

BASCH & KEEGAN

PERSONAL INJURY ATTORNEYS

Brief Insights



A DIGITAL BULLETIN—AUGUST 2021

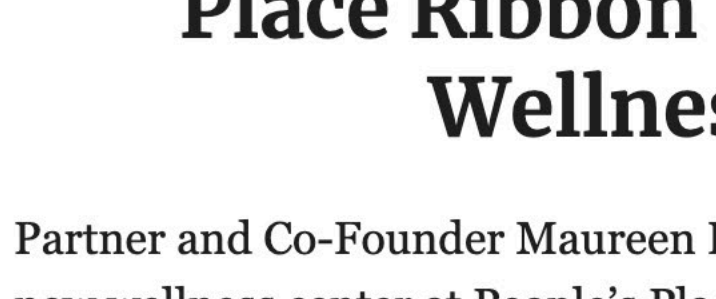


Basch & Keegan Was At The Farmers Market On August 7th

The attorneys at Basch & Keegan took a break from the office & courtrooms and headed to the Uptown Kingston Farmers Market on Saturday August 7th!

The market is held every Saturday, 9am – 2pm in the County Courthouse parking lot. We have been sponsors of the Farmers Market since their inception in 2000. The weekly farmers market has fostered a sense of community, where people come together to shop, talk and learn. We are proud to be a part of the Kingston Farmers Market!

At our table this month we handed out Basch & Keegan farmers market bags along with t-shirts, hats and reflective gear. We had so much fun joining in with community, and cant wait to be back!



Maureen Keegan Attends People's Place Ribbon Cutting for New Wellness Center!

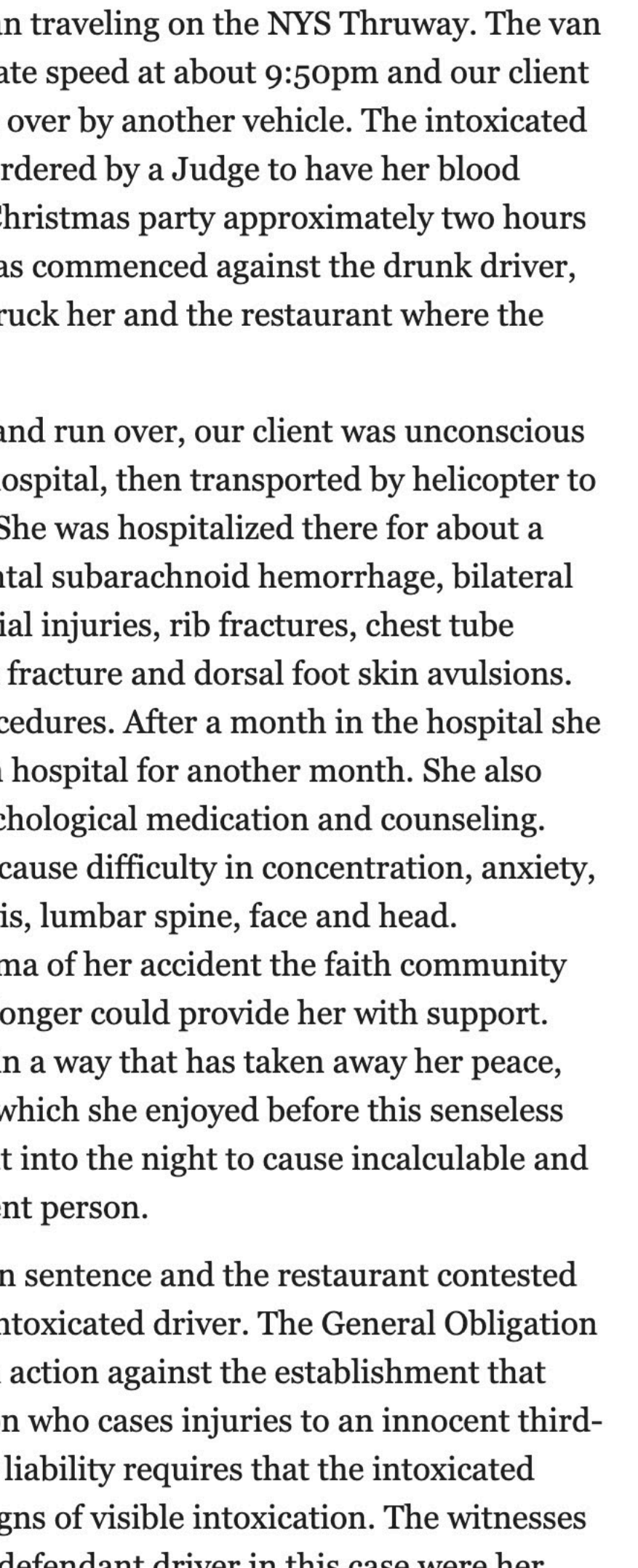
Partner and Co-Founder Maureen Keegan attended the ribbon cutting for a new wellness center at People's Place on Monday July 12th. Maureen is on the board of People's Place, and was honored to be part of this new addition in our community.

