have in our fellow citizens to make just and fair decisions based on facts and established legal rights. Why should we give up our cherished rights to satisfy the insurance industry's hunger for profit? It is outrageous to sacrifice the victims of medical malpractice to increase the profits of big business.

Our rights are being threatened. Call Senators Schumer and Clinton through the Capitol Switchboard at (202) 224-3121. Write to them and visit their local offices. Let's demand that they stand up for our rights, not for the selfish interests of the insurance industry.

## **Autopsies May Be Necessary To Prove Industrial Exposure Deaths**

Our firm represents many former and retired industrial workers suffering from lung disease and from a variety of cancers. We are often contacted by families seeking guidance whether to request an autopsy. We understand that the sickness and death of a close family member is a difficult and traumatic time and that the decision whether to ask for an autopsy may be a very emotional one. The family may have moral or religious objections to an autopsy, as well.

In established cases of occupational disease, the decision whether to order an autopsy often turns on a review of the available medical records. Where the patient is being cared for by a physician knowledgeable about the presence of occupational disease and where there is no reason to suspect that death will be caused by any other condition or cause, there is usually no compelling reason to order an autopsy. On the other hand, where occupational disease is merely suspected and has not yet been diagnosed, an autopsy may be critical in proving the case and, without it, there may be no basis to go forward with a claim. If you have a question about the need for an autopsy, you may call us, and one of our attorneys would be glad to review your situation.

## **Testimony in Mesothelioma Cases Taken in Florida and Elsewhere**

Mesothelioma is an occupational disease acquired as a result of exposure to asbestos. It has a latency period as long as fifty years which means that it can show up as many as five decades after first exposure. Asbestos exposure during the 1950s, 1960s, and 1970s has placed thousands of retirees from New York State at risk for the development of this fatal disease, whether they continue to reside here or they have moved to Florida or elsewhere. At Lipsitz & Ponterio we are prepared to meet with victims of mesothelioma anywhere in the country to discuss legal action against the companies responsible for their exposure to asbestos.

Mesothelioma is a rapidly progressing cancer, and in many cases death occurs within several

months of diagnosis. Under the circumstances, the time available for collecting information that may be important to the development of the case is brief. As soon as we determine that there is a factual basis of bringing a lawsuit, we make arrangements for our new client to testify, especially while his mental faculties are still intact. This often means traveling to the locale where the new client lives.

Testimony is taken in two stages. The first stage is the discovery deposition during which most of the questioning is done by the lawyers for the asbestos companies. Before testifying, our clients meet with one of our lawyers to prepare for questions that will cover his work history, with an emphasis on asbestos exposure, job assignments, and work sites; his medical history; and his personal knowledge of the hazards of exposure to asbestos, including warnings and the use of masks and respirators.

Once the deposition is complete, we usually proceed, within a day or two, to take the client's trial testimony. Like the deposition testimony, the trial testimony is recorded and transcribed, but it is also videotaped for later presentation to a jury in the event the case does not settle before trial and the client is no longer available to testify in person. This trial testimony is usually accomplished in less than two hours.

If you or a close family member are suffering from an occupational disease like mesothelioma, the fact that you are no longer living in Western New York is no obstacle to the successful prosecution of your case. Lipsitz & Ponterio also takes pride in the fact that we provide a variety of services related to the handling of occupational disease cases, including representation in

workers compensation proceedings, representation in applications for social security disability benefits, and estate work in Surrogate's Court.

### Testimonials

Dear Sirs:

I received my final check from the State Insurance Fund about June 25, 2002 regarding the asbestos case initiated by my late husband, Anthony Rodio, prior to his death on July 24, 1999. I want to sincerely thank you and the firm for representing us.

My daughters and I deeply appreciate all the work that you did for us and the kind attention that was extended to us.

Sincerely yours,  
*Mary C. Rodio*

Dear John Lipsitz:

There are no words left for me to say. Thank you for your kind and gentle professionalism.

Please accept this small token, as you know, George would get a big hoot out of paying for a good lunch one more time!

Always,

*Judy Niemiec*

## In Memoriam

### Diane Felser Settlement Coordinator (1943-2003)

It is with great sadness that we wish to advise our clients that Diane Felser passed away on January 16, 2003. Diane started working for Lipsitz & Ponterio in August 1997. She was our settlement coordinator, successfully and efficiently handling a tremendous amount of paperwork so that our clients would receive settlement payments as soon as possible after their cases were settled. Before joining our firm, she had worked for many years as a legal secretary for attorney Gerard R. Fornes, a highly respected lawyer in the area of workers compensation.

Everyone at Lipsitz & Ponterio has lost a good friend and a loyal co-worker. Diane is survived by her husband Charles, her father, Raymond, six children, six grandchildren and many other relatives and friends.

