



STROM & ASSOCIATES

The Chicago law firm of *Strom and Associates* represents injury victims at work or outside of work. For over 30 years, *Strom and Associates* has been there for injury victims.

Workers' Compensation

Workers' compensation is insurance, paid for by employers, which can provide cash benefits and/or medical care for workers who are injured or become ill as a result of performing their jobs.

Personal Injury

Persons who are injured have a right to bring a claim against individuals, corporations, municipalities and other legal entities that may be at fault for causing their injury.

STROM & ASSOCIATES

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Highlighted Cases... Workers' Compensation

Strom Wins Even After Losing?

Hayes, Maurice v. Cal's Collision Center



Neal B. Strom

Confused? So were we after the trial judge denied Mr. Hayes' claim.

Mr. Hayes' Story

Hayes was a car body shop repairman for 30-plus years. He worked hard his entire life, never complaining about his long hours and the aches and pains that go with physical work.

He sustained an accident at work in 2007, falling hard on concrete, injuring his head, neck and back. Though he continued to work, he was in horrible pain.

He saw his family doctor, who thought he might have a serious spinal problem. As a result, he saw a specialist who recommended aggressive therapy, which he eventually had.

Hayes did everything his doctor asked of him; however, when he told his employer about his excruciating pain the case was referred to a workers' compensation insurance company.

Strom Steps In

The insurance company denied his claim and he sought help from Strom and Associates. After appearing at trial, we were disappointed with the judge's award, so we appealed. Initially, the judge only awarded us \$22,000. The appeal awarded us over \$200,000 plus open medical care for life.

Takeaways

1. If you are injured at work, you are entitled to compensation, regardless of who is at fault.
2. Do not trust anyone to be honorable when you are injured at work.
3. Hire a lawyer who is willing to work hard for you, even if it means an appeal and delay.

Employer's Surveillance Video Sinks Employer

Costello, John v. Napuck Salvage

Background

In May 2007, John was out of money and had to borrow from friends and family for food and rent. He had recently hurt his back at work, and his medical bills were piling up.

A few months prior, while working in a very cold factory, John felt himself get injured, but attributed the increasing numbness in his back and leg that day to the bitter cold conditions of his work environment.

Upon awaking the next day, he got out of bed, started to walk downstairs in his home, stumbled, and was in so much pain he was taken to the hospital. This was where John made a crucial mistake that would nearly cost him his entire case.

Rule #1: Be careful what you say to anyone after you are hurt. It will come back to haunt you.

John told the paramedic his back was hurting "after walking down the stairs in his home." He told the hospital emergency room the same thing. He told his doctor the same thing. Although John's injury actually occurred the previous day at work, he failed to mention this

fact because he did not realize the significance of "where" and "when" the causation of his injury occurred.

Rule #2: A doctor's medical records are the single most important factor that will determine whether or not you will win your workers' compensation case.

Neal Battles the Odds

After speaking to two or three attorneys, John was not having any luck. Each attorney looked at John's case and turned him down because of the non-existent work related information in his medical records. These attorneys even claimed this was an unwinnable case. Finally, John called Neal Strom.

John made an appointment with Neal and explained what had happened. Neal believed John to be an honest family man who had simply made a mistake while speaking with his doctors. Neal explained that this case would be tough to win without the support of medical records, but that he would use his 32 years of experience in the field of workers' compensation law to do everything he could do to win the case.

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Employer's Surveillance Video Sinks Employer

Costello, John v. Napuck Salvage

The Moment of Truth

Neal tried the case before an arbitrator at the Illinois Workers' Compensation Commission.

Things were going badly for John because his employer produced witness after witness who testified John Costello never reported an injury.

Finally, after hours of research and hard work, Neal decided to do something most lawyers would not take the time to do for their clients. Neal subpoenaed the video from the factory the day John was injured in the small hopes that he could see the injury occur on film.

What would happen next surprised everyone, including the arbitrator. Rather than producing the entire video, more than seven hours of video from the day of the accident had randomly "vanished" from Napuck Salvage's records. This was far too significant to be a coincidence. The video that was submitted was only 20 minutes long, yet John Costello had worked for eight hours on the day of his injury. Neal knew he had Napuck Salvage right where he wanted them. Upon questioning, the judge did not believe the owner of Costello's company and knew he was lying. The judge ruled for Strom. Instantaneously, John Costello, a hard working and honest man who had come to Neal Strom after multiple lawyers had turned him down, would receive his much needed workers' compensation benefits.

In the end, John was awarded temporary disability payments for the length of his disability. He was awarded a payment of his medical expenses and he was given his much needed back surgery and, eventually, secured a lump sum benefit for his case. Total payment *Strom and Associates* secured for John Costello was over \$150,000.

(See his story on our website stromlawyers.com, click video)

Rule #3: Find a lawyer that will fight for you because he believes in you.

Strom Calls His Shots and Wins

Many workers' compensation claims involve unfair and uninformed decisions by overworked and under paid claims adjusters.

If you have a worker's compensation case it is likely your case will be handled by such a person. It will happen to you sooner rather than later. But Strom feels the best defense is a good offense. Ask our clients.

