



A Winning Team

ASSOCIATES (continued)

Raymond C. Silverman: Born in 1974. **Admitted to bar:** New York; U.S. District Court, Eastern District of New York. **Education:** University of Wisconsin at Madison; Fordham University School of Law. **Member:** American Association for Justice (AAJ); New York State Trial Lawyers Association; New York County Lawyers Association. **Practice Areas:** Trials; Construction Accidents; Automobile Accidents; Products Liability; Medical Malpractice; Workers' Compensation; and General Personal Injury Negligence Litigation.

Allan M. Silverstein: Born in 1957. **Admitted to bar:** New York; New Jersey; U.S. District Court, District of New Jersey; U.S. District Court, Southern, Eastern, Northern and Western Districts of New York. **Education:** Hunter College of the City University of New York; Touro College, Jacob D. Fuchsberg Law Center. (Guest Lecturer on Trial Advocacy, St. John's School of Law.) **Member:** New York State Bar and American Bar Associations. **Practice Areas:** Trials; Nursing Home Negligence; Medical Malpractice; Mass Torts; Toxic Torts; Fen-Phen Litigation; Defective Drug Liability; Defective Medical Devices; Aviation Accidents; Explosions/Fires; Products Liability; Vaccine Injury; Automobile Accidents; General Personal Injury Negligence Litigation; and Consumer Fraud.

Lauren B. Sutton: Born in 1980. **Admitted to bar:** New York. **Education:** Syracuse University; City University of New York School of Law. **Member:** American Bar Association. **Practice Areas:** Automobile Accidents; Products Liability; Medical Malpractice; Workers' Compensation; and General Personal Injury Negligence Litigation.

Brett A. Zekowski: Born in 1974. **Admitted to bar:** New York; U.S. District Court, Eastern and Southern Districts of New York. **Education:** State University of New York at Albany; Hofstra University School of Law. **Member:** New York State Trial Lawyers Association. **Practice Areas:** Automobile Accidents; General Negligence Litigation; Personal Injury; and Products Liability.

Of Counsel

Arnold E. DiJoseph, III: Born in 1959. **Admitted to bar:** New York; U.S. District Court, Southern and Eastern Districts of New York; U.S. Court of Appeals, Second Circuit. **Education:** Dickinson College; Touro College, Jacob D. Fuchsberg Law Center (J.D., 1983). **Member:** American Bar Association; New York State Bar Association; Richmond County Bar Association; New York State Trial Lawyers Association (Amicus Committee); New York County Lawyers Association. **Practice Areas:** State and Federal Appellate Practice; Trials; Legal, Medical, and Dental Malpractice; Construction Accidents; Products Liability; Adoptions; and Workers' Compensation.

Parker Waichman Alonso litigates and works in cooperation with numerous leading law firms in every state and throughout the world. These firms serve in an "Of Counsel" or "Co-Counsel" capacity to Parker Waichman Alonso in mass tort, defective drug, multi-district, class action, and other significant or high profile cases.

PARTNERS

Jerrold S. Parker: Born in 1952. **Admitted to bar:** New York; New Jersey; U.S. District Court, Southern, Eastern and Northern Districts of New York; U.S. District Court, District of New Jersey; District of Columbia; U.S. Supreme Court. **Education:** Queens College of the City University of New York; St. John's University School of Law. (Former Special Agent, Criminal Investigation Division, U.S. Treasury Department, Internal Revenue Service). **Member:** Executive Committee for Prozac Multi-District Litigation No. 907; Plaintiffs' Steering Committee for the World Trade Center Bombing Litigation; New York State Diet Drug – Steering Committee for Fen-Phen; New York State Steering Committee for Rezulin Litigation; Plaintiffs' Steering Committee and Discovery Subcommittee – Zyprexa Multi-District Litigation No. 1596; Nursing Home Litigation Group of the American Association for Justice; Million Dollar Advocates Forum; American Association for Justice Leader's Forum; Co-Chair, Ortho Evra Plaintiffs' Steering Committee, MDL #1742, In re Ortho Evra Products Liability Litigation; Co-Chair, American Association for Justice (AAJ); Ortho Evra Litigation Group; Plaintiffs' Steering Committee Kugel Mesh Multi-District Litigation No. 1842; Co-Chair, Discovery Committee of the Vytorin Plaintiffs' Steering Committee; Gadolinium Plaintiffs' Steering Committee. **Professional Memberships:** American Bar Association; New York State Bar Association (Member, Section of Insurance, Negligence and Compensation Law); New Jersey State Bar Association; District of Columbia Bar; American Association for Justice; New York State Trial Lawyers Association; New York County Lawyers Association; Public Investors Arbitration Bar Association. **Honors:** Mr. Parker was honored on March 3, 2005, at the New York Families for Autistic Children's Awards Ceremony with a Proclamation from the New York City Council (for outstanding service in the City and community); a Citation of Honor from the Office of the Borough President of Queens County; a Proclamation from the U.S. House of Representatives, signed by Congressman Anthony D. Weiner; and a Congressional Achievement Award (in recognition of his outstanding and invaluable service to the community) from the U.S. House of Representatives, signed by Congressman Gregory W. Meeks. Mr. Parker also received a Citation from the New York State Assembly, signed by Assemblywoman Audrey I. Pheffer, and a Proclamation from the New York State Senate, signed by State Senator Serphin R. Maltese, for his outstanding

