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RECENT SETTLEMENTS \$5,600,000 settlement

New York personal injury lawyer Kenneth A. Wilhelm was able to get \$5,600,000 out of a \$6 million insurance policy for an injured bicyclist who was rendered paraplegic and suffered brain damage after being struck by a vehicle. The case (31734/2009) was settled on Jan. 16 shortly before the scheduled trial date.

New York, N.Y., Jan. 31, 2013—The Law Offices of Kenneth A. Wilhelm settled a case for \$5,600,000 on behalf of a client who was hit by a motor vehicle while on a bicycle. The case (31734/2009), which was filed around Jan. 5, 2010, in the Queens County Supreme Court, was settled on Jan. 16, 2013. The police report stated: "Witness who is bicyclist's brother states they were both traveling S/B (southbound) on Jun. Blvd. (Junction Boulevard) on their bikes when bicyclist made quick left, causing him to be struck by vehicle 1."

According to Kenneth A. Wilhelm, lawyer for the plaintiff, the injured person's blood-alcohol level exceeded the legal limit, based on a blood-alcohol test that was administered to him at the hospital. The victim suffered severe brain damage and was rendered paraplegic as a result of this incident, Wilhelm said.

The defense claimed that the victim was not wearing a helmet. Mr. Wilhelm said his firm hired a biomechanical expert who determined that a helmet could not have prevented the victim's injuries because it would not have extended down to cover the area of his skull that was fractured in the incident. "The expert also determined that the fracture in the back of the skull meant he was hit in the rear by a motor vehicle," Wilhelm said. "The hospital record also showed no injuries to the left side of his body, which, we said, would occur if the injured person had made a quick left in front of the van. If that were true, there would have been injuries to the left and also the right side of the body when he hit the ground."

Wilhelm said there were several challenges he faced in this case, including the fact that the police report faulted his client. "The other side would have claimed that the

accident was not foreseeable nor preventable because the injured person made a sudden left in front of the motor vehicle. The driver said he could not have avoided the accident. Secondly, the defendants retained an alcohol expert who said that when someone is under the influence, he or she would be more likely to act in a careless way."

Wilhelm said he considers this a significant victory because of the major challenges involved in this case with regard to the plaintiff. "This type of case requires not only a significant investment of money, but also of time and effort. In spite of the challenges in this case, we were able to obtain a settlement of more than 93 percent of all available insurance."

\$850,000 settlement

The Law Offices of Kenneth A. Wilhelm recently settled a case for \$850,000 out of a \$1 million insurance policy. The previous lawyer had only gotten an offer of \$125,000. The person who was injured was a passenger in a motor vehicle that was hit in the rear. The injured person had an operation on her neck and other injuries. The injured person also had an accident about one year before this one in which she also injured her neck and for which she was treated up until the day before the accident for which our firm was hired. The client was also treated for a neck injury due to another car accident in 1980, making it difficult to distinguish which of these accidents was the cause of any current neck problems that she is having. The client has also been involved in another car accident, incurring a neck injury, since the time our firm was hired. We were also able to reduce amounts that she owed for workers' compensation and other amounts, and save the client \$83,378.

\$2,550,000 settlement

A recent case that was settled by Kenneth A. Wilhelm for \$2,550,000 involved a passenger in his wife's vehicle which had four traffic controls against it, including a stop sign, two flashing red lights (which are the equivalent of stop signs), and a stop

(continued on back page)

PRACTICE AREAS

- Accidents/Personal Injury
- Slip & Fall Cases
- Sexual Abuse Cases & Rape Cases
- Herniated or Slipped Disc
- Lead Poisoning Cases
- Brain Damage Cases
- Eye & Ear Injuries; Blindness & Hearing Loss
- Stairways or Escalators
- Accidents in Buildings, Apartments, Elevators, Sidewalks, Streets, Construction Sites, Etc.
- Dog Bite Cases
- Defective Products & Machines
- Impaired Sexual Function
- Accidents Involving Trucks, Autos, Buses, Taxis, Boats, Airplanes, Trains, Subways, Etc.
- Fires, Burns, & Explosions
- Scaffold Accidents
- False Arrest
- Falls on Snow or Ice
- Accidents Involving Bicycles, Motorcycles, Mopeds, Uninsured Motor Vehicles, Hit & Run Cases, Etc.
- Falls From Windows
- Other Accidents & Injuries

