

“FULL COVERAGE”

Do You Really?

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person/50,000 per accident. The only way to protect yourself in the event you sustain serious injuries due to the fault of someone with minimum liability insurance is to make sure that you carry sufficient Uninsured/Underinsured Motorist coverage to pay the difference between what you may receive under the negligent driver's insurance coverage and what you should receive for your injuries and damages. For example, assume the person responsible for your injuries carries the minimum \$25,000/50,000 limits, and you carry Underinsured Motorist coverage with limits of \$100,000 per person/\$300,000 per accident. If your injuries are worth \$100,000, you would be entitled to collect the \$25,000 from the negligent party's insurance company, and \$75,000 from your Underinsured motorist coverage. This is because your insurance carrier can offset what they pay you by what you received from the wrongdoer's

insurance carrier. Despite the offset you would still receive your entitlement of \$100,000.00. However, if you only maintained the minimum \$25,000/50,000 underinsured coverage on your vehicle your recovery would be limited to the offending vehicles \$25,000 policy.

One thing is clear, insurance can be confusing, and insurance companies are in business to make financial profits, not to necessarily do what is best for you in the event of an accident or injury. It is therefore important to ask questions of your agent to verify the amount of coverage to which you will be entitled in the event of an accident.

Unless you are an insurance expert, dealing with insurers can be frustrating, to say the least. At FKMS, we are not only experienced in dealing with insurance companies, we know all of the possible avenues to explore in order to maximize

the coverage to which you are entitled when an accident takes place. We also have the expertise necessary to process the numerous documents insurance companies require to process your claim. Rest assured, the insurance companies employ attorneys to represent their interests in these matters, and you need to be on equal footing with them, by having a team of skilled litigators on your side.

*No-Fault benefits are not available to motorcyclists.

“I am very very happy with the service I received from FKMS. Everyone was fantastic; I never felt like I was just another client at FKMS. I was treated like a friend.”

-Tricia Baron

FKMS THE VERDICT

Ferro, Kuba, Mangano, Sklyar
Gacovino & Lake, PC

360 WEST 31ST STREET, SUITE 1100
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STUDENT-SLAY JURY SEES UPSTATE EPISODE TO SHOW THREAT TO WITNESS **‘Sopranos’ for the prosecution**

FKMS Client Found Not Guilty

A Brooklyn jury saw through the bells and whistles of the District Attorney's case and found FKMS' client Tommy S. not guilty of intimidating a witness. Our client was arrested and charged almost one year ago with intimidating a witness and other crimes stemming from the investigation into the highly publicized Mark Fisher murder. The DA obtained a silent indictment and the case proceeded to trial in Brooklyn Supreme Court before Judge Alan Marrus.

The DA charged that a life threatening statement was allegedly made by our client and co-defendant James P. to Tommy S.'s girlfriend. The DA called four New York City detectives as well as other civilian witnesses to establish



that the defendants were part of a street gang called the "Ghetto Mafia". FKMS partner, William V. Ferro, was able to cross examine the prosecution's key witness in a way which made the claims of a threat somewhat unbelievable and showed that the Ghetto Mafia was nothing more than a group of friends. While the jury saw the Sopranos episode in which

Adriana was killed for cooperating with the FBI, Mr. Ferro argued to the jury the difference between the fictional TV show from the reality of this trial. The defendants faced seven years incarceration if convicted. The jury agreed with Mr. Ferro's position and returned a verdict of not guilty.

At FKMS we firmly believe in the presumption of innocence and protecting the constitutional rights afforded to every American. Should you, a family member, or friend find yourselves in a situation that requires criminal representation please do not hesitate to contact us.

“You are the best! You always took the time to explain to me exactly what was going on with my case. I would definitely use you again. I would recommend you to anyone needing an attorney.”

-Dawn Triolo

When Your Agent Says You Have
“FULL COVERAGE,”
Do You Really?

In New York, automobile insurance companies offer policyholders a wide variety of insurance coverage options as well as choices for coverage limits within each of these options. Although choice can be a good thing, many agents do not explain that just because you have some of every coverage, you may not have the coverage you need.

For example, under New York law, when you are injured in a motor vehicle accident, your medical bills and certain other expenses (including wage loss) are paid under the Personal Injury Protection coverage (commonly referred to as No-Fault coverage) of your automobile policy.* Unfortunately, many people find out for the first time when they are injured that they have chosen a deductible under this coverage, or that the limits of the coverage they chose are insufficient, to pay for medical bills or reimburse them for their time out of work. This can create financial hardship.