The Wellness Empowerment Center is located at 775 Broadway, above the People's Place Community Café. The workshops are free and all are welcome. The mission of the center is to enhance the quality of an individual's life and help them build a stronger, healthier future through wellness classes.

The center opened last month. Each day will offer a different mix of classes: Mindful Mondays, Tasty Tuesdays, Wellness Wednesdays, Thriving Thursdays and Financial Fridays.

Information and times about any of these offerings, along with an opportunity to sign up for them or volunteer, can be found at the People's Place website, www.peoplesplace.org, or by calling (845) 338-4030, ext. 107.

Eli Basch Obtains \$1,000,000 Settlement



Basch & Keegan recently concluded litigation on behalf of a client who suffered serious injuries because of a drunk driver in the amount of \$1,000,000.00. Eli B. Basch was the attorney who represented the client in the case.

Our client was a passenger in a van traveling on the NYS Thruway. The van was struck in the back at a high-rate speed at about 9:50pm and our client was thrown from the van and run over by another vehicle. The intoxicated driver, who refused testing, was ordered by a Judge to have her blood drawn. She had left a law office Christmas party approximately two hours before the collision. The action was commenced against the drunk driver, the operator of the vehicle that struck her and the restaurant where the event occurred.

After being thrown from the van and run over, our client was unconscious at the scene and taken to a local hospital, then transported by helicopter to the Westchester Medical Center. She was hospitalized there for about a month. Her injuries included frontal subarachnoid hemorrhage, bilateral frontal bone fractures, maxillofacial injuries, rib fractures, chest tube placements, liver laceration, neck fracture and dorsal foot skin avulsions. She had a number of surgical procedures. After a month in the hospital she was discharged to a rehabilitation hospital for another month. She also received dental implants and psychological medication and counseling. The consequences of her injuries cause difficulty in concentration, anxiety, unremitting pain in her arm, pelvis, lumbar spine, face and head.

Furthermore, because of the trauma of her accident the faith community she was a part of for 20 years no longer could provide her with support. Her life was irretrievably altered in a way that has taken away her peace, health, and sense of community, which she enjoyed before this senseless act of a drunk driver propelled out into the night to cause incalculable and irretrievable damage to an innocent person.

The drunk driver received a prison sentence and the restaurant contested its liability for the actions of the intoxicated driver. The General Obligation Law of the State of NY permits an action against the establishment that sold intoxicating liquor to a person who causes injuries to an innocent third-party. However, the standard for liability requires that the intoxicated person be served after showing signs of visible intoxication. The witnesses to the serving of the liquor to the defendant driver in this case were her employing attorneys and employees of the restaurant. They, as would be expected, testified that there were no signs of visible intoxication and that the two hour gap between leaving the restaurant and the collision created questions as to what, where and when the drunk driver became intoxicated.

