

# Levinson Axelrod<sup>P.A.</sup>

## ATTORNEYS AT LAW

### SPRING 2024 NEWSLETTER



## LEVINSON AXELROD NAMED TO 2024 BEST LAW FIRMS®

Levinson Axelrod, P.A. is pleased to announce that we have once again been included in the annual Best Law Firms® rankings!

This year, our firm received the New Jersey Metropolitan Tier 1 ranking, the highest ranking available, in the Personal Injury Litigation – Plaintiffs category, as well as additional recognition in the Workers’ Compensation Law – Claimants category.

### A Best Law Firms® Recognized Firm

Selection to the annual Best Law Firms® list is a top industry achievement earned by firms that have excelled in their areas of practice.

According to the Best Law Firms® methodology, potential honoree firms must have at least one attorney named to the current edition of The Best Lawyers in America® to be eligible for inclusion. Levinson Axelrod recently had four attorneys (Rich Marcolus, Adam Rothenberg, James Dunn, and Ron Grayzel) named to the 2024 Best Lawyers list earlier this year.

Firms must also receive top marks in a multi-phase selection process that factors in criteria such as feedback from clients and colleagues, notable results, and peer evaluations. Firms that receive the highest scores during this

process earn the publication’s Tier 1 ranking.

Our continued inclusion among the Best Law Firms® distinguishes our practice as one of New Jersey’s top personal injury and workers’ compensation firms. We are grateful for this honor and thank all attorneys and staff who helped make this possible.

*Top photo: Middlesex County Trial Association, Breitkopf Awards Dinner on November 16, 2023. Levinson Axelrod has a long history with this organization. Richard Levinson, Esq. was one of the founding members in the 1960’s, and many of our attorneys have served in leadership roles since that time.*



## WHAT HAPPENS IF I CAN’T PERFORM MY PREVIOUS JOB DUTIES WHEN I RETURN FROM A WORK INJURY?

FEB 14 2024

BY CELINE VITALE

Work-related injuries can come with serious setbacks that threaten the financial stability of workers. Fortunately, workers’ compensation laws allow workers injured in the course of their employment to receive needed benefits while they are out of work.

But what happens when workers return to their jobs? And what about situations where workers physically improve as much as they can, but are still unable to perform the job functions required of their previous positions?

This is a predicament our workers’ compensation attorneys at Levinson Axelrod, P.A. frequently encounter, and one that can cause an immense amount of stress and concern for workers. Fortunately, there are legal protections in place precisely for these situations.

### NJ Law Requires Employers to Give Hiring Preference to Injured Workers

On September 24, 2021, New Jersey Governor Phil Murphy signed into law Bill A-2617/S-2998, an amendment to the New Jersey Workers’ Compensation Law.

The Bill protects injured workers by requiring employers to provide a “hiring preference” to employees who have reached maximum medical improvement (meaning they have recovered as much as they are physically or medically able to recover) following a work-related injury.

The Amendment only applies to employers of at least 50 employees and to employees who have completed their medical treatment and are considered at maximum medical improvement (or MMI) from a work-related injury.

### What Does This Mean for Me?

New Jersey’s workers’ compensation “hiring...  
*continued on inside*

**In Memoriam**

Jacob Levinson (1934-1988)  
Robert J. Axelrod (1961-2000)  
Alfred A. Levinson (1948-2006)

**Partners**

Richard J. Levinson  
Richard J. Marcolus \*\*  
James J. Dunn \*  
Mark V. Kuminski \*  
Adam L. Rothenberg \*  
Brett R. Greiner \*  
Kimberly L. Gozsa \*  
Michael B. Fusco \*  
Todd D. Wachtel \*\*  
Robert Y. Cook \*  
Matthew P. Pietrowski  
Patrick J. Flinn \*  
Kathleen M. DiGiovanni \*  
Christopher A. DeAngelo  
Celine M. Vitale  
Kelley W. Lavery \*  
Jessica R. Bland  
Joseph M. Marabondo \*  
Francis J. Leddy, III