In addition, although bodily injury liability insurance (which compensates those who are injured due to your negligence) is mandatory in New York, the law only requires minimum coverage of \$25,000 per

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REFERRALS: We always appreciate and welcome our client's referrals. Please feel free to call us anytime.

NYC (212) 244-7676 • SAYVILLE (631) 581-9494 • GREAT NECK (516) 829-2800

IN THIS ISSUE OF FKMS THE VERDICT:
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FKMS: OUR HISTORY

Started in 1989 as a solo practice, William V. Ferro, with his extensive trial experience in the areas of criminal defense and personal injury, quickly distinguished his small firm as one of the leading trial firms in the metropolitan area. His philosophy at that time was quite simple, to provide his clients with the highest caliber of legal services possible.

In 1998, Mr. Ferro was joined by Lance E. Kuba, who brought with him more than 10 years of experience in representing various commercial and residential lenders, in all aspects of real estate law, both in the public and private sectors. Mr. Kuba's extensive knowledge and experience in these areas created a new dimension and added further prestige to the growing reputation of the firm.

"You guys were GREAT! Everything in my case always went very smoothly. I couldn't ask for better lawyers."

-Theresa Bonifer

They were soon joined by Kenneth Mangano one of New York's most well respected trial attorneys. Ken brought twenty years of major trial experience to the practice and continues to serve as trial counsel to countless solo practitioners and law firms.

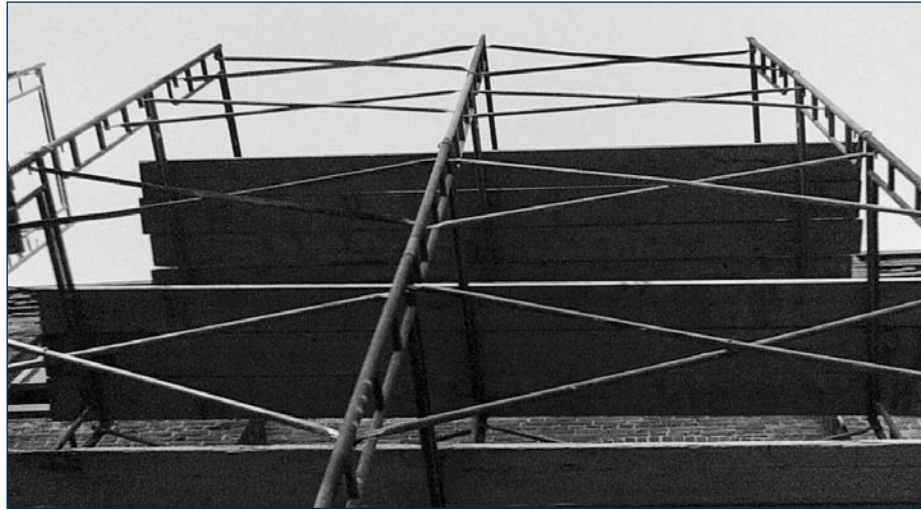
With some other key additions, the most significant of which was the elevation of Adelina Sklyar, our senior associate in the Commercial Transaction Department to partner, the FKMS family had evolved.

Our merger with Gacovino & Lake, an established Suffolk County personal injury firm, created a significant presence for FKMS in Long Island to compliment our well established position in the five boroughs.

Today FKMS has fully staffed state of the art offices located in NYC, Nassau and Suffolk Counties. Our unwavering dedication to our clients and continuous pursuit of legal excellence earned us the distinction of being named one of the "Top Law Firms" by the Long Island Business News in April of 2003.

In February of 2005, FKMS was ranked in the "Top 99 Law Firms" by the Long Island Business News for our continued "commitment, determination and vision" with regard to our clients and the community at large.

At FKMS we are committed to doing it better, because doing it well is simply not good enough.



FKMS Creates NEW LAW As Construction Worker Collects 1.9 Million Dollars

In a case of first impression in New York State, FKMS led by partner Kenneth Mangano obtained a settlement at trial on behalf of our client for 1.9 million dollars.

On August 21, 1999, Timothy W., a union carpenter, was working at a construction site at Massapequa Middle School. Mr. W. working alone with inadequate safety equipment was erecting a baker's scaffold on the building's second floor exterior overhang. The scaffold, which was on wheels, moved and Timothy fell

approximately 15 feet to the ground sustaining fractures to his leg, ankle and calcaneus, requiring multiple surgeries.

