CHILD SUPPORT

Every year individuals find themselves faced with obligations to pay court-ordered child support, and every year these same individuals ask themselves what they would do if they were faced with the loss of their job. How would they live and how would they pay their bills and expenses. In these situations, theses individuals should immediately contact our office to begin a downward modification of their monthly child support. An immediate application is required for the following reasons.

1. An immediate reduction of monthly child support can immediately reduce the financial strain on an individual.
2. With hard financial times, there is a possibility that an individual can fall behind on their child support payments before they file for a reduction. However, under current federal law, New York state law, and recent Court decisions, reductions in monthly child support only apply as of the time of the application was filed with the Court. The reduction cannot be retroactively applied to the amount of child support that accrued before the application was filed.

Section 451 of the New York State Family Court Act allows for a Court to reduce or annul accrued arrears where the defaulting party shows "good cause" for failing to make an earlier application for a reduction, and what constitutes "good cause" would depend on the facts and circumstances of each case. However, courts have limited "good cause" to where the party owing accrued child support claims they were not served with any court papers or court order in the first place. In situations involving loss of job, there is no such luck. In fact the 1997 Court of Appeals decision in **Dox v. Tynon** interpreted 1986 amendments to the law prohibiting any "forgiveness" of any child support arrears to mean 'no excuses".

To avoid serious problems with any accrued arrears, as well as issues related to child support, it is extremely important that anyone in this situation contact our office to discuss their options immediately.

RECENT VERDICTS

$ 660,00.00 verdict for a man who was out of work for one year and suffered a back injury which required a substantial amount of medical treatment. This verdict was rendered by a Nassau County jury this year.

$ 350,000.00 settlement for a woman who suffered a back injury in Queens County and was required to miss time out of work as well as treat with many doctors for an extensive period of time

$975,000 settlement for a pedestrian who was hit by a car and required knee surgery.

$ 250,000.00 settlement for a child who suffered a head injury, as a result of falling from a playground apparatus at a county park.

$ 235,000 settlement for two individuals who were injured in a car accident while sitting in a parked car. As a result of the accident both individuals suffered back injuries.

$850,000.00 settlement for a pedestrian who was hit by a motor vehicle and sustained multiple fractures to her body.

LAW OFFICES OF MALLILO & GROSSMAN

Visit us at www.malliloandgrossman.com

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There is no better time than the Holidays to express our appreciation for your business and friendship. May all the joys of the season be yours

WHEN IS IT TIME TO REFINANCE YOUR HOUSE

If you are a homeowner who originally purchased a starter home but have decided to live there long term, your original loan may not be the right one for you. In this case refinancing may be a wise option.

If you are a homeowner with an interest only mortgage, you may prefer to build up equity in your home now, rather than waiting for the interest only portion of your home loan to switch to interest and principal. Refinancing an existing interest only mortgage can bring savings over an extended period of time and build up equity faster.

If you are a homeowner with an adjustable rate mortgage (ARMS) it may be advantageous to refinance into a fixed rate mortgage so that your payments do not increase when your mortgage adjusts up. Homeowners with bad credit generally realize major interest adjustments in their mortgage, when its time for an adjustment in their interest rate.

If you are a homeowner and your income has increased dramatically, and you can now afford a home loan with a shorter term, you may want to refinance. On a shorter term loan, your monthly payments may be higher, but the loan will also be paid off much quicker

If you are a homeowner and need to remodel your house, a refinance of your existing mortgage may be right for you. By refinancing, you will be able to get additional cash for remodeling purposes, add value to the net worth of your house, and get tax savings since the interest on your mortgage would be deductible.

Whatever the reason, refinancing usually is a positive experience and the home owner typically saves money and builds equity in their house at a faster rate.

When you are ready to refinance, contact Mallilo and Grossman so we can assist you in getting the best mortgage for your needs.

WHY GO TO ARBITRATION

Arbitration is a technique utilized for resolution of disputes outside the Court system. Typically an insurance company will contact our office and suggest a high low parameter, to resolve a personal injury case. A high low parameter could be 0-25000 dollars. This would mean that we would appear before a retired judge in a neutral setting and he or she would hear testimony on the case. After hearing testimony the judge could award any amount of money he or she felt was fair and reasonable under the circumstances within the zero to twenty five thousand dollar range. The advantage to arbitration is once an arbitration parameter is agreed to, a date for the arbitration usually follows within months and your case can then be resolved quickly. In addition, on every personal injury case if you go to trial, all costs associated with having doctors testify will be bourne by the client. In arbitration no doctors are usually necessary and as a result, costs to clients are much cheaper. Lastly, arbitration awards are not appealable and as a result, once the hearing is over, what ever award is rendered, will be final. In addition to arbitrations, some insurance carriers request mediation to resolve cases. Mediation is when a client's case is presented to a retired judge and he or she gives his or her recommendation as to what the case is worth. The mediator attempts to resolve the dispute by obtaining a settlement offer which could be agreeable to both parties.