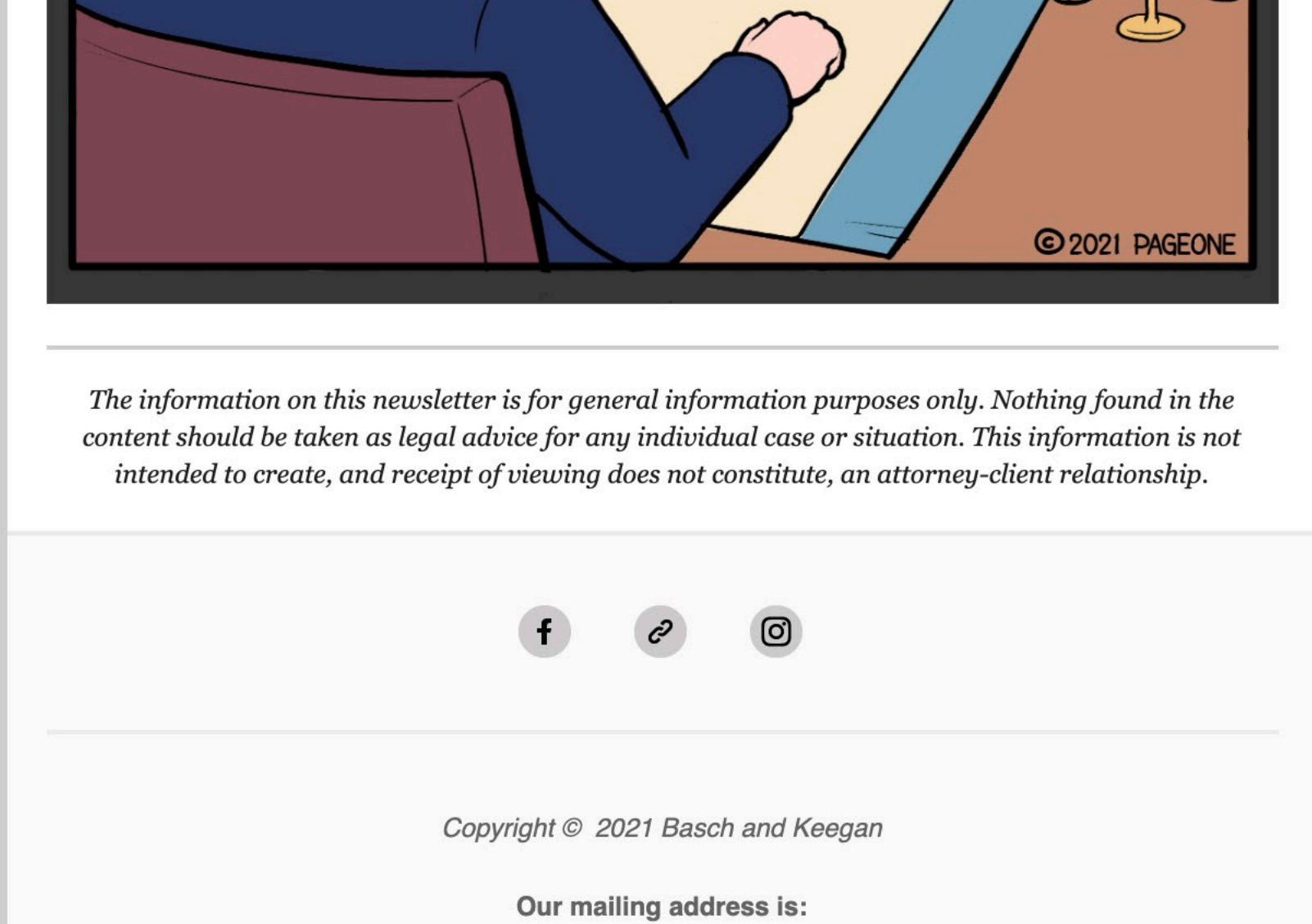
Depositions of all interested parties were conducted, and experts were retained. Eli was able to obtain testimony from an expert forensic pathologist whom extrapolated back from the BAC hospital blood test eight hours before the collision what the blood alcohol content would likely have been at the time of the serving a drink to the defendant driver. However, the restaurant also had an expert forensic pathologist who had the opinion that the defendant driver was not served while visibly intoxicated.

Ultimately, with the case about to proceed to trial, an aggregate settlement of one million dollars was arrived at.

The damages suffered would likely have exceeded the amount of settlement, however, there were limits of the liability insurance, most especially the drunk driver's \$25,000 limitation. There was little, if any, responsibility to the driver that struck our client, who had been thrown out in front of her on the Thruway at night, and the claim by the restaurant that the two hour gap between the accident which was five miles from the restaurant and the service of alcohol created questions that there had been consumption of alcohol in the interim.

Our client has returned home, made a substantial recovery, after many surgeries, notwithstanding the sever injuries she sustained yet still suffers the consequences, and is studying to be a nurse. Without the expert knowledge of the law, dedicated hours and resources Eli devoted to this case our client would not have recovered to the extent she has without his compassion, dedication, and commitment to getting her a just resolution of her case.

Derek Spada Helps World War II Veteran



Derek Spada recently obtained a settlement for a World War II veteran in a medical malpractice case. Our client suffered a spinal fracture, but the x-rays were misread at the hospital and he was discharged without treatment.

Our client was in pain for months until he obtained an appointment with an orthopedist, who reviewed the original x-ray films from the hospital and saw the fracture. Our client then began to receive treatment for his fracture.

Derek Spada held the hospital accountable for causing a delay in treatment, which caused this revered veteran to suffer unnecessarily.

A Brief Relief

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