

# QUATRINI RAFFERTY GALLOWAY

ATTORNEYS AT LAW

## LEGAL UPDATE

*A publication provided for the friends and clients of QRG*

VOLUME 8 NUMBER 1

550 E. PITTSBURGH STREET, GREENSBURG, PA 15601

WINTER 2007

### LIFETIME LEGAL CARE:

A WAY OF LIFE AT QUATRINI RAFFERTY GALLOWAY

*By Vincent J. Quatrini, Jr., Esq.*

**R**epresenting injured workers has been a way of life for me for 32 years. I started to practice law in 1974. I had no idea what kind of cases I would handle - they don't teach you that in law school!

Frank Pawlosky showed up one day. He worked for Rolling Rock cleaning the beer vats. The chemicals made his asthma get so bad that he had to stop working. I filed a claim for him. The Judge found that he was not entitled to workers' compensation since the chemicals did not cause his asthma, only aggravated it. I appealed. I lost. I appealed again. I lost. Ten years and three appeals later, the Supreme Court of Pennsylvania agreed that Frank Pawlosky was injured at work and they awarded him disability benefits. Needless to say, I found my niche in the law.

Today, the climate for injured workers is not as favorable as it was in 1984. Harrisburg has taken away important rights. Our appellate courts are filled with judges who are not very sympathetic to the plight of the injured worker. Attorneys who advertise on TV give injured workers and the whole system a bad image.

*Continued on Page 3*

### PENNSYLVANIA DRIVER ALERT

**O**n January 29, 2007, the Motor Vehicle Code of Pennsylvania will add a new provision that all Pennsylvania drivers must follow. From that date on, the law will mandate that drivers turn on their car's headlights whenever weather conditions dictate any use of windshield wipers. This common sense law recognizes that when rain or snow is sufficient to require the use of windshield wipers, the conditions obviously call for increased lighting.

Like all provisions of the Vehicle Code, the new requirement carries with it a fine for failure to comply. That fine is \$25, but when court costs are added, this expense can easily exceed \$100.

Another provision of the Vehicle Code that will be enforced this year concerns vehicles which have not had snow and ice removed before operation of the vehicle. Substantial penalties and civil liability can occur if snow or ice from a vehicle injures or damages another person or property.

Remember, bad weather triggers a whole new set of requirements for Pennsylvania drivers. Make sure your car is clean of snow and ice, and that your windshield wipers and lights are used together.

#### IN THIS ISSUE

-  LIFETIME LEGAL CARE
-  PENNSYLVANIA DRIVER ALERT
-  TAX TALK WITH JIM
-  WHAT'S THE VERDICT?
-  WHEN PAIN DOESN'T END...
-  THE LINK BETWEEN GRIEF AND PAIN
-  QRG IN THE COMMUNITY
-  IMPORTANT CHANGES TO WC LAW
-  PAST DUE CHILD SUPPORT CAN IMPACT SETTLEMENTS
-  QRG PERSONAL NOTES
-  MEET THE STAFF

*The LEGAL UPDATE is prepared by the staff of QRG for its friends and clients. The UPDATE sets forth general principles and should not be acted upon without specific advice.*

# TAX TALK WITH JIM

By James A. Horchak, Esq., CPA



This year, taxpayers who were billed in March 2003 through July 2006 for federal telephone excise taxes on long distance calls may be eligible to claim the Telephone Excise Tax Refund Credit on their federal income tax return. This is a one-time credit available for the 2006 tax year only and is designed to refund taxes previously collected on federal long distance telephone calls.

Taxpayers have a choice of either claiming a standard credit amount or the actual costs of federal long distance taxes they were assessed from March 2003 through July 2006. The standard credit amount is based on the number of exemptions claimed by a taxpayer. The standard credit for a taxpayer with one exemption is \$30; two exemptions is \$40, three exemptions is \$50 and four or more exemptions is \$60.

Businesses, including sole proprietorships, partnerships and corporations, can also claim the credit; however, a business entity must claim the actual amount of federal long distance telephone taxes paid on telephone bills for the business from February 28, 2003 through July 31, 2006. If all bills for that time period cannot be located, the IRS has approved a special formula to enable businesses to compute the credit.

Please note that you cannot request this credit if you have already received a refund of the federal excise taxes from the telephone service provider. Likewise, if you claim the credit on your federal tax return, you cannot then request a refund from the telephone service provider.

Keep this credit in mind as you prepare your 2006 federal income tax return. As always, please contact our office at 724-552-2745 if we can help you with your tax returns.



# WHAT'S THE VERDICT?

By Richard H. Galloway, Esq.