We would like to express our condolences to the families of our recently deceased clients:

#### 2001

- Vincent Marlin..... March 26
- Walter Durst..... April 21
- Rosario Rizzo..... July 14
- Leamon Turner ..... October 1

#### 2002

- Robert M. Considine ..... April 6
- Julius Krizon ..... August 10
- Arthur P. DeTroia..... August 16
- Robert DiPirro..... September 4
- Richard J. Grange ...September 20
- Wayne D. Abrams .....October 7
- Ralph Egloff..... October 19
- Irving Patterson..... October 26
- Terry Adamec ..... November 10
- Raymond Brodfuehrer. November 26
- Joseph Rodak .....December 12
- Ralph F. Burow .....December 17
- Gloria M. Borro .....December 19
- Russell Ruhland .....December 29

#### 2003

- Lennette J. Moore ..... January 1
- Edward Owens ..... January 8
- Manza Valenza..... February 19
- John W. Landen..... February 28
- Corrado Niro..... March 19

# LIPSITZ & PONTERIO L.L.C.

## ATTORNEYS AT LAW

### Attorney Profiles

**John N. Lipsitz**, (Member) born Buffalo, New York, May 14, 1953; admitted to bar, 1979, New York and U.S. District Court, Western District of New York; 1986, U.S. District Court, Southern District of New York and U.S. Court of Appeals, Second Circuit. **Education:** Yale University (B.A., 1975); State University of New York at Buffalo (J.D., 1978). **Reported Cases:** Billie v. Hedman Resources, Ltd., 274 A.D.2d 955 (2000); Chrabas v. A.P. Green Industries, Inc., 273 A.D.2d 863; Siemucha v. A.P. Green Industries, Inc., 267 A.D.2d 964; Jarzabek v. Johns-Manville Corp., 255 A.D.2d 947; Takacs v. Asbestospray Corp., 255 A.D.2d 1002; Mattingly v. AES Corp. et al., CA 01-01955 (4th Dept. 2002). **Languages:** French. **Practice Areas:** Asbestos Litigation; Lead Poisoning; Personal Injury; Medical Malpractice; Motor Vehicle Accidents and Injuries; Toxic Torts; Product Liability; Negligence; Workers Compensation.

**Michael A. Ponterio**, (Member) born Tonawanda, New York, October 14, 1956; admitted to bar, 1984, New York. **Education:** St. Bonaventure University (B.B.A., 1978); New England School of Law (J.D., 1983). **Member:** Erie County Bar Association (Member, Negligence Committee, 1985—). **Practice Areas:** Asbestos Litigation; Lead Poisoning; Personal Injury; Medical Malpractice; Motor Vehicle Accidents and Injuries; Toxic Torts; Product Liability; Negligence; Workers Compensation.

**Neil J. McKinnon**, (Member) born New York, N.Y., January 1, 1962; admitted to bar, 1990, New York and District of Columbia 1991, U.S. District Court, Western District of New York; 1995, U.S. District Court, Southern District of New York;. **Education:** State University of New York at Cortland; State University of New York at Buffalo (B.S., 1986); University of Dayton (J.D., 1989). **Member:** Erie County Bar Association; New York State Trial Lawyers Association; Association of Trial Lawyers of America. **Practice Areas:** Asbestos Litigation; Lead Poisoning; Personal Injury; Medical Malpractice; Motor Vehicle Accidents and Injuries; Toxic Tort Litigation; Product Liability, Negligence.

**John Patrick Comerford**, (Member) born Buffalo, New York, November 1, 1968; admitted to bar, 1996, New York, Massachusetts and U.S. District Court, Western District of New York. **Education:** Cornell University (B.S., 1990); State University of New York at Buffalo (J.D., 1995). **Member:** Erie County Bar Association. **Practice Areas:** Asbestos Litigation; Lead Poisoning; Personal Injury; Medical Malpractice; Motor Vehicle Accidents and Injuries; Toxic Torts; Product Liability; Negligence; Fire Loss Litigation; Workers Compensation.

**Amy R. LaMendola**, (Associate) born Buffalo, New York, March 24, 1973; admitted to bar, 2000, New York, Massachusetts. **Education:** Ohio State University (B.M., magna cum laude, 1995); University of Cincinnati (J.D., 1999); Benjamin N. Cardozo School of Law, Yeshiva University (LL.M., 2001). Phi Alpha Delta. **Member:** Intellectual Property Law Society; International Law Society. **Member:** Erie County, New York County, Ohio State and American Bar Associations; American Intellectual Property Law Association. **Practice Areas:** Personal Injury; Intellectual Property.

**Kathleen A. Burr**, (Associate) born Buffalo, New York, June 13, 1952; admitted to bar, 1991, New York and U.S. District Court, Western District of New York. **Education:** Ohio University (B.S.J., Journalism, summa cum laude, 1974); State University of New York at Buffalo (J.D., cum laude, 1990). **Practice Areas:** Environmental Health and Safety; Lead Poisoning; Asbestos Litigation; Personal Injury, Insurance Litigation. **Member:** Erie County Democratic Committee, New York State and Erie County Bar Association

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### Licensed Representative

**John M. Pullano**, (Licensed Workers' Compensation Representative) born Niagara Falls, New York, November 5, 1960. **Education:** Paralegal Certification, State University of New York at Buffalo (1996); licensed as a Claimant's



Representative by the New York State Workers' Compensation Board (March 2002). **Practice Areas:** Worker's Compensation, New York State Disability, Social Security Disability.