This was a landmark victory for laborers and construction workers in New York State.

FKMS sued the construction manager, Turner Construction, alleging that the defendants violated New York State Labor Law. Specifically, we alleged that the accident stemmed from an elevation-related hazard, as defined by Labor Law §240 (1) and that Timothy W. was not provided with proper safety equipment as required by statute.

FKMS moved the Supreme Court for summary judgment pursuant to the above law. Defendant's principal argument was that Mr. W.'s actions were the sole proximate cause of his injuries. Justice Walter Tolub granted our motion which the defendant appealed. In a 3-1 ruling the Appellate Division, First Department, affirmed the Supreme Court's ruling but referred the case to the Court of Appeals for distinction between the titles "construction manager" and "general contractor." Turner Construction

argued that as "construction manager" it did not have liability under the Labor Law. In a case where new law was established, the Court of Appeals adopted the argument of our appellate counsel, Brian Isaac, and held that the construction manager served the same role as the general contractor in this instance given that it controlled the job site. This was a landmark victory for laborers and construction workers in New York State.

The matter proceeded to a damages only trial against Turner Construction at which time it settled immediately before jury selection for 1.9 million dollars. Our client, his wife and family were thrilled with the effort put forth by the FKMS team which produced this outstanding result.



Dangerous Drug Litigation

Over 200,000 Americans suffer serious and sometimes fatal side effects each year from prescription drugs. FKMS represents people who have suffered as a result of taking these dangerous drugs. Seroquel is a popular schizophrenia drug manufactured by AstraZeneca and has been linked to an increased risk of Type 2 Diabetes. Ortho Evra, the widely prescribed birth control patch has been linked to the deaths of at least 17 women in the past two years. The FDA reports complaints linking the Patch to blood clots, heart attacks and strokes.

If you or a loved one has taken either Seroquel or used the Ortho Evra Patch and have suffered serious side effects please contact Steven Gacovino at our office for a free evaluation.

Worker fell ten feet when unfinished stairway collapsed; Accident resulted in fractured leg requiring surgery.

Queens Supreme Court
Award: \$300,000

Building entry called unsafe, blamed for car crash; FKMS client sustains injury to leg.

Suffolk Supreme Court
Award: \$225,000

Window installer injured when scaffold collapsed; Injury required back surgery.

Queens Supreme Court
Award: \$950,000

Lack of protection at work site; blamed for laborers eye injury.

Kings Supreme Court
Award: \$750,000

Woman slips on debris left outside apartment building; Fractured leg required surgery.

Kings Supreme Court
Award: \$335,000

Ambulance struck passing vehicle while making u-turn; Multiple facial injuries to plaintiff.

Kings Supreme Court
Award: \$225,000

"I first met Bill Ferro some time after my accident. He was straightforward with me and told me that my case was complex and would take some time but that he would give it his best. Through all the complications, he and the entire team were like a big brother standing up to the bullies for me. This meant everything to me as I couldn't fight myself against these lawyers. The outcome of my case was everything I was told I could hope for. Despite my injuries I couldn't be happier today because the efforts and results I received. Mr. Ferro, Mr. Mangano and their staff exceeded my expectations of what I thought a law firm would do for a client. I would refer anybody who was in my position to FKMS."

-Tim Walls

Real Estate News

At FKMS we have extensive experience in all phases of residential and commercial real estate transactions, including lease negotiations, sales, purchases and refinance of properties. Our attorneys are dedicated to



the efficient and timely handling of all phases of a real estate transaction.

Buying or selling a home are not only one of the costliest events in one's life, they are often also one of the most stressful. At FKMS we recognize that each client has different needs and each transaction requires a combination of skills to meet those needs.

Many first time buyers of homes who are unfamiliar with the way financing works commit to making offers to purchase, or bind themselves to financial institutions to borrow without first understanding the potential risks and ramifications. We at FKMS are always available to counsel you on any questions you may have regarding the purchase or sale of a home or the lenders' underwriting process.

In addition to representing individuals or entities involved in real estate or commercial transactions, we also counsel a wide range of clientele including banks, insurance companies and mortgage companies, in reference to construction loans, leasehold mortgage financing, letters of credit, mortgage insurance and many other aspects of transactional work. We continue to represent clients in all phases associated with the establishment or winding down of their business, including setting up



corporate, limited liability company or partnership entities and preparation of the necessary agreements.

No matter what the question or issue at hand, we remain committed to providing our real estate and business clients with the most comprehensive and diligent legal services we can.