Tom and Jerry both worked for the same company, Greensburg Cheesy Emporium, and they had a load of cheese that had to be delivered from their Greensburg factory to a mall in State College. Tom was driving and Jerry was simply riding along, enjoying the scenery. Jerry's neighbor, Mickey, was also coming along for the ride and would maybe help unload the truck if he were needed. Needless to say, the employer didn't know Mickey was going on the trip.

As luck would have it, Tom made a wrong turn after he got off Route 22 and pretty soon they were lost. Worse yet, they were seriously behind schedule. The boss (known in company circles simply as the "Big Cheese") would be furious if the delivery was not made on time. Tom stepped on the gas and the truck went down the small country road at a high rate of speed, which prevented him from noticing the stop sign until he was on top of it - then through it. There was a pretty spectacular collision in the intersection when they ran into the side of another truck.

The collision was bad enough, but then the cheese in the truck - almost 15 tons of colby, cheddar and, unfortunately, Limburger cheese - shifted and came crashing through the front of the trailer and crushed Jerry against the dashboard, causing him to suffer catastrophic injuries which brought about his death two days later. Mickey also was hurt by the shifting cheese - the Limburger came straight at him and dislocated his shoulder.

Jerry's widow, Minnie, is furious and wants to sue both Tom and Greensburg Cheesy Emporium. The police report shows that just prior to the impact, Tom was driving the truck at almost 85 m.p.h. in a 45 m.p.h. zone, that the truck did not have a current inspection, the brakes were in such bad shape as to almost be inoperative, and that Tom had worked 24 hours straight just prior to the accident.

Can Minnie recover against Tom for his reckless and negligent behavior and against the cheese company who employed him and supplied him with a defective truck? How about Mickey, the neighbor, who was just along for the ride?

Answer on Page 7

# LIFETIME LEGAL CARE

*Continued from page 1*

At our law firm, we have persevered through the changes of the past 20 years. We now have three other attorneys - Tereasa Rerko, Ron Fonner, and Peter Gough - who devote their time to representing injured workers. We travel all around southwestern Pennsylvania for injured workers - Fayette, Washington, Allegheny, Armstrong, Mercer, Jefferson, Blair, Indiana, Somerset, Cambria, and Bedford counties.

We always try to remember the devastating effects of a work injury on the individual and the family. Our primary goal is to obtain or keep our client's paycheck going and get their medical bills paid. However, we feel that we should do more to get our clients back on track.

We refer you to physicians to find alternative treatment or a doctor who can help you get your emotions back in sync. We make you aware of chronic pain support groups so that you can share your feelings with other people who are going through the same experiences as you. If the carrier won't pay for your medications, we will connect you with Workers Comp RX, a mail order pharmacy that steps in to pay for your medications until we can straighten out the problem.

We talk about your finances with you. We point you to retraining - through the Community College, the Office of Vocational Rehabilitation (OVR) or technical schools. And we have Jim Horchak, our CPA/attorney, to help you with the legal formalities of the process.

We encourage you to explore starting your own business with help from the retired executives and entrepreneurs of SCORE at the Small Business Center of St. Vincent College.

If you were injured while driving a company car, we make sure our personal injury attorneys - Dennis Rafferty, Dick Galloway, or Joyce Novotny-Prettiman - get a fair recovery against the party who caused the accident. If a machine or some other product caused your injury, we bring in product liability attorneys to look at the situation.

If getting back into the workforce is not realistic, we invite you to consult with our Social Security attorneys - Barbara Artuso, Tereasa Rerko, and Brian Bronson - so that you will have an alternative income if or when we settle your workers' compensation claim.

If you are worried about writing your will or giving your child a power of attorney to take care of your financial affairs, David DeRose is here to take care of that worry.

Our goal: to provide you with a Lifetime of Legal Care that will improve the quality of your life.

We have worked hard over the years to develop relationships with people we trust - people and organizations that we know will help us to help you. Over the next few issues of our newsletter we will introduce you to these other resources. We are pleased to have these partners share their expertise with you.

We cannot guarantee you that your case will always come out the way we plan. We do pledge to you that we will fight hard for you and we will treat you with the respect and dignity that you deserve.

Thank you for the opportunity to serve you. We hope that your 2007 will be a year of hope and renewal.



*Attorney Vincent J. Quatrini, Jr. is one of the founding partners of the firm. He limits his practice to representing injured workers. He has been named to Best Lawyers in America and to the Super Lawyers of Pennsylvania. Vince is one of the authors of the Workers' Compensation Practice and Procedure Manual published annually by the Pennsylvania Bar Institute.*

# WHEN PAIN DOESN'T END...

By Peter J. Gough, Esq.

**C**hronic pain is pain that exists six months beyond an injury or illness. This pain permeates all aspects of an injured worker's daily existence. Chronic pain patients often fall into a pattern of medication use, depression, anxiety, loss of self-esteem and despair.