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About the Law Offices of Kenneth A. Wilhelm

The Law Offices of Kenneth A. Wilhelm is a personal injury litigation firm with an unwavering dedication to its clients. With more than 41 years of experience, our firm strives to obtain the best compensation for those who have been injured or those who have lost a loved one due to an accident or by someone else's negligence. We handle cases dealing with personal injury, medical malpractice, wrongful death, workers' compensation, dental malpractice, motor vehicle accidents, rape, paralysis, comas, seizures, false arrest, lead poisoning, trips and slips and falls, elevator accidents, construction accidents, Erb's palsy, cerebral palsy, brain damage, blindness, hearing loss, dog bite cases, fire and smoke inhalation accidents, bicycle accidents, falls from windows or scaffolds, and many other types of accidents and injuries.

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Broken locking mechanism causes fatal runaway trailer accident

New York personal injury lawyer Kenneth A. Wilhelm talks about the importance of vehicle safety inspections

Seven people, including four children between the ages of 4 and 7, were killed after a broken locking mechanism caused a trailer to roll free and strike a minivan. According to a June 2 news report in *The Post Standard*, investigators are now looking into whether the truck driver performed the necessary safety checks before getting on the road.

New York, N.Y., June 4, 2013—Investigators are attributing blame to a defective or broken locking mechanism on the tractor part of a big rig that caused a devastating truck accident on Route 13 in Truxton, N.Y., which killed seven people, including four children between the ages of 4 and 7. Based on a June 2 article in *The Post Standard*, Cortland County Sheriff's investigators determined that a broken locking mechanism on the tractor of the rig caused the trailer to separate. The runaway trailer then veered into the opposite lane, smashing into a minivan carrying eight people, the report states.

Tractor-trailers are required to have "fifth wheel" coupling mechanisms to ensure that the trailer is locked properly onto the tractor. The mechanism that secures the trailer to the tractor consists of a steel pin and a spring-loaded lock, the article states. If the lock breaks, the driver should be alerted to the problem during a safety check that is supposed to take place before every trip.

After hitching the trailer, the driver is expected to check the lock by pulling a two-foot handle on the fifth wheel and if that handle pulls loose, it means that the trailer is not locked in place, the article states. Investigators are also looking into why the trailer's air brakes did not automatically stop it once it came loose, according to the report.

In addition to human error, mechanical failure is one of the most common causes of truck accidents, said New York personal injury lawyer Kenneth A. Wilhelm. "This is why it is crucial for truck drivers to perform safety inspections before they get on the roadway. Trucking companies are required to have a vehicle maintenance log."

When big rigs are not properly maintained, they put everyone on the roadway at great risk, Wilhelm said. "These big rigs can cause significant damage because of their size as well as their weight, as seen in this fatal New York crash. It is very important that the vehicles are not only maintained properly, but that safety inspections are conducted on a regular basis. These types of horrific tragedies can be prevented with diligent safety inspections."

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Recent settlements *(continued from front page)*

line. A truck that was traveling from right to left collided with the car in which our client was a passenger. After a great deal of litigation, the judge in effect dismissed the case of the injured person and said the vehicle our client was a passenger in was 100 percent responsible for causing the accident, and the truck was 100 percent free from fault. The injured person is prohibited from recovering directly against his wife, who was driving the vehicle in which he was a passenger. Therefore, we are only able to sue the truck owner and driver. However, the judge ruled the truck owner and driver were not at all at fault, not even 1 percent. In spite of this, we were able to get the insurance company for the truck to settle for \$2,500,000, and we were able to get the insurance company for the car in which he was a passenger (his wife's car) to offer the full \$50,000 policy. To repeat, we got \$2,500,000 from the truck's insurance company after the judge said the truck driver wasn't even 1 percent at fault, and we also got \$50,000 from his wife's insurance company, even though the injured person cannot sue his wife directly.