BROOKLYN OFFICE
1957 Flatbush Avenue
Flatbush, New York
718-951-7345

This has been a notable year for our Brooklyn office. This year Beth Girsch, the managing attorney of our Brooklyn office made headlines in the New York Law Journal when her argument persuaded a Supreme Court Nassau County Judge to overturn a law that prohibited an injured party from suing a Village within Nassau County for injuries sustained as a result of defective playground equipment. Recently the decision was upheld by the Appellate Division Second Department of the State of New York The decision prohibited the Village of Hempstead from requiring prior written notice of municipal locations other than streets, highways, bridges, culverts, sidewalks or crosswalks. In this particular case it enabled a severely injured infant to maintain a suit against the Village as a result of a fall from faulty equipment in a Village owned playground. This ruling has had far reaching and profound effects in personal injury law as it limits the ability of municipalities to insulate themselves from liability.

In addition to personal injury, our Brooklyn office handles all of your legal needs including, but not limited to real estate, estate planning, corporate law and family law matters.

The Brooklyn Staff wishes all of our clients and their families a very happy, healthy and safe holiday season.

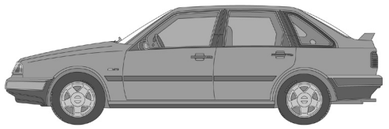
DIRECTORY - In order to expedite your calls and minimize your wait and transfers, we are providing you with this handy directory. Please keep it for future reference:

Jean Brumgnach	Ext. 142	(Hi/Low Arb, UM Arb, Mediations)
Annmarie Losito	Ext. 129	(Calendar & EBT)
Mimi Andino	Ext. 150	(IME's No Fault)
Russ Gordon	Ext. 121	(Medical Reports)
Barbara Johnson	Ext. 124	(Paralegal)
Brett Solomon	Ext. 155	(Paralegal)
Alfie Gonzalez	Ext. 163	(Releases)
Vanessa Martinez	Ext. 123	(IME's No Fault)

The Law Offices of
Mallilo & Grossman
Wish You A Wonderful Holiday
and a
World of Peace and Happiness

Sincerely,
Anthony Mallilo
& Jack Grossman

MOTOR VEHICLE ACCIDENTS



Most people don't anticipate being injured in an automobile accident and usually don't contemplate how they can be reimbursed for damages they sustain as a result of that accident. In order to preserve your rights in an accident please do the following things:

1. Make sure the police are called to the scene of the accident and that you communicate to the police officer your version of the accident.
2. If you are injured at the scene, please request an ambulance so that your injuries may be documented and the appropriate treatment can be rendered to you.
3. When speaking to any medical personnel, either at a hospital or in a doctor's office, make sure that they have taken a complete history and have documented all your complaints.
4. If you are experiencing pain after an accident, make sure you are compliant with your medical treatment. If you fail to treat or you treat infrequently, your case could be dismissed. In New York you cannot be compensated for a car accident unless you have sustained a serious injury. Your length of treatment, permanency of your injuries, restrictions of your body as a result of the injuries, as well as whether your were incapacitated for a period of time, effect the determination as to whether you suffered a serious injury..
5. Make sure you take photographs of the damage to your vehicle; as well as provide our office with copies of all estimates you obtained to repair your vehicle.

   If you are involved in a car accident you have 30 days from the time of the accident to file for no-fault benefits. No-fault benefits cover all your medical treatment as well as your lost wages if it has been medically determined that you are unable to work for any period of time. No-fault benefits are paid from the motor vehicle you were in at the time of the accident, or if you were a pedestrian, the vehicle that hit you.

SLIP AND FALL ACCIDENTS

If you are involved in a trip/slip and fall accident, it is important that you immediately take the following steps:

1. Document the exact location where you fell
2. Document an exact description of what caused you to fall (cracked sidewalk, liquid, raised area)
3. Find out if someone ever got hurt in the same area because of that same defect.
4. Take photos of the defect from various angles and try to show some identifying marker in the photos.
5. If you are taken from the scene by an ambulance please make sure to give the ambulance personnel as well as the hospital staff, an accurate history of what happened to you.

The above information is not intended to replace the advice of Counsel. You should consult with an Attorney to protect your rights.