service to the community. **Special Projects:** Creator of SmartAdvocate, a state-of-the-art case management system for plaintiffs' personal injury law firms. **Publications/Presentations:** Speaker, "Renu with MoistureLoc Theories of Liability," AAJ Conference, January 29, 2008, San Juan, Puerto Rico; Speaker, "Renu with MoistureLoc Down & Dirty," AAJ Conference, October 27, 2007, New York, New York; Speaker, "Make Your Data Productive Data," Mass Torts Made Perfect, March 20, 2007, Las Vegas, Nevada; Faculty Member, "Ortho Evra Birth Control Patch Litigation TeleConference," American Association for Justice (AAJ), February 14, 2006; Co-author, "The Ortho Evra Birth Control Patch and Thrombotic Injuries: What Patients and Physicians Needed to Know But Were Never Told," Mealey's Emerging Drugs and Devices, January 19, 2006, Volume 11, Issue #2; Speaker, "Ride the Internet – Will It Carry You?," Mass Torts Made Perfect, November 17, 2005, Las Vegas, Nevada; Speaker, "Ortho Evra Birth Control Patch: Is this the Next Mass Tort?," Mass Torts Made Perfect, November 18, 2005, Las Vegas, Nevada. **Practice Areas:** Mass Torts; Toxic Torts; Defective Drug Liability; Defective Medical Devices; Aviation Accidents; Explosions/Fires; Products Liability; Nursing Home Negligence; Vaccine Injury; Medical Malpractice; Automobile Accidents; General Personal Injury Negligence Litigation; Consumer Fraud; and Computerized Law Office Management Systems (Lectured NYSTLA members on how to incorporate computer-based case management into their practice and how to maximize its use). Martindale-Hubbell av (highest) rating. AV Peer Review Rated by Martindale-Hubbell. Mr. Parker has been the attorney of record in numerous leading cases and appeals which have either resulted in, or paved the way for, advances in protection for those injured through the negligence of others. He is well known as a tough negotiator who has brought about numerous multi-million dollar settlements.

Herbert L. Waichman: Born in 1948. **Admitted to bar:** New York; New Jersey; U.S. District Court, Southern and Eastern Districts of New York; U.S. District Court, District of New Jersey; U.S. Supreme Court. **Education:** John Jay College of Criminal Justice of the City University of New York; St. John's University School of Law (magna cum laude). (Former Lieutenant, New York City Police Department.) Co-Author: "1986 Legislative Changes in New York Tort Law: An Analysis," New York State Bar Journal, April. Lecturer:

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Further information about Parker Waichman Alonso may be found at www.YourLawyer.com and www.martindale.com.

A Winning Team *(continued)*

PARTNERS (continued)

Tort Law, Continuing Legal Education Program, New York City. **Member:** Million Dollar Advocates Forum; Steering Committee for the World Trade Center Bombing Litigation; Plaintiffs’ Steering Committee and Discovery Subcommittee– Zyprexa Multi-District Litigation No. 1596; New York State Steering Committee for Rezulin Litigation and American Association for Justice Leader’s Forum. **Professional Memberships:** American Bar Association; New York State Bar Association; American Association for Justice; New York County Lawyers Association. **Honors:** Mr. Waichman was honored on March 3, 2005, at the New York Families for Autistic Children’s Awards Ceremony with a Proclamation from the New York City Council (for outstanding service in the City and community); a Citation of Honor from the Office of the Borough President of Queens County; a Proclamation from the U.S. House of Representatives, signed by Congressman Anthony D. Weiner; and a Congressional Achievement Award (in recognition of his outstanding and invaluable service to the community) from the U.S. House of Representatives, signed by Congressman Gregory W. Meeks. Mr. Waichman also received a Citation from the New York State Assembly, signed by Assemblywoman Audrey I. Pheffer, and a Proclamation from the New York State Senate, signed by State Senator Serphin R. Maltese, for his outstanding service to the community. **Practice Areas:** Mass Torts; Toxic Torts; Fen-Phen Litigation; Defective Drug Liability; Defective Medical Device Liability; Aviation Accidents; Explosions/Fires; Products Liability; Nursing Home Negligence; Vaccine Injury; Medical Malpractice; Automobile Accidents; General Personal Injury Negligence Litigation; and Consumer Fraud. Martindale-Hubbell av (highest) rating. AV Peer Review Rated by Martindale-Hubbell. Mr. Waichman is a senior trial attorney with numerous multi-million dollar verdicts and settlements to his credit.

Andres F. Alonso: Born in 1967. **Admitted to bar:** New York; U.S. District Court, Eastern and Southern Districts of New York; U.S. District Court for the Northern District of New York. **Education:** New York University; George Washington University School of Law. **Member:** Various Plaintiffs' Steering Committees and Sub-Committees: Heparin Multi-District Litigation; In re Ortho Evra Multi-District Litigation; Kugel Mesh Multi-District Litigation; In re Gadolinium Litigation; Bausch & Lomb Contact Lens Solution, New York State Consolidated Proceeding. **Professional**

Memberships: American Association for Justice; New York State Trial Lawyers Association; Graduate National Institute of Trial Advocacy. **Practice Areas:** Trials; Mass Torts; Toxic Torts; Defective Medical Device Liability; Aviation Accidents; Explosions/Fires; Products Liability; Automobile Accidents; Personal Injury; Nursing Home Negligence; Consumer Fraud; General Negligence Litigation. Mr. Alonso is a highly experienced senior trial attorney who has secured many multi-million dollar verdicts and settlements in state and federal courts, including a \$25 million verdict in *Brey v. Scruggs*, New York State Supreme Court.

MANAGING ATTORNEY

Fred R. Rosenthal: Born in 1949. **Admitted to bar:** New York; U.S. District Court, Southern and Eastern Districts of New York. **Education:** State University of New York at Binghamton; Brooklyn Law School (Moot Court Honor Society). **Member:** New York State Bar Association. **Practice Areas:** Mass Torts; Toxic Torts; Fen-Phen Litigation; Defective Drug Liability; Defective Medical Device Liability; Aviation Accidents; Explosions/Fires; Products Liability; Nursing Home Negligence; Vaccine Injury; Medical Malpractice; Automobile Accidents and No-Fault Insurance Law; General Personal Injury Negligence Litigation; and Consumer Fraud.

