

Cyclist's Wrongful Death Continued

Bleifer was also an adventurer who took cycling trips in Tuscany and Hawaii, traveled by himself to Vietnam and hiked to the top of Machu Picchu, the ancient Incan city in Peru. Bleifer's friends and family also recall how much he loved his chocolate lab, Kona. They were often seen on walks in his neighborhood.

Bleifer was a longtime member of Velo Club La Grange, one of the largest and oldest cycling clubs on the West Coast. Through his work with the Bleifer family, Krepack was inspired to join La Grange, where he is active in the club's Public Policy Committee.

"Cyclists, motorists and the government must work together to make the roads safe for all of us," Krepack said. "There is no reason why Los Angeles can't be a bicycle-friendly city."

Union Bank has donated \$25,000 to a scholarship fund that Velo Club La Grange established to honor Scott Bleifer. The club plans to raise addition-



Riders at a 2005 ride to commemorate Bleifer.

al funds in November. Visit the club's website at www.lagrange.org for more information.

Attorney Howard Krepack, who is also an avid cyclist, filed a complex suit against multiple defendants, including CalTrans.

The law firm of Gordon, Edelstein, Krepack, Grant, Felton & Goldstein has a successful track record representing those harmed in bicycle accidents. Call (213) 739-7000 or visit us online at www.geklaw.com if you have been injured in a bicycle accident and would like to talk with an attorney.

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Justice for the INJURED®

Assembly Speaker Karen Bass Visits Law Firm

The economy is sputtering, Sacramento is gridlocked, and Californians are angry and afraid of where the crisis may lead. These are times that call for leaders like Karen Bass.

Bass and the Community Coalition she organized made waves in the wake of the 1992 riots by blocking licenses for liquor stores and attracting more stable businesses to South Los Angeles.

"Karen is a community activist with a rare personality," said Managing Partner Mark Edelstein. "She is completely dedicated to achieving her goals, of course,

but she always acts credibly, courteously and ethically."

Bass visited the law firm during her first run for the Assembly in 2004. This summer she took office as Speaker of the Assembly, and on Sept. 12 took a break from budget negotiations to return to the firm to thank us for past support and update us on where the state is heading.

"I've come to see that the answer to our budget problems isn't to convince Republicans to vote for taxes," Bass said, "but to elect Democrats in place of Republicans."



Partners line up behind Bass during a September reception.

She described the budget then taking shape in Sacramento as the best deal possible during bad economic times. "We're going to have a budget that we hate, but the important thing to me is protecting education, healthcare and other vital public services from debilitating cuts."

Before forming the Community Coalition, Bass worked as a physician assistant in the nation's largest trauma center, County-USC Medical Center.

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Significant Settlement in Cyclist's Wrongful Death

Scott Bleifer was training for an 8-day bike ride from San Francisco to Los Angeles, one of many fundraising events he regularly participated in for nonprofit organizations, when a catering truck struck and killed him in September 2005.

"This was a tragic death and tremendous loss, not only for Scott's family, but for the entire cycling community. Everyone who knew Scott thought of him as a vibrant and caring person," said Managing Partner Howard Krepack, who obtained a significant Personal Injury settlement for Bleifer's family.



Scott Bleifer

"Cyclists, motorists and the government must work together," attorney Howard Krepack said. "There is no reason why Los Angeles can't be a bicycle-friendly city."

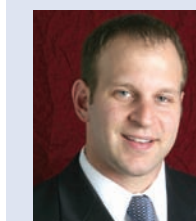
Krepack, who is also an avid cyclist, filed a complex suit against multiple defendants, including the California Dept. of Transportation. Cal Trans had granted the permit for a private construction project on Pacific Coast Highway in Malibu, but decided against creating a replacement lane for cyclists. Finding his usual path blocked, Bleifer was forced into traffic, where he died.

Krepack said Bleifer belied the stereotype of cyclists as a teenager or 20-something who takes too many risks. "Scott was 41, had been a vice president of Union Bank since 1992, and very conscious of safety when he rode his bike."

