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LPC'S COMMUNITY CORNER

Lipsitz, Ponterio & Comerford is dedicated to improving the community where we live and work and where many of our attorneys were born and raised.

(1) We proudly support Roswell Park Comprehensive Cancer Center by sponsoring the Herd of Hope, Roswell's Taste for Life and All-Star Night.

(2) This past holiday season,

LPC sponsored Children & Family Services' Adopt-A-Family Program and the Family Promise of Western New York's Giving Tree Program.

(3) We were also a sponsor of the "2022 What She's Made Of" event, hosted by the WNY Women's Foundation and attended by Attorneys Anne Joynt (Co-Chair) and Katie Dibble (Committee Member).



News & Views has been prepared by the attorneys at Lipsitz, Ponterio & Comerford, LLC and is intended for general information purposes only and should not be considered legal advice. You are urged to contact an attorney concerning any specific questions you have relating to your own situation. Prior results do not guarantee a similar outcome.

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- Katherine L. Dibble
- Eric R. Winnert



Mesothelioma & Catastrophic Injury Attorneys

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NEWS & VIEWS

\$5 Million Judgment Enforces Jury Verdict



IN A TRIAL HELD IN Rochester, NY in 2019, a jury awarded Wayne Meissner \$8,000,000 for the mesothelioma cancer he contracted while he was employed by Eastman Kodak. When the defendant's insurance company refused to

pay the judgment, Mr. Meissner instructed his attorneys at Lipsitz, Ponterio & Comerford to bring a direct action against the insurance company to compel it to pay the judgment. Insurance companies are intensely opposed to

these types of lawsuits and customarily raise as many defenses and obstacles as they can. They are rarely resolved, except after many years of litigation. Attorneys John Comerford and Anne Joynt are pleased to announce that in July 2022, nearly three years after the favorable jury verdict, the same judge who presided over the trial finally issued his decision rejecting every major argument raised by the insurance company. Mr. Meissner's family finally was able to collect the judgment. Unfortunately, Mr. Meissner passed away in August 2022, but he did live to see his victory over the asbestos industry and its insurers.



GRIEVING FAMILIES ACT

A bill that would expand New York's wrongful death statute to recognize emotional damages and extend the statute of limitations by 18 months has been passed by both houses of the state legislature. The Grieving Families Act would allow for the consideration of emotional loss when valuing the lives of loved ones who have died due to a reckless or negligent act, and it would allow recovery by close family members. Non-nuclear family members, such as domestic partners, step-family,

UPCOMING EVENTS:

FREE BETHLEHEM STEEL FORUM



November 2, 2022 at the Woodlawn Volunteer Fire Company, 3281 Lakeshore Road, Blasdell, New York 14219, from 11:00am - 1:00pm.

If you worked at Bethlehem Steel, you may have been exposed to asbestos fibers released from various operations. Be informed. **RSVP by calling (716) 849-0701.**

aunts, uncles and grandparents, are currently barred from seeking damages for the loss of a loved one.

Notably, if signed into law, it appears this bill will be applied retroactively, thereby impacting wrongful death actions that are currently pending. The bill would extend the current two-year statute of limitations to three years and six months.

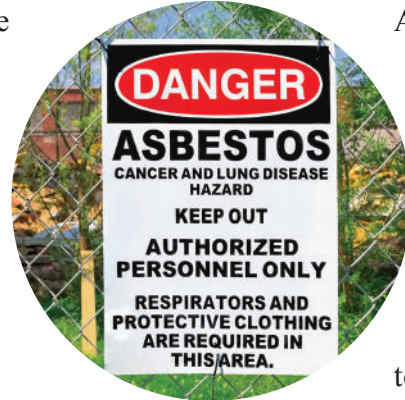
The Grieving Families Act is awaiting the signature of New York State Governor Kathy Hochul. Once signed, it will provide justice for families whose losses have been previously overlooked.

EPA Taking Action to Protect People from Asbestos Exposure

IN APRIL 2022, for the first time ever, the Environmental Protection Agency (EPA) proposed a ban on the ongoing uses of asbestos. This action represents a historic step in protecting public health by banning asbestos, which is a known carcinogen. This proposed rule is the first risk management rule that has been proposed pursuant to the Toxic Substances Control Act (TSCA) that was enacted in 2016.