ASSOCIATES

Jordan L. Chaikin: Born in 1979. **Admitted to bar:** Florida; United States District Court for the Middle District of Florida; United States District Court for the Southern District of Florida. **Education:** University of Florida; Stetson University College of Law. **Member:** Association of Trial Lawyers of America and the American Bar Association. **Practice Areas:** Mass Torts; Toxic Torts; Defective Drug Liability; Defective Medical Devices; Products Liability; Class Actions; Complex Litigation and General Personal Injury Negligence Litigation.

Lisa Ann Finn: Born in 1974. **Admitted to bar:** Florida; Louisiana; United States District Court for the Southern District of Florida. **Education:** Florida International University; Florida State University College of Law; University

of Miami School of Law (LL.M.). **Practice Areas:** Mass Torts; Toxic Torts; Defective Drug Liability; Defective Medical Devices; Products Liability; Class Actions; Complex Litigation and General Personal Injury Negligence Litigation.

Jonathan Ginsberg: Born in 1965. **Admitted to bar:** New York; U.S. District Court, Southern and Eastern Districts of New York. **Education:** State University of New York at Binghamton; George Washington National Law Center. Assistant District Attorney, New York County, 1990-1995. **Member:** Association of the Bar of the City of New York. **Practice Areas:** Nursing Home Negligence Litigation; Medical Malpractice; Products Liability; General Personal Injury Negligence Litigation.

James G. Kapralos: Born in 1966. **Admitted to bar:** New York; U.S. District Court, Southern and Eastern Districts of New York. **Education:** Hofstra University; Hofstra University School of Law. **Member:** New York State Trial Lawyers Association; Nassau County Bar Association. **Practice Areas:** Nursing Home Negligence Litigation; Trials; Medical Malpractice; Products Liability; General Personal Injury Negligence Litigation.

Christina J. Kazepis: Born in 1970. **Admitted to bar:** New York; New Jersey; Connecticut; Florida; District of Columbia; U.S. District Court, Southern and Eastern Districts of New York. **Education:** Hofstra University; University of Miami School of Law. **Member:** American Association for Justice (AAJ); New York State Trial Lawyers Association; Nassau County Bar Association and the Hellenic Lawyers Association. **Practice Areas:** Mass Torts; Toxic Torts; Defective Drug Liability; Defective Medical Devices; Products Liability; Class Actions; Complex Litigation; Medical Malpractice; General Personal Injury Negligence Litigation.

David B. Krangle: Born in 1969. **Admitted to bar:** New Jersey; New York; U.S. District Court, Eastern and Southern Districts of New York; U.S. District Court for the Northern District of New York. **Education:** State University of New York at Binghamton; Touro College, Jacob D. Fuchsberg Law Center. **Member:** New York State Bar Association; American Association for Justice; New York State Trial Lawyers Association. **Practice Areas:** Mass Torts; Toxic Torts; Fen-Phen Litigation; Defective Drug Liability; Defective Medical Devices; Aviation Accidents; Explosions/Fires;

Products Liability; Nursing Home Negligence; Vaccine Injury; Medical Malpractice; Automobile Accidents; General Personal Injury Negligence Litigation; and Consumer Fraud.

Ronni Robbins Kravatz: Born in 1966. **Admitted to bar:** New York; U.S. District Court, Eastern and Southern Districts of New York. **Education:** State University of New York at Binghamton; New York Law School. **Member:** Suffolk County Bar Association. **Practice Areas:** Mass Torts; Toxic Torts; Defective Drug Liability; Defective Medical Devices; Products Liability; Class Actions; Complex Litigation and General Personal Injury Negligence Litigation.

Melanie H. Muhlstock: Born in 1972. **Admitted to bar:** New Jersey; U.S. District Court for the District of New Jersey; New York; U.S. District Courts for the Eastern and Southern Districts of New York; U.S. District Court for the Western District of New York. **Education:** University of Wisconsin at Madison; Loyola University - Chicago School of Law. **Member:** Law and Briefing and Discovery Sub-Committees for Guidant Multi-District Litigation No.05-1708. **Professional Memberships:** American Association for Justice (AAJ); American Bar Association (ABA); and New York State Bar Association. **Publications:** Co-author of “Liability for Off-Label Uses: Coordinating a Response with the Prescribing Physician,” which was presented at the American Conference Institute’s Drug and Medical Device Litigation Conference, December, 1998. **Practice Areas:** Mass Torts; Toxic Torts; Defective Drug Liability; Defective Medical Devices; Products Liability; Class Actions; Complex Litigation and General Personal Injury Negligence Litigation. Prior to joining Parker Waichman Alonso, Ms. Muhlstock spent seven years representing pharmaceutical companies and manufacturers of medical devices and consumer products.

Andrew T. Sheeley: Born in 1971. **Admitted to bar:** Florida; New York. **Education:** St. John’s University; Florida Coastal School of Law. **Member:** Association of the Bar of the City of New York; New York State Bar Association; New York County Lawyers Association; New York State Trial Lawyers Association; Florida Bar. **Practice Areas:** Nursing Home Negligence Litigation; Medical Malpractice; Products Liability; General Personal Injury Negligence Litigation.

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In The Forefront Of Pharmaceutical Litigation In The 21st Century

market only because the FDA has required the inclusion of a black box (the strongest and most serious) warning.

The Food and Drug Administration (FDA) has placed itself in a conflict-riddled position by accepting huge sums of money from the pharmaceutical industry to fund the agency's Approval Division which is now expected to "fast track" drugs to market. Unfortunately, post-approval monitoring of adverse reactions and side effects receives for less funding. Fast-track approvals, which are usually based on short-term testing of small test groups, have had disastrous results when used for drugs which are specifically designed for long-term or lifetime use by large segments of the population.