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Dombchik Helps Lead California Comp Attorneys

The California Applicants' Attorneys Association (CAAA) has installed new officers led by President Todd McFarren of Salinas and President-Elect Adam Dombchik of this firm. CAAA members represent hundreds of thousands of Californians injured on the job each year.



Priorities for the coming year, Dombchik said, include returning permanent disability payments to at least pre-2005 levels and improving injured workers' access to medical treatment, now entangled in senseless red tape and mindless denials.

Round Table with Mayor Villaraigosa

Mark Edelstein and Joanna Sacavitch recently shared a private moment with Mayor Antonio Villaraigosa at a Century City event. The mayor thanked Edelstein and Sacavitch for the law firm's support "since the beginning," Edelstein said, "I'm always impressed by Antonio's commitment to working people, including those injured on the job."



Stroke Victim Beats City of LA

Partner Sherry Grant proved that her client, an employee of the City of LA who suffered a stroke, was totally and permanently disabled after being subjected to intolerable working conditions. City Attorneys appealed the trial judge's findings all the way up to the Court of Appeals. The city, claiming changes in the 2004 Workers' Comp law, argued unsuccessfully that disability benefits should be reduced because pre-existing factors led to the stroke.

Grant and associate attorney Erika Vargas prevailed after multiple cross examinations of the agreed medical examiners and submission of the case at trial. "This is a huge victory on an issue that continues to cause distress throughout the Workers' Compensation community," Grant said.

Travel Now Reimbursed at 58.5¢ Mile

Medical travel will now be reimbursed at 58.5¢ per mile. This rate must be paid for travel on or after July 1, regardless of the date of injury. The updated mileage reimbursement form is posted on the law firm's website at http://geklaw.com/mileage_expense_form.htm

Law Firm Helps Bring Justice to Injured Carwash Workers

Los Angeles was once home to its share of automobile assembly lines, from General Motors factories in Van Nuys and South Gate to a Ford plant in Pico Rivera and an American Motors facility in Commerce. Those plants are all gone now, but nearly 500 carwashes dotting L.A. County make it clear that the car-culture still defines Southern California.

An estimated 10,000 employees wash, wax, shampoo and vacuum a daily parade of Benzes and B e a m e r s , hybrids and SUVs. Like other services, carwash owners built their industry on the backs of immigrant workers. Lax legal enforcement has allowed employers to brazenly violate overtime, health and safety, minimum wage and Workers'

CLEAN is committed to improving working conditions and ensuring that carwash wastewater doesn't contaminate our rivers and oceans.

Compensation laws. That rampant exploitation may be nearing an end, too. For the past year, the United Steel Workers (USW) has been organizing carwash workers into a union under the umbrella of the Community-Labor-Environmental Action Network. CLEAN is committed to improving working conditions and ensuring that carwash wastewater doesn't contaminate our rivers and oceans.

The CLEAN Car Wash Campaign is relying on the legal expertise of attorney David Goldstein. Carwash workers are often forced to use toxic chemicals and industrial-strength soaps and waxes without gloves, respirators or protective clothing. Constant exposure to water can

also lead to skin and breathing problems, and raises the risk of slipping and falling.

"I already represent three injured carwash workers," Goldstein said. "I'm sure, unfortunately, that many more cases will be filed. Carwashes can be surprisingly dangerous places to work."

The union organizing drive has led to renewed attention by authorities. During a 2-day sweep in July, the state Division of Labor Standards Enforcement hit Los Angeles and Orange carwashes with 47 citations, including 19 citations for not carrying Workers' Comp insurance.

"Given how low Workers' Comp insur-

ance rates are, it amazes me why any employer would cheat their employees out of coverage," Goldstein said.

State investigators checked 64 L.A. County carwashes from Huntington Park to Canyon Country, and from Santa Monica to Montebello. The single largest fine - \$35,000 for failure to pay Comp insurance - was given to Circle Marina Hand Car Wash in Long Beach.

In October, employees at Auto Spa Express in Echo Park filed a complaint accusing the carwash of not even paying the \$8 per hour minimum wage, much less the \$11.25 per hour living wage triggered by the owner's contract with the City of L.A.