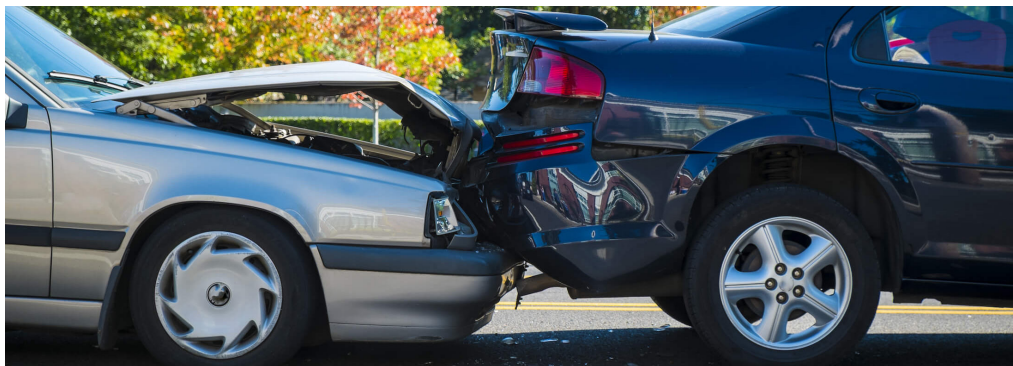
**Associates**

Kendall W. Medway  
Ronald S. Yuro \*  
Megan M. Coppa  
Danielle Mastropiero, RN  
Shelby L. Falco  
Marisel Lopez Chin  
Andrew J. Monahan  
Thomas Russo

**Of Counsel**

Ronald B. Grayzel \*

\* Certified Civil Trial Attorney  
\*\* Certified Workers' Comp. Attorney



**RESULT: BRETT GREINER SECURES \$2,000,000.00 CAR ACCIDENT SETTLEMENT**

APR 2 2024

Levinson Axelrod, P.A. Partner Brett Greiner recently secured a **\$2,000,000.00** settlement during the preparation stages of a trial, including jury selection in Middlesex County.

Brett represented a Carteret man who was rear-ended by another vehicle, resulting in back and neck pain. After two weeks, the pain did not get better, so he went to his family doctor. Upon medical evaluation, the doctor ordered X-rays and referred him for chiropractic treatment.

When his symptoms continued even after the specialized care, his doctors administered injections in his upper and lower spine to reduce inflammation and pain. The injections in the neck were helpful, but the one in his back did not provide any appreciable amount of pain relief or mobility improvements.

Using his medical provider's recommendations, he next underwent surgery to remove two damaged discs in his lower back. The discs were replaced with spacers at two levels, which were then fused together. One of the spacers shifted over the following months, which is a known complication risk for that type of surgery, and a second surgery was needed to correct it.

Given all the pain and health complications he had endured, our client realized that exploring his legal options might be the only way to set things right. With the help of Attorney Brett Greiner of Levinson Axelrod, P.A., a claim was filed against the driver who rear-ended him and the auto insurance company that represented the driver.

Initially, the defendants did not want to settle the matter and tried to dispute liability and the links between our client's serious back and neck injuries and the car accident.

Drawing upon his extensive experience as a catastrophic injury lawyer and litigator, Attorney Greiner pressed the issue and prepared for trial. Once the jury selection process was completed in Middlesex County, the defendants seemed to recognize that our client's case had been built by a reputable team, so settlement negotiations began. We are proud to say that a **\$2 million** settlement was achieved before the need for a lengthy or complicated trial.