Parker Waichman Alonso has been in the forefront of the fight to protect the public against dangerous prescription and over-the-counter (OTC) drugs for over 15 years. From the landmark case alleging that the popular anti-depressant Prozac caused suicide to our Fen-Phen, Zyprexa, and Vioxx litigations, we have recovered hundreds of millions of dollars for victims of the negligence of others including many of the pharmaceutical giants. A number of our attorneys have extensive experience in pharmaceutical litigation and have been named to committees related to various major drug cases including: National Steering Committee and Expert Subcommittee for Vaccine Litigation; Plaintiffs' Steering Committee and Science Subcommittee - Zyprexa Multi-District Litigation No.1596; Executive Committee for Prozac Multi-District Litigation No.907; New York State Diet Drug - Steering Committee for Fen-Phen; New York State Steering Committee for Rezulin

Litigation; and Plaintiffs' Steering Committee for Accutane Multi-District Litigation No.1626. Parker Waichman Alonso also works closely with many well-known experts in the fields of medicine and pharmacology.

Parker Waichman Alonso has played a key role in bringing about two of the largest mass-tort settlements in history: The \$4.8 billion Vioxx settlement; and the \$690 million Zyprexa settlement.

Jerry Parker and Herb Waichman have been honored with numerous awards from local, state, and federal officials for their tireless efforts on behalf of the community. A full description of these honors can be found in each lawyer's biographical information. *They have both received the highest rating of "av" from Martindale-Hubbell, the premier national directory of practicing attorneys and according to the peer review process conducted by Martindale-Hubbell. The av rating indicates that they have "reached the height of professional excellence" and are "recognized for the highest levels of skill and integrity."*

Andy Alonso has gained a well-deserved reputation as a tenacious trial lawyer, who is highly respected among his peers as well as his adversaries.

Parker Waichman Alonso publishes a monthly Newsletter on its award-winning website which regularly explores timely issues related to the pharmaceutical industry, prescription and OTC drugs, and the FDA. In addition, our website includes up-to-date overviews, news, and other critical information on over 70 drugs which have been linked to serious injuries and/or deaths.

Visitors to the website may also enter a chat forum or seek a case review with respect to any



of these drugs. We are proud of the fact that we have always been in the forefront of every important area of personal injury litigation. Our commitment remains as strong as ever to protecting the public from the effects of dangerous prescription and OTC drugs, defective medical devices and other products, and all types of toxic substances which are being unleashed on unsuspecting and innocent victims with greater regularity than ever before. (You may access our informative brochure at www.yourlawyer.com at any time.)

One of the most, if not the most, important things to remember about prescription drugs is that they are all man-made chemical compounds and represent foreign substances once they are introduced into the human body. As a result, no prescription drug is either 100% safe or without one or more side effects. No two individuals can be expected to react to any drug in precisely the same way. In fact, over time and in different situations, the same individual may have very different reactions to the same drug.

As a result, taking any prescription drug is little more than playing Russian Roulette. Granted, some drugs are safer, have better track records, and have less dangerous side effects than others but, in the end, that only affects the degree of risk involved in taking a particular drug. In other words, a relatively "safe" drug only has more empty chambers in the pistol.

Through the years, the human toll in injuries and death caused by dangerous prescription drugs has been enormous. It is now estimated that every year approximately 300,000 Americans die from prescription drug adverse reactions and side effects. In fact, six times (600%) more Americans die as a result of prescription drug interactions or side effects than from motor vehicle accidents. Furthermore, thousands of Americans are seriously injured



and sometimes die from adverse reactions and side effects associated with common over-the-counter medications and so-called dietary supplements and herbal remedies. Infants, children, and adolescents are particularly vulnerable to serious, and often fatal, mishaps associated with accidental overdosing, over-

medicating, and off-label prescribing.

Since the late 1990s, there has been a dramatic increase in the number of drugs which have had to be withdrawn from the market. The institution of an *industry-funded* "fast track" drug approval process has led to inadequately tested drugs being rushed to market and the need for more and more "black box" warnings. Moreover, today's drugs are being marketed without dosing charts or information with respect to the well-known fact that each person will metabolize a drug differently. The pharmaceutical industry has also largely ignored the developing science with respect to "pharmacogenetics," which is the branch of genetics that studies the variations in responses to drugs based on individual genes. These genetically determined differences in reactions to a given drug cannot be properly studied or determined when small test groups are exposed to a drug for a relatively short period of time.

In fact, between 1997 and the beginning of 2008, 24 prescription drugs (as well as numerous over-the-counter products such as Renu with MoistureLoc) have been withdrawn from the market. (See tinted box below.)

In addition to the numerous recalls, dozens of other drugs have escaped being pulled from the

(continued on reverse side)

Withdrawn from the Market

• Lapdap - 2008 • Zelnorm - 2007 • Permax (pergolide) - 2007 • Trasylol - 2007 • Palladone - 2005 • Cylert (Pemoline) - 2005 • Bextra (valdecoxib) - 2005 • Tysabri (natalizumab) - 2005 • Vioxx (rofecoxib) - 2004 • Duragesic Patch (fentanyl transdermal patch) - (recalled at least six times between 1994 and 2008) • Ephedra - 2004 • Baycol (cerivastatin) - 2001 • Raplon (rapacuronium bromide) - 2001 • Rezulin (troglitazone) - 2000 • Propulsid (cisapride) - 2000 • Lotronex (alosetron) - 2000 • Hismanal (astemizole) - 1999 • Raxar (grepafloxacin) - 1999 • Posicor (mibefradil) - 1998 • Duract (bromfenac) - 1998 • Seldane (terfenadine) - 1997 • The Diet "Cocktail": Fen-Phen (fenfluramine); Pondimim; and Redux (dexfenfluramine) - 1997

Verdicts & Settlements

injury and deformity to the right foot requiring multiple surgeries.