Are Industrial Leave Benefits Subject to the 2-year TD cap?

By Attorneys Richard Felton and Adam Dombchik

Since 2004, injured California workers have been limited to two years of Temporary Disability benefits, regardless of the employee's actual medical status. Until 2008, the cutoff went into effect two years after the first T.D. benefit was paid. Since Jan. 1, however, the time limit has been extended to two years of benefits within five years of the injury.

Employees who are entitled to Industrial Leave before receiving T.D. benefits often ask if the 2-year limit applies to them. There is no legal consensus of the question. Different panels of the Workers' Compensation Appeals Board and different courts have issued several decisions.

In *City of Oakland v. WCAB*, a WCAB panel held that salary continuation under Labor Code Section 4850 payable to safety officers is not included in the 2-year limit. Similarly, the WCAB held in City and County of San Francisco that San Francisco city workers were not subject to the limit

because the language of their charter was nearly identical to Labor Code Section 4850.

In general, though, the answers starting to come from the WCAB and Court of Appeals have not been favorable. In August the 1st District Court of Appeals issued a published decision in *Rollick v. Mount Diablo Unified School District* siding with the employer that benefits under Ed Code Section 44043 should be subject to the 104-week cap.

An earlier published decision by the 5th District Court of Appeals ruled in *Brooks v. WCAB* that the limit also applies to Industrial Leave benefits for State employees. Another appellate court reached a similar conclusion in May in the unpublished *Wiley v. WCAB* decision.

Based on the recent Court of Appeals decisions, public safety officers' leave under Section 4850 are some of the few benefits not covered by the 2-year rule. Hopefully, the court will not overturn that.

The Courts are likely to take years before finally resolving the Industrial

Leave issue. Employees should be aware, though, that employers often attempt to terminate benefits under the earliest interpretation under the law.

If you were injured after April 19, 2004, you are subject to the 2-year Temporary Disability limit. If so, you must act

quickly. You should begin by considering whether to retain a lawyer who is up to date on the ever-changing law, and who can ensure that you receive medical care and other benefits while they are still available to you.

Karen Bass Visits Continued

Her medical background has made her especially sensitive to injustices in the Workers' Compensation system, which she vowed to address as Assembly Speaker.



David Goldstein and Yardenna Aaron of the MCTF, a janitors' association.



Howard Krepack and UTLA Pres. Duffy.



Bass with (from left) Fran Reisner, Pres. Velma Butler and Sandra Lepore of the AFT Staff Guild.

Nail Gun Disables Carpenter

Personal Injury attorney Roger Gordon filed suit on behalf of a carpenter whose nail gun accidentally discharged, but who didn't realize for two weeks that the 3-inch nail had penetrated his brain.

The 55-year-old journeyman was installing skylights when his nail gun recoiled and struck his upper lip, causing profuse bleeding. At the hospital, physicians sutured the cut, unaware that a nail had penetrated the carpenter's head. He went back to work, but returned to the hospital after experiencing severe headaches and dizziness for two weeks. Surgeons removed the nail once an x-ray revealed it, but our client had suffered significant neuro-cognitive injuries.

The defective nail gun, a Model NR83A manufactured by Hitachi-Koki USA, has been implicated in more serious workplace injuries in California than any other brand or model. The gun uses a contact-trip firing system that allows a nail to be fired if it touches a surface while the trigger is pulled back.

"Our client will never work again in an industry that supported him and his family for nearly 40 years," said attorney Gordon. "He is permanently disabled by intense headaches, extreme fatigue, dizziness, numbness in his lower limbs and severe depression."

Gordon has represented many clients in workplace-injury and product-liability lawsuits, and has won numerous multi-million-dollar verdicts for clients.

Workers' Compensation attorney Adam Dombchik is handling the carpenter's claim. The law firm has a long history of coordinating successful outcomes in similar cases where there are both a personal injury lawsuit and a Workers' Comp claim.

"We have used the Workers' Comp case to obtain thorough medical evaluations to help assess the need for medical care now and in the future," Dombchik said.