



Counsel Financial Celebrates Win of Largest Personal Injury Settlement in New York State History

Edelman & Edelman, P.C. Obtains \$35 Million on Behalf of its Clients

The financing company, Counsel Financial, is pleased to announce that preeminent New York City plaintiffs' firm Edelman & Edelman, P.C. has reached a \$35 million agreement in a construction accident case against the Metropolitan Transportation Authority and New York City Transit Authority (also known as MTA New York City Transit) (together, "MTA"), the City of New York and Judlau Contracting, Inc. The settlement, approved by Hon. Donald Kurtz on March 23, 2016, marks the single-largest personal injury action victory ever publicized in New York State.

In the case, *Sarata v. Metro. Transp. Auth.*, Index No. 15708-2012, filed in November of 2012 in the Supreme Court of the State of New York, County of Kings, Martin Edelman, Esq., on behalf of Maciej and Magdalena Sarata, alleged that the defendants violated Labor Law § 240(1)—“the duty to provide safety devices necessary to protect workers from risks inherent in elevated work sites.”*

According to court records**, on the day of the incident, Maciej Sarata was working as a construction laborer on a project that involved the rehabilitation of a subway line that stood approximately 90 feet high. While Maciej Sarata was at ground level, other employees of Fox Industries, Ltd. (Fox), a sub-contractor for the MTA defendants, used hand-held jackhammers or chipping guns to remove a concrete encasement surrounding the structural beams of the elevated tracks. The worksite included a 'controlled access zone' comprised of netting secured by plywood barricade positioned below the employees working on the tracks to catch any concrete pieces extricated during the removal. Nevertheless, at one point, a four-foot chunk of dislodged concrete hit a crossbeam, flew through the netting in the controlled access zone and struck Maciej Sarata in the head. He was rendered unconscious and transported to a hospital. As a consequence of the accident, Maciej Sarata sustained a skull fracture and required treatment for head, brain and spinal cord injuries.

Thereafter, Maciej Sarata filed suit to recover damages for his injuries, and his wife, Magdalena Sarata, filed a derivative cause of action for loss of spousal services, which ultimately lead to the monumental resolution of their claims. In reaction to the settlement, Plaintiffs' counsel Martin Edelman stated, “for the sake of our clients, I am glad we were successful in putting ourselves in a position where the insurance carriers decided that this case was unique and special and they had to consider it such, and negotiate in a territory that they have never previously been in.”

About Counsel Financial

[Counsel Financial](#) is the largest provider of working capital lines of credit to plaintiffs' attorneys in the industry, having loaned nearly \$1 billion exclusively to plaintiffs' attorneys in its 15-year history. Counsel Financial sets the standard for innovation and flexibility in its loan offerings, structuring terms that are conducive to the unique demands of contingency-fee practices. Leveraging 200+ years of internal legal experience, Counsel Financial has financed the growth of firms in every area of plaintiffs' litigation, including personal injury, mass torts, class action and labor and employment. The company is exclusively endorsed by six national and state trial organizations, including the American Association for Justice and The National Trial Lawyers.



*Sarata v. Metro. Transp. Auth., 134 A.D.3d 1089, 1090, 23 N.Y.S.3d 281, 283 (N.Y. App. Div., 2d Dep't 2015).

**Id.



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