\$1,200,000: A 33-year-old painter fell some 40 feet from a makeshift scaffold while painting a ceiling. He suffered a fractured left (dominant hand) wrist requiring open reduction and internal fixation; compression fracture vertebrae at L-1 and herniated disc at L3-4 level.

\$1,000,000: An 89-year-old rehabilitation center patient suffered Stage IV left buttock bed sore; bilateral Stage III sacral decubitus ulcers with surrounding cellulitis; leg contractures; required use of Foley Catheter and Colostomy; and subsequent death as a result of inadequate medical and nursing care.

\$1,000,000: A 54-year-old laborer fell from a garage roof resulting in multiple fractures to his vertebrae and ribs as well as a collapsed lung requiring several surgeries.

\$1,000,000: In this medical malpractice case, the deceased was admitted to the hospital for a cesarean section 10 days prior to her death. After the procedure, a right central venous pressure line was inserted. The catheter migrated from the right atrium into the pericardial sac, causing cardiac arrest.

\$875,000: A 20-year-old window installer provided with unsuitable eye shields was struck in the eye by shattered glass when a window broke. His injuries included corneal laceration, ruptured globe, retina laceration and iris prolapse.

\$825,000: A 76-year-old nursing home patient sustained decubitus ulcers and severe pressure sores resulting in bilateral leg amputation and wrongful death, due to nursing home's failure to provide adequate medical and nursing care.

\$750,000: A 38-year-old carpenter sustained injuries when scaffolding collapsed causing him to fall fifteen feet to the ground. Those injuries included comminuted, intra-articular fracture of the dominant distal radius with extension into the radiocarpal joint space requiring open reduction and internal fixation of the articular surface and external fixation of the fracture.

\$750,000: A 45-year-old storeowner was struck by a commercial vehicle while crossing the street in Brooklyn, New York. His injuries included open fractures of the proximal fibula and tibia; fractured mandible; fractured maxillary bones; fractured orbit and other facial fractures; nasal fracture and fractured teeth. He was caused to undergo three surgeries.

\$625,000: A 30-year-old laborer was struck by a truck he was helping to load when it backed up into him. He suffered fractures of right proximal tibia and fibula requiring open reduction and internal fixation with a Grosse-Kempf rod; pseudoarthrosis of right tibia and his right ankle and foot were fixed at 30 degrees.

\$300,000: A 51-year-old man suffered lower back injuries and a torn rotator cuff from a rear-end motor vehicle accident resulting in surgery to both areas. He subsequently developed

Stevens Johnson Syndrome from an allergic reaction to medication from the surgeries. Prior to Parker Waichman Alonso's involvement, the plaintiff had settled his case for \$5,000 and signed release. Following motion practice and an appeal to the Appellate Division, the court acknowledged there were questions surrounding the validity of the release. This resulted in the substantially increased recovery for our client.

\$7,651,021: LOTTERY RECOVERY; In spite of losing a winning Lottery ticket, our client was able to recover his full winnings as a result of the firm's efforts in the New York Legislature to pass a law permitting such recoveries with adequate proof of ticket ownership. Our client was the first person in the country to receive lottery winnings without having produced a ticket.



VERDICTS

While many personal injury cases settle before, during or at the close of the trial, we firmly believe that every case should be prepared as if a verdict will be taken. A settlement should never be presumed in advance. This leads to lack of preparation and possible mistakes at trial. The best way to secure meaningful settlements is to convince your opponents that it is likely that they are going to lose after trial. This will not happen if they believe you are not seriously

committed to taking a verdict. Of course, one of the realities of litigating a case to verdict is that one or more appeals may be required before a final result is reached. For this reason, we work closely with some of the most knowledgeable appellate attorneys whenever the likelihood of an appeal occurs.

\$25 million: Estate of 34-year-old mother of three awarded \$25 million against convicted murderer and rapist who was wrongly freed from upstate prison.

\$4,500,000: A 50-year-old man tripped and fell over an electrical conduit left protruding from the sidewalk when a streetlight was moved to another site three feet away. His injuries included a severe intercondylar fracture of the left distal humerus; comminuted and fragmented fractures of the left elbow; ulnar neuropathy of the left elbow and wrist with clawing of the digits of the left hand, all of which required multiple surgeries. \$4.5 million verdict reduced to \$2.4 million by trial court (\$2.7 million with interest). After appeal, plaintiff received \$2,015,708.

\$3,600,000: New York State held liable by a Court of Claims judge for rape and murder of 34-year-old mother of three by prisoner wrongly freed from prison at least 13 years too soon. The court's award of \$3.6 million came to \$5.4 million after interest.

\$3,200,000: A 45-year-old police officer fell in a precinct basement, due to accumulated water from a long-standing leak. \$3.2 million verdict for multiple disc herniations and rib fractures. (Reduced by court to \$830,000 after trial).

\$2,785,330: A 27-year-old woman fell as a result of her shoe getting caught on rotted wooden planks on an elevated subway platform in New York City. She suffered a fractured ankle, which required closed reduction and subsequent ankle fusion.

\$2,250,000: The case involved a 34-year-old building superintendent, who was struck by a vehicle that lost control after coming into contact with a large oil spill in a fast food parking lot in New York City. He suffered a crushed right leg;

Verdicts & Settlements *(continued)*

VERDICTS (continued)

fractures of left tibia and fibula; six operations, including skin and bone grafting; stomach laceration and severe scarring.

\$2,185,531: A 38-year-old painter fell from a ladder, which broke and collapsed under him. He sustained injuries to his neck and back as well as a facial laceration with scarring.

\$1,765,000: A 15-year-old high school student was injured while attempting to board a bus in New York City, when the driver closed the door on his foot and drove away, dragging him along. The boy suffered a crush injury to left foot requiring open reduction and external fixation. He was hospitalized for two months and underwent additional surgery and skin grafting.