When a claims adjuster makes a bad decision we feel the best way to even the score and to send a message that we will not tolerate unlawful, unfair and bad decisions is to send a process server to the insurance company's office. We then hand deliver to the claims adjuster a subpoena to appear in court before the judge with the claim file."

When these obnoxious, devious claims adjusters receive their subpoena they either reinstate temporary total disability benefits and medical care or appear before the judge.

This aggressive approach by Strom has led to amazing results on cases. Claims adjusters are afraid to appear because we know and they know they will be embarrassed for their unlawful conduct.

They also will cost their insurance company additional compensation in penalties for their bad conduct.

DO NOT let this happen to you. Call us at **(312) 609-0400!**



Kevin T. Yen

Highlighted Cases ... Personal Injury

Perez v. Realty

Our client was a tenant renting an apartment owned by the defendants. On the date of his incident, our client was walking across the floor of the lobby. He slipped due to the presence of some gravel and sand-like debris on the floor. He suffered a severe ankle injury.

We investigated the incident immediately after being contacted by the client. When we visited the lobby, we gathered some of the gravel. It appeared to be debris from construction being performed around the building. We filed a claim against the property owner and property manager.

Ultimately, we obtained a favorable settlement for the client based upon the owner and manager's failure to clean the debris and provide a safe walking surface for the tenants.

Mr. & Mrs. Oh

The case presented a difficult situation because it involved a motor-vehicle collision which occurred in a parking lot. Generally, in parking lots there are no stop signs or yield signs. Therefore, it is difficult to determine which driver has the right-of-way.

Our clients were struck by a vehicle when the two vehicles crossed paths. There were no stop signs or yield signs which controlled who had the right-of-way.

We obtained photographs of our client's car. It showed significant front-end damage. Based upon the photographs, we argued that the other driver must have been driving at a high rate of speed to cause the extensive damage. Therefore, the other driver's negligence was not that she did not yield the right-of-way, but instead she was travelling too fast for driving within a parking lot.

Amendment to the Wrongful Death Laws:

In Illinois, the next of kin can recover damages for the death of a spouse or a relative due to the fault of others.

Our firm has represented numerous clients who have lost a spouse, parent or child due to the neglect of others.

Typically, the surviving spouse or the children can recover damages for the financial contributions and other services that would have been contributed by the loved one if they were alive.

They can also recover for the loss of companionship and love.

Recently, the law has been amended to permit a jury to consider the grief, sorrow and mental suffering of the surviving spouse and children in determining the amount of monetary damages.

The effect of this amendment allows the family members to tell a jury how the death has impacted them emotionally.

Our firm fully supports this change in the law and are pleased that the courts will now acknowledge the far reaching effects of the tragic loss of a loved one.



Straight Talk About Why You're A Lawyer

Excerpted from Trial Magazine; August 2005

Lawyer jokes and uninformed statements bashing the civil justice system have dogged plaintiff attorneys through many a golf game, PTA meeting, or dinner party. When you get questions about what trial lawyers do, you need to respond with the facts:

Question: WHAT KIND OF LAWYER ARE YOU AND WHY DID YOU CHOOSE THAT PROFESSION?

Answer: I decided to become a lawyer because I wanted to help people. My clients are real people – not corporations. I work with small business owners, individuals, and their families.

I decided long ago that I didn't want to use my skills to help some large, faceless organization more interested in profits than people.

My clients all have one thing in common. Somebody did something to hurt them and isn't treating them fairly by acknowledging the wrong and fixing it. What can you do when you aren't treated fairly? You can hire a lawyer who is willing to work hard for real people like you.

Often, but not always, the people who hurt my clients realize what they did and want to do the right thing. But their insurance companies take over, and the companies try as hard as they can to keep my clients from being treated fairly.

The insurance industry makes its profits by taking your money and holding on to it for as long as it possibly can. The industry often denies claims it knows are perfectly valid. Insurance companies stall and delay so they can hold on to people's money longer and invest it for huge profits – but meanwhile, my clients are forced to wait.

I don't work for the insurance industry. My job is to help people when the insurance industry is giving them a run-around.

It has become popular to pick on people who do what I do for a living. But I am proud to say that I help real people in need. I don't think there is a much better job in our legal system than helping make sure the system works right for the average American families it was intended to help.

Hospital Staff Falsified Records to Hide Neglect, Report Says

Associated Press ... Saturday, June 20, 2009

NEW YORK, June 19 -- Staff members at a Brooklyn hospital falsified medical records and lied to authorities in an attempt to cover up the neglect of a patient who died on the waiting room floor, according to city investigators.

The report by New York's Department of Investigation was released yesterday, exactly one year after the death of Esmin Green.

Green, 49, languished in a psychiatric emergency room at the Kings County Hospital for nearly 24 hours before collapsing from a blood clot.

She lay on the floor for an hour, in full view of nurses, doctors and security guards, before a nurse nudged her body with her foot, then checked her pulse. By then she was dead.

Six hospital employees lost their jobs in connection with the incident. The probe by the city's main investigative agency raises the possibility that some could also face criminal charges.