Some of the more common types of chronic pain include Myofascial Pain Syndrome, Fibromyalgia Syndrome, Failed Back Surgery Syndrome, Post Laminectomy Syndrome, Chronic Regional Pain Syndrome (CRPS), and Reflex Sympathetic Dystrophy (RSD). Regardless of the title, Chronic Pain Syndrome is clearly a group of syndromes and symptoms that do not respond to the typical medical model of care. Chronic Pain Syndrome is a condition best managed with a multi-disciplinary approach.

In recent years, a medical specialty of managing chronic pain has emerged. The medical discipline that treats such pain is known as pain management. Generally the types of physicians who can obtain board certification in pain management include psychiatrists, neurologists, anaesthesiologists and physical medicine/rehabilitation physicians. Pain management specialists evaluate patients with Chronic Pain Syndrome and offer appropriate therapeutic interventions including injections, medications, physical therapy, implementation therapy, psychiatric care and any combination of the above.

The cause of Chronic Pain Syndrome is complex and not completely understood by the medical profession. Some physicians have suggested that Chronic Pain Syndrome might be a learned behavioral syndrome. However, most physicians believe that Chronic Pain Syndrome arises from a trauma and that it is not yet understood why the body reacts as it does.

Chronic Pain Syndrome is not uncommon. Approximately 35 percent of Americans have some type of chronic pain and approximately 50 million Americans are partially or totally disabled by it. Chronic Pain Syndrome affects patients in many different ways including depressed mood, fatigue, reduced activity and libido, and symptoms and disability seemingly out of proportion to the injury.

Medically, much still needs to be investigated and explained. One thing remains clear: chronic pain adversely impacts not only the injured person, whose personality and life can be shattered, but also family and friends. Treatment is the most important step. There is hope and the likelihood that appropriate treatment will restore the sufferer to good health.

## CHRONIC PAIN SUPPORT GROUPS

Sometimes talking to your family about your pain is just not enough. A trained counselor or a psychologist can help you understand the many feelings you experience when you are in constant pain. Another way to cope with chronic pain is to join a support group. A chronic pain support group is made up of other individuals who know exactly what life is like for you. It is an opportunity to share feelings and to realize that you are not alone.

The American Chronic Pain Association (ACPA) has been around for 25 years. The organization was founded by Penny Cowan, a chronic pain patient. The ACPA has a newsletter and sponsors support groups all over the country. If you want to join ACPA or find out more about chronic pain support groups, you may visit their website at [www.theacpa.org](http://www.theacpa.org) or contact one of the local support groups listed below:

- **Mariann Farrell**, 39 Oakwood Square, Pittsburgh, PA, 15209 412-822-8078
- **Trish Walch**, 34 South Rolling Hills Drive, Irwin, PA, 15642 724-864-7362 notopain@comcast.net
- **Peggy Pankratz**, 500 Irishtown Rd., North Versailles, PA, 15137 412-823-9201
- **Ellen Williams**, 215 Oxford Drive., McKeesport, PA, 15132 412-896-6104
- **Mary Slahtovsky & Linda Davis:** *Lower Burrell Fibromyalgia & Chronic Fatigue Support Group*  
250 Bethesda Drive, Lower Burrell, PA, 15068 Mary: 724-335-5498 Linda: 724-339-8269

# THE LINK BETWEEN GRIEF AND PAIN

By Susan Dudley Gold

*At some point, everyone who suffers from chronic pain must find a way to live with it. The following article, reprinted with permission from the American Chronic Pain Association, lays out an excellent roadmap for a new beginning.*

**T**hose of us who live with chronic pain are all too familiar with the five stages of grief described by Elisabeth Kubler-Ross in her groundbreaking work *On Death and Dying*. The loved one we grieve for, however, is not another person; rather, it is a part of ourselves.

We suffer many losses when chronic pain robs us of the life we once knew. Many of us have been forced to abandon careers, homes, friendships, and even marriages as pain caused us to change our activities and our relationships.

Not everyone goes through every stage of grief. Some people spend little time on one stage but get stuck for ages on another stage. Understanding how we grieve can help you learn to let go and follow life's journey.

## ***Stage One: Denial***

Your first response to living with chronic pain may be denial. Whether it's been six weeks or six years, we deny that the pain will continue on, thinking, "This isn't happening to me." While denial cushions the initial shock of your diagnosis, it makes it more difficult to recognize and cope with the pain. Discussing the diagnosis (or the symptoms) and studying the facts of your disease or condition will help you gradually come to the realization that the pain is part of your life.

## ***Stage Two: Anger***

Why did this have to happen to me