\$1,250,000: A 45-year-old electrician, who was installing electrical wires, was supplied with a ladder that was covered in soot and greasy substances. He slipped and fell off the ladder approximately 8 feet to the floor suffering a displaced and depressed fracture of right calcaneus requiring surgery; significant scarring; bone fragments in foot requiring future bone fusion and hernia.

\$900,000: The case involved a husband and wife, who were shopping in a department store in New York City. After making a purchase, the cashier neglected to remove a Sensormatic tag from the item. The alarm was activated as they exited the store. Two security guards brought them back inside and detained them, causing them to suffer public humiliation and damage to their reputations.



SETTLEMENTS

It is a statistical fact that most personal injury cases that end favorably for the plaintiff do so by means of a monetary settlement. Settlements avoid the need for, and risk involved in, a trial. They also avoid the delays that follow a trial which may include lengthy appeals or collection proceedings.

While most settlements are simply lump sum payments, there are also “structured” settlements, specially designed to be paid out over a period of time that may range from only a few years to as long as the injured party lives. The benefits of a structured settlement include long-term security for the injured party and the

opportunity to receive a far greater sum of money in total than if a lump sum had been paid all at once at the time of the settlement.

\$4.8 billion: Vioxx MDL No. 1657. In April, 2000, almost 4½ years *before* Vioxx was withdrawn from the market, our firm was retained by clients claiming Vioxx, a prescription pain medication, caused an increased risk of heart attacks and strokes. By the time Vioxx was withdrawn from the market, our firm already represented over 500 clients who had taken the drug. The total settlement was \$4.8 billion.

\$690 million: Zyprexa MDL No. 1596. In December, 2000, our law firm was first retained by clients claiming that Zyprexa, a prescription drug used to treat schizophrenia, caused diabetes. We later acted as a member of the Plaintiffs' Steering Committee and Discovery Subcommittee in this national litigation. A settlement of \$690 million was negotiated on behalf of the thousands of claimants.

\$76 million: Family of four traveling in their minivan when it collided with a tractor trailer that had overturned at 5:00 a.m., as a result of the driver's negligence in looking for a water bottle that had fallen to the floor while the truck was in motion. The entire family suffered serious injuries, the most severe of which was permanent brain damage to a 23-month-old child. The potential payout of \$76,000,000 made this the largest structured settlement in New York State history at that time.

\$5,150,000: While unloading the rear of a van, the plaintiff, a 29-year-old plumber was struck

from behind by a vehicle that pinned him against his van. He suffered an above the knee amputation and the loss of a testicle.

\$4,350,000: This structured settlement was for a 32-year-old Con Edison supervisor who, while in a company van, was rear-ended by a repair truck. He required three spinal surgeries, including a laminectomy, a discectomy and a spinal fusion.

\$4,250,000: A 53-year-old man was killed and his 51-year-old wife was severely injured when their motorcycle was struck by a truck after it failed to yield at a stop sign. The wife's injuries included fractures to the wrist, pelvis, ribs, lumbar vertebrae, and a closed head injury. This was a structured settlement with a present value of \$2.6 million.

\$4,150,000: A husband and wife were struck head on by a driver racing along the wrong side of a narrow, two lane street while in a fit of “road rage.” The 74-year-old husband died at the scene and his wife suffered crippling injuries. The driver was indicted for vehicular homicide and fled the country. The structured settlement was paid by his employer's insurance carrier since he was operating a company car at the time of the accident.

\$4,000,000: A 45-year-old taxi driver was struck by a car as he attempted to open the rear door of his cab. The plaintiff suffered severe internal injuries, extensive fractures, neurological damage, and psychological trauma. He required extensive surgical procedures and faces a lifetime of medical problems as well as

the need for additional surgery in the future. This settlement was partially structured.

\$3,510,000: A 45-year-old salesman was injured when his car was struck in the rear by a leased vehicle on the southbound New Jersey Turnpike. He suffered brain damage, including memory loss and seizures; fractured vertebrae at C-4; fractured ribs; fractured scapula; hemopneumothorax; and post-traumatic stress disorder.

\$3,100,000: A 45-year-old man lost control of his vehicle as he drove over the crest of a hill on a highway. His car struck a guardrail and was disabled. As the man attempted to set up warning flares, he was struck by a second vehicle that also lost control at the same location. He suffered a fractured right tibia and fibula requiring surgery; fractured both elbows; fractured ankle; pelvic fractures; left knee fracture; skin grafts and impotence.

\$2,800,000: 23-year-old and 44-year-old passengers in motor vehicle struck in rear while stopped at red traffic signal sustained multiple lumbar disc herniations requiring the implantation of neurotransmitters; cervical bulging discs; multiple torn menisci and ligaments in both knees requiring several surgeries as well as instability and impingement of the right shoulder requiring surgical repair; cervical bulging discs and chondromalacia of the patella requiring arthroscopic surgery.

\$2,545,000: A 49-year-old pedestrian, who was pushing a wheel chair, was hit by defendant's vehicle, which was backing up in a crosswalk.

The plaintiff suffered pelvic and rib fractures and a fractured humerus with open reduction and internal fixation. He also needed extensive rehabilitation. This settlement was structured.

\$2,502,000: A 37-year-old school bus driver, while transporting students, was involved in an accident when her bus was rear-ended by a car. She sustained injuries to her head, neck, wrist and lower back requiring surgical intervention. This was a structured settlement.

\$2,025,000: A 37-year-old carpenter fell from a scaffold at Rikers Island when sheetrock he had leaning against a wall fell over into the scaffold. He suffered herniated discs at L3-4, L4-5, L5-S1 and C5-6; two laminectomies and discectomies at L4-5 and a laminectomy and discectomy at L5-S1. He also had spinal epidural nerve blocks and now has an electric neurostimulator surgically implanted in his back to relieve pain.