*Brett Greiner is a Levinson Axelrod, P.A. Partner with numerous multimillion-dollar case results won for his clients in a variety of cases. One of his largest recent wins was a \$2,500,000 result for a 12-year-old student who was struck by a county-run shuttle bus. He takes great pride in securing life-changing and newsworthy settlements and awards for his clients, and he is always looking for the next opportunity to help a client in need.*



**ENA CONFERENCE**

MAR 14 2024

Joining forces with dedicated professionals! Levinson Axelrod's Danielle Mastropiero, RN, Marisel Lopez-Chin, Esq., and Adam Rothenberg stood in solidarity with local nurses at the Emergency Nurses Association conference in Atlantic City. ENA offers invaluable resources such as ongoing education, practice tools, and scholarships to its members. Proudly backed by Levinson Axelrod!



We are incredibly grateful that thanks to an outpouring of support, we were able to defend our title as Central Jersey's most trusted law firm. Our firm was named the "Best Law Firm of Central New Jersey". Based entirely on public nominations and votes, this honor speaks volumes about the reputation our firm has cultivated among current and former clients and the communities we serve. Thank you!

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...preference” law is important for workers who are no longer able to perform the same job duties they performed prior to a work-related injury.

The law will apply to your situation if:

- You were injured at work;
- You have been placed at MMI (maximum medical improvement);
- You work for a covered employer with at least 50 employees or more; and
- You have restrictions that make it impossible for you to return to the position that you were in prior to your injury.

If all the above apply, your employer must offer you preference for any unfilled positions for which you are able to perform the essential

job duties following your injury. Employers are not required to create new positions or to remove current employees from positions to accommodate you, but if any unfilled positions for which you can perform the essential duties do exist, you must be given preference.

This preference could mean that you would be chosen for a position if all things are equal among candidates, or that you are chosen so long as you meet minimum qualifications, even if other candidates have higher or better qualifications. It could also mean that you, as a previously injured employee, are placed at the front of the line while other candidates are not considered – meaning that employers would have to seek out workers at MMI every time they look to fill positions.



### FREE EBOOK

## An Injured Worker's Guide to Unlocking New Jersey's Workers Compensation

Unlock valuable insights and navigate NJ's workers' compensation with confidence by downloading our ebook today!

[www.njlawyers.com](http://www.njlawyers.com)

## RESULT: MARK KUMINSKI AND KELLEY LAVERY RECOVER \$1,625,000.00 PREMISES LIABILITY SETTLEMENT DURING TRIAL

MAR 19 2024

Levinson Axelrod, P.A. Partners Mark Kuminski and Kelley Lavery recently secured a **\$1,625,000.00** mid-trial settlement in a case which was handled by our Jamesburg office.

Mark and Kelley represented a Hazlet woman who was injured when she slipped and fell on a wet floor in the common area women's restroom at work. While no one was present, the tile floor was wet and appeared to have recently been mopped and left unattended. There were no wet floor signs, nor had the bathroom been blocked or closed off.

As a result of her fall, our client suffered a recurrent disc herniation in her lower back at the same level that she had previously undergone surgery eight years earlier. Because of the accident, she was required to undergo a second surgery at the same level. When that surgery failed to cure her condition, she likewise underwent an additional surgery to her sacroiliac joint.

### Investigation, Claims & Trial

While the restroom floor was wet at the time of the plaintiff's fall, no one else was...

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## TESTIMONIALS

*"Everyone was excellent, caring and attentive. I felt like family. That's how comfortable everyone made me feel especially in a very difficult time in my life."*

- S.C.

*"Rich Marcolus from Levinson Axelrod is one of the best professionals that I have ever worked with. He treated my small workers' comp case as though I was his number 1 client."*

- C.C.

*"My experience with Levinson Axelrod was very positive and uplifting. Celine took what I thought would be a stressful situation and turned it into a wonderfully positive experience for me and for my family. Her passion for her job, and her compassion towards her clients, is without limit. She is a fighter."*

- P.G.

*"Just wanted to say thank you again for your expertise in the law. It is amazing how you were able to obtain a very fair settlement...you certainly went after a much better settlement if not the best."*

- G.M.