The report said that shortly after Green died, a senior nurse at the hospital, Aida Gonzalo, made three false entries in a medical record to make it appear as though she had been checking regularly on her patient.

In actuality, the report said, Green had been ignored for hours -- a fact confirmed by security camera footage of her collapse and slow death.

The Department of Investigation said the nurse subsequently admitted in an interview that she fabricated the entries because she was afraid of losing her job, but lied to authorities about the nature of those inaccuracies.

Separately, a nursing aide made entries in a hospital log falsely indicating that he had observed Green asleep during the hour when she was actually lying face down on the floor dying, the DOI report said. The aide, Royal Easton, later admitted that he had not seen Green during the critical time period, according to the report.

"This is a case of omission and commission that ranged from doctors who failed to examine Ms. Green to medical personnel who falsified the hospital's records regarding her condition and treatment," DOI Commissioner Rose Gill Hearn said in a statement.

"We hope that our factual findings will ensure that the troubling events that surrounded Ms. Green's death are never repeated."

Sanford Rubenstein, an attorney for Green's family, said her relatives also hoped the report might lead to a criminal prosecution.

"Anyone identified in that report who committed a criminal act should go to jail," he said.

A spokesman for Brooklyn District Attorney Charles Hynes said the office was reviewing the report but declined to comment further. No criminal charges have been filed.

Our clients' words speak louder than ours ...

At Strom and Associates, we place a great emphasis on the satisfaction of our clients. We go above and beyond to ensure the best possible service to every client who chooses us.

• "I went to see Neal regarding a back injury that occurred at work. At my initial meeting with him, I sat down and he explained everything in detail as far as the steps and what would happen throughout the legal process.

Following this meeting, whenever I ran into any problems with my insurance company I would just call Neal and he would take care of it right away.

I would highly recommend Mr. Strom. He is very professional, gets back to you on time with your emails and phone calls, and goes above and beyond for his clients." *Lorenzo D.*

• "Mr. Strom is the best attorney. He is reliable, conscientious, honest and hard working. He has an excellent staff. Not only is Mr. Strom a good lawyer, but he wins cases. I would never go anywhere else. Ever." *Dorene M.*

• "When I went to Mr. Strom about the injury that I acquired on the job he was extremely understanding. He gave me legal advice as to what my rights were as an employee.

Mr. Strom advised me that I could see my own doctor and even recommended a specialist for my injury. Unlike the doctor that was recommended by my employer, Mr. Strom's doctor actually listened to me, and was courteous. He looked at my test results and, with Mr. Strom's help, was able to perform the necessary treatment to fix my sore shoulder.

Mr. Strom watched over me throughout my whole legal process. I am very grateful towards *Strom and Associates* and I would highly recommend them to anyone." *Jackie W.*

If you want a law firm that will listen to you, understand you, fight for you and produce measurable results, contact Strom and Associates today.

• "Working with Neal and Roxann (one of Neal's staff) has been an incredible experience. What could have been potentially unpleasant was a pleasure because of their excellent professionalism and attention to detail. I would have never thought that I would have actually enjoyed the legal process. I would highly recommend Strom and Associates." *Margie C.*

• "Before my husband saw Mr. Strom, we had gone to several doctors. There were no doctors that could diagnose my husband's injury. It was frustrating, and we decided to see an attorney. Neal and his staff were competent and extremely successful. Through a number of doctor's depositions, Neal won my husband's case and proved that my husband's injury was severe and permanent, which resulted in a large lump sum settlement. The staff at *Strom and Associates* really care about their clients and do a fantastic job. We were very impressed with our experience with Neal." *Mrs. Kriger*

• "During an injury you are agitated and scared. Neal and his staff calm you down, they tell you the truth, and they take care of everything. People need a lawyer that has compassion, give you assurance and has your best interests at hand. Mr. Strom not only won my case, but he had my best interests in hand, and I really appreciated it.

I would also like to add that the staff at *Strom and Associates* is incredible. You never wait for a phone call to be handed back. I did not have to call Neal every day. I knew he was going to court for me and I knew he was handling the situation. I would never go anywhere else and would highly recommend *Strom and Associates* to anyone." *Annette B.*

Find out more about Strom & Associates @ www.stromandassociates.com

See video tape clips of Strom discussing recent case law.

Check out the Strom & Associates website at stromandassociates.com. It's easy to navigate, features downloadable forms, and is available in multiple languages.

Strom & Associates incorporated the multi-language capability as the firm is dedicated to helping every individual realize the workers' compensation rights granted to them.

The newly designed site features a Resource Center that provides valuable information designed to help clients throughout the cycle of their workers' compensation claims.

Here, individuals will find links to downloadable new client forms, a list of physicians that often work with workers' compensation claims, helpful advice about when to begin a claim and the most recent news about Strom & Associ-

ates. This section is updated on a regular basis.

The site allows users to learn more about the firm and its associates and helps to educate people on the rights they are entitled to under workers' compensation and personal injury claims.

Our brochures are available in Spanish and Polish, as is the website.