\$2,000,000: A 29-year-old motorcyclist was struck by a truck which made a left turn and failed to yield the right-of-way. He sustained injuries including fractures to his arm, clavicle and ribs, nerve damage, collapsed lungs and artery damage. Many of these injuries required surgical intervention. Settled after a verdict on liability.

\$1,475,000: A 37-year-old carpenter died as a result of a fall through an opening where a stairwell was being constructed in a new housing development.

\$1,250,000: A 45-year-old NYC Sanitation worker had his foot run over by a truck driven by his partner. His injuries included crush

(continued)

What Our Clients Have To Say

all continued success in all your present and future cases. *Sincerely, R.M.*

Dear Jerry... I wish that there were some way that we could demonstrate our heartfelt gratitude and appreciation for all Mr. Alonso's efforts... We would like to thank him, through you, for his dogged determination and tireless efforts in obtaining a victorious verdict on our behalf. *Sincerely, R.W.V.W.*

Dear Jerry Parker... Once again thank you... for putting Andy Alonso, one of your most seasoned attorneys, on my case. He did an excellent job for me... The rating by Martindale Hubbell of your firm was right on the money - excellent/excellent - Thank you so much! *Sincerely, R.J.C.*

Thank you for the job well done! *Sincerely, R.V.*

May God continue to bless you and your staff always. *P.H.J. and family*

I am writing this letter to express how much your services were appreciated. You treated my case with the same importance as you would a high profile, million dollar case - and that in itself, is what sets you apart from the other lawyers. You always returned my calls almost immediately and you were always on top of every aspect of my case. You kept your word, called who you said you would, and settled my case extremely quickly. I have never encountered a lawyer like you... I want you to know that if I EVER encounter anyone who is even thinking about getting a lawyer, you will definitely be recommended. Thank you again for everything. I wish you happiness and success, you definitely deserve it all. *Sincerely, A.C.*

Dear Jerry, Andy, and Arnold,

How do I thank all of you for making the impossible happen. When my family first learned about how...[our daughter's killer]...got out of prison, we went to several law firms. Most of them told us that the case was “unwinable.” A few said that they would try but would not commit to putting their top lawyers on the case.

Then we found Parker & Waichman. Jerry [Parker], the only way I can describe our first impression of you was that you were a “bulldog.” That you would fight for what you believed in until you won! And that's exactly what happened. You took on and welcomed the challenge of an “impossible” case. Over a period of more than six years, decision after decision came down in our favor and appeal after appeal by the State was rejected.

When we reached the trial stage, Andy [Alonso] took over. Andy, you were amazing. You explained everything to us, not once, but time and again. You advised us as to the best course to follow and always made us feel that we could come to you with any question (and there were many). I and my family have come to think of you as a friend.

Arnold [Di]Joseph], while we didn't get to know you as well as we got to know Jerry and Andy, not to also thank you would be unthinkable. You got us through the appeals. Without your expertise, we would not be celebrating today.

I know that Jerry, Andy, and Arnold were the key players in this but that a lot of work was done by other members of the firm. Audra is one person who comes to mind. I want to thank each of them for everything they did for us.

Words are inadequate to express our gratitude. The loss we suffered was an unimaginable tragedy and no amount of money can bring Michelle back. But there is comfort in knowing that she was able to leave something very substantial for her boys. Michelle's birthday was January 18 — probably the day the State made the decision to offer us a number we could accept. As Laura said to me just this morning — because of all the hard work of the people at Parker & Waichman, Michelle is able to give her children a wonderful gift. I know she is smiling today.

Very sincerely, L. S.

At Parker Waichman Alonso, our most important goal is to obtain the best possible result for each and every client. We are extremely gratified when a client takes the time to express appreciation for our efforts. For that reason, we would like to share with you the comments of some of our clients.

I would like to take this opportunity to thank everyone at Parker Waichman Alonso who worked on our file and fought for our rights. We are very grateful for the commitment you demonstrated towards our case, as well as for the integrity and professionalism. We hope to use these funds to help us put this bad experience behind us and start enjoying our life once again. *Greatly appreciated, FN and PN*

Words cannot explain how much we appreciate your help, time, compassion, and patience. You did an awesome job! Although this could have been a long drawn out ordeal, I thank you for your comfort and understanding and making it as smooth as possible. *The “G” Family*

If we measure success by the number of lives we touch and the ways we reach out to others to truly make a difference, then it's hard to imagine a life richer than yours! Please accept my sincere gratitude for caring enough and having the courage to say yes, I'll try. *NS*

Thank you for all of your help over this time. You have made a big difference in how I feel about things. *CR*

You are the best! *PR*

As the old year closes, I just want to thank you again for working (so hard and so successfully) to win my case. The settlement has changed my life in that I can now look forward with hope instead of fear because I am safe financially. *AB*

The Lord works wonders through wonderful people like you. Thanks for all you've done. *R.H. and family*

Gracias, por haver atendido nuestro caso, gracias por su generosidad y gran ayuda. *Sinceramente, M., D., and C.A.*

Thank you for your advice and guidance and your professionalism. *Sincerely, J.F.*

Your kindness was sincerely appreciated. Thank you for helping me with my case. *The G. family*

Mr. Rosenthal, Thank you very much for your letter and all the work you have done in this matter. It is very sad to lose anybody like this. Nobody can see around the corner of life. Thank you again. *E.S.*

I would like to thank you for the work you did to settle my case and for sending me the checks, I also want to thank you and your staff for the courtesy given to me and my family anytime we called your office. I, too, wish you all the best in the future. *Sincerely, S.E.J.*

To Andy Alonso and the rest of the staff... Thank you for all your help. You were all always so nice and kind whenever I needed your help. Wishing you all the best! *J.W.*

There are no other lawyers who could have done a better job. *Thank you, L.C.*

I hope that you're well. I want to thank you and tell you how much I appreciate everything that you've helped me with, with my case. If I ever need you again, I will call you. *Sincerely, D.M.*