*"Whenever I had a question and called, I was always treated as a person not a client which over time developed into a family type relationship."*

- Linda G.

## Our Locations

Edison  
2 Lincoln Highway  
Edison, NJ 08820  
(732) 440-3089

Belford  
274 Church Street  
Belford, NJ 07718  
(732) 655-8131

Brick  
44 Princeton Avenue  
Brick, NJ 08724  
(848) 222-8053

Flemington  
124 Route 31  
Flemington, NJ 08822  
(908) 386-4678

Forked River  
654 Lacey Road  
Forked River, NJ 08731  
(609) 614-3375

Howell  
3641 US Hwy Route 9N  
Howell, NJ 07731  
(732) 730-7043

Jamesburg  
220 Forsgate Drive  
Jamesburg, NJ 08831  
(732) 655-8310

Raritan  
90 East Somerset Street  
Raritan, NJ 08869  
(908) 386-4737

Rockaway  
25 1/2 Wall Street  
Rockaway, NJ 07866  
(862) 288-8382

Mt. Laurel  
309 Fellowship Road  
Mt. Laurel, NJ 08054  
(856) 263-4800

continued from inside

...present, nor was there any cleaning equipment or personnel present to indicate how the water had gotten there. Defendants denied having mopped the floor, arguing that they were not present in the building at the time and therefore there was no evidence linking them to the water. While the defendants were not scheduled to mop the floor at that time, the water nevertheless had the appearance of being a freshly mopped floor. Even without any direct evidence linking the defendants to the wet floor, Mark and Kelley were able to establish that the floor must have been mopped due to the fact that the water was evenly distributed throughout the entire bathroom, and there were streaks throughout same. As the defendant cleaning company was solely responsible for mopping the floor, we argued that they must have been the ones who had mopped the floor. As the cleaning company lacked sufficient liability insurance coverage to adequately compensate the plaintiff for all of her injuries, it was important that Mark and Kelley were able to likewise establish that the owner and operator of the commercial property were also responsible for the actions of the independent contractor cleaning company.

As this accident occurred while our client was working in the course of her employment, she was likewise entitled to bring an additional claim for workers compensation benefits. That claim is being handled separately and will result in an additional, separate recovery. Normally, workers' compensation is the sole legal remedy for workers injured on the job. However, there are times when injured workers can pursue claims outside of the workers' compensation system – with one of those exceptions being accidents caused by the negligence of a third party. In this case, Mark and Kelley were able to establish that entities other than the plaintiff's employer were responsible for the inspection and maintenance of the bathroom in question. As a result, our client will likewise receive a second recovery through her workers compensation claim.

Mark and Kelley filed our client's premises liability lawsuit against the owner of the building, the property manager, and the custodial company, over claims that they failed to ensure the property was maintained in a reasonably safe condition, free from unreasonable hazards. The case was tried before a jury in the Superior Court of Monmouth County, and settled on the sixth day of trial for a total of **\$1,625,000.00**.



This case was a significant recovery that will help our client cover losses associated with her surgeries and treatment, missed wages, and ongoing pain and suffering. It's also a result that speaks volumes about the importance of working with skilled attorneys who can effectively investigate accidents and help clients pursue claims through channels that allow them to secure the maximum compensation possible.

*Mark Kuminski and Kelley Lavery are both partners with the law firm of Levinson Axelrod, P.A. Combined, they have decades of experience fighting for the rights of injured accident victims and their families throughout New Jersey. Together, the two have leveraged their extensive insight and experience to help our clients recover millions of dollars in compensation in complex legal claims involving motor vehicle accidents, construction site accidents, premises liability claims, and other serious personal injury matters, including wrongful death claims and more.*

**Levinson Axelrod** <sup>P.A.</sup>  
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**732-440-3089**

<https://www.njlawyers.com/>

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2 Lincoln Highway  
Edison, NJ 08820

Were you exposed to toxic  
water at Camp Lejune?

**We can help.**