Asbestos is banned in over 50 countries, and its use in the U.S. has significantly decreased. However, chrysotile asbestos is still imported into the U.S. today. It is found in products like asbestos diaphragms, sheet gaskets, brake blocks,

aftermarket automotive brakes/linings and other vehicle friction products. The proposed ban would help to keep these asbestos-containing items out of the hands of consumers, thus protecting them from harmful exposures to asbestos.



Although the EPA banned asbestos in 1989, a 1991 court decision largely overturned this ban and weakened the EPA's authority. Fortunately, the 2016 TSCA amendments gave the EPA the power to place strong protections against unreasonable risks.

The EPA's proposed ban on prohibiting the ongoing use of asbestos in the U.S. is a landmark measure to promote public health to finally free the U.S. from the dangers of asbestos.

ADULT SURVIVORS ACT

The Adult Survivors Act (ASA), signed into law May 24, 2022, extends the statute of limitations period for individuals over the age of 18, who were victims of sexual abuse. The ASA creates a one-year lookback window for victims of sexual assaults that occurred during the time any victims were age 18 or older. This strict one-year window will begin November

24, 2022 and will close on November 23, 2023. During this one-year period, victims can bring civil lawsuits to hold abusers accountable, regardless of when the abuse occurred. The ASA recognizes that it takes a long time for many survivors to psychosocially process their trauma and provides adult survivors with an opportunity to seek justice.



If you were the victim of adult sexual abuse, please call us at (866) 238-1452 so that we can help you seek justice.



MESOTHELIOMA & WORKERS' COMPENSATION BENEFITS

Workers' Compensation Insurance provides weekly cash payments and the full cost of medical treatment, including rehabilitation, to employees who become disabled as a result of a disease or injury connected with their employment. It also provides payments to qualified dependents of a worker who dies from a compensable injury or illness. These claims are unique as they are designed to secure financial benefits for widows and minor children. Our Workers' Compensation team is dedicated to securing these benefits while pursuing claims against employers who exposed their employees to asbestos.

CAMP LEJEUNE LITIGATION UPDATE:



On August 10, 2022 President Biden signed the Honoring Our Promise to Address Comprehensive Toxics Act (PACT) into law. The Act includes a provision known as the Camp Lejeune Justice Act of 2022 that allows military veterans, their family members, and others who were stationed, worked or resided on the Marine Corps Base at Camp Lejeune, N.C. to file civil lawsuits against the U.S. Government for injuries sustained as a result of exposure to contaminated water. In order to be eligible to file a lawsuit, the injured person must have resided, worked,

or been otherwise exposed at Camp Lejeune for at least thirty (30) days between August 1, 1953 and December 31, 1987. Through the PACT Act, Camp Lejeune veterans and their families who have experienced serious health issues, including many types of cancers, neurobehavioral impairment, heart disease, female infertility, and birth defects, may be able to seek compensation previously denied to them for their suffering. There is a strict 2-year deadline for Camp Lejeune victims (or their surviving relatives) to bring civil claims for compensation.

AWARDS & RECOGNITIONS:

- ▶ **John N. Lipsitz** recognized as 2022 Super Lawyer by Thomson Reuters
- ▶ **Zachary J. Woods** recognized as 2022 Rising Star by Thomson Reuters
- ▶ **Michael A. Ponterio** recognized as 2022 Super Lawyer by Thomson Reuters
- ▶ **Anne E. Joynt** Received 2022 Women of Influence Award; & recognized as 2022 Super Lawyer by Thomson Reuters
- ▶ **John P. Comerford** recognized as 2023 Best Lawyer and 2022 Super Lawyer by Thomson Reuters
- ▶ **Jillian M. Ponterio** recognized as 2022 Rising Star by Thomson Reuters

WELCOME ABOARD!

ERIC R. WINNERT



We are pleased to announce that **Eric R. Winnert, Esq.** has joined Lipsitz, Ponterio & Comerford, LLC as an associate attorney. Mr. Winnert practices in the area of asbestos litigation, representing individuals suffering from occupational diseases, including mesothelioma and lung cancer.