Dear Herb, Thank you so very much for your professional help during our hour of need. Thank you again for your kindness in the settlement. We shall never forget it. *Rev. E.H.G. and B.G.*

Dear Jerrold, I would like to extend my deepest appreciation for the work accomplished by your staff. All the members of your team with whom I had the pleasure of working, displayed a very high caliber of skills and professionalism... You have obviously recruited a top notch team of players who work very differently on your clients' behalf. I would also like to take this opportunity to give special recognition to Andy Alonso, my trial attorney... Everyone present witnessed him dominate and control the entire proceedings... He brought a questionable product liability suit to an extremely satisfactory cash settlement. Truly the work that he performed and the rapport he established with the judge and jury, changed my life forever. *Gratefully yours, D.A.*

Dear Mr. Parker, I appreciate so much everything that you have done on my behalf. Thank you from the bottom of my heart. *Most sincerely, J.F.*

I again “thank you” for the time and effort you and your staff put into finalizing my case... I wish you

Court Decision

State Held Liable in Early Release Of Felon Who Raped, Murdered

NEW YORK

State Must Pay \$5.5 Million for Mistakenly Releasing Felon Who Raped, Murdered

PLAINTIFFS, A rape victim and the mother of a woman who was both raped and murdered, sued the state for negligently releasing their perpetrator from prison. Their attacker had been sentenced to two concurrent 20-year-to-life terms. When he was resentenced on one of the charges to time served, a clerk neglected to note that he still owed at least 13 years on an assault conviction and incorrectly indicated that he was eligible for parole. The prisoner raped and murdered within two weeks of his release. After granting plaintiff's motion on liability, the court dealt with apportioning liability. It held the state two-thirds responsible for releasing the attacker, who was only one-third responsible. It found no evidence of comparative negligence by either victim. Because the state was more than 50 percent responsible, it was held jointly and severally liable for the entire award, which added up to over \$5.5 million.

Steel v. State of New York, 100531, Court of Claims, Judge Martin. Law Journal news story, Mar. 3.

Lawyers Weekly USA – April 11, 2005

Verdicts & Settlements In-Depth

Lawyers Find Way Around Governmental Immunity

Prisoner Murders After Erroneous Release

In a landmark case, a judge found New York State liable to the tune of \$3.6 million for releasing a prisoner who then raped and murdered a 35-year-old mother of three young boys. The February decision is the first time New York State has been held liable for damages for prematurely releasing a convict, and could be precedent setting nationally.

"Very often states have immunity for employees' acts, and that was one of the greatest challenges for us — to get around the state immunity," said Jerrald Parker, who represented the victim's estate along with Andy Alonso. But in this case, Parker and Alonso argued that immunity should not apply because the prisoner was released because of a series of reckless errors, not by conscious decisions made by officials while performing their governmental duty.

Parker said the state's defense raised two defenses, that the state had immunity from the lawsuit, and that it had no special duty to Brey. Although the government would normally have immunity in a case like this, the plaintiffs' team argued that the circumstances of this case were unusual.

"Normally, states have immunity for governmental functions," said Parker. "What we argued was that there was no normal government function involved in this event. The judge didn't release him. The clerk didn't release him. There was no conscious decision to release this guy, even improperly. No one was using their discretion here, even improperly, which would be covered under the immunity. No, we often approve new drugs on the basis of applications that omit negative information." In the case of Vioxx, Merck hired Dorothy Hamill and launched a \$500 million advertising campaign set to "The Rascals' 1968 hit "Beautiful Morning."

According to our records, Merck trained its sales staff in a program called "Dodge Ball Vioxx" to handle doctors' safety concerns (called "obstacles") by explaining away or "dodging" concerns. Merck never stopped seeking broader approval for Vioxx's use in children as young as 2.

Even the study that resulted in Merck withdrawing Vioxx from the market just weeks later, on Sept. 30, was intended to demonstrate that it could be used to prevent the recurrence of certain bowel problems.

Now the trial lawyers who are seeking to hold Merck responsible for thousands of injuries and deaths allegedly caused by Vioxx are under fire for their efforts to identify and mobilize victims of this latest corporate disgrace.

The criticism is unfounded. Trial lawyers in personal injury and death cases are the only professionals who receive no fee for services unless a recovery is obtained for their clients.

My law firm filed its first Vioxx case more than three years ago. Our only regret is that Merck has been able to continue putting profits ahead of the public's safety, health and well-being all these years.

Parker is senior partner in New York's Parker & Wachman.

Food and Drug Administration warnings on misleading advertising are either ignored or grudgingly complied with. Damaging information is routinely withheld from the FDA and the public, and the FDA

Clearly, trial lawyers are not the problem. Vioxx is the latest of 12 prescription drugs pulled from the market in the past few years because of dangerous side effects such as liver and kidney failure, heart problems, stroke and suicide.

Prior to their withdrawal, millions of people were placed at risk every day these drugs remained on the market.

The drug companies are the problem. Stick marketing campaigns pour hundreds of millions of dollars into generating a demand by consumers. Drug companies have also created a serious ethical problem within the medical profession by giving millions of dollars in gifts and fees to doctors who recommend or prescribe their drugs.

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A lawyer says we're the good guys

Drug giant Merck pulled its painkiller Vioxx because it increased the risk of heart attacks and strokes. Now the company may face thousands of lawsuits.

SUNDAY OPINIONS

Bad Medicine

BY JERRALD PARKER

For years, trial lawyers have suspected that the painkiller Vioxx was extremely dangerous. Merck was well aware of the serious heart-related risks associated with its second-biggest-selling drug. In fact, almost every study involving Vioxx suggested that the drug presented an unacceptably high risk, yet Merck chose to ignore these findings, as well as warnings made by numerous respected medical experts. Had it not been for the serious economic threat posed by trial lawyers dedicated to the field of pharmaceutical litigation, Vioxx probably would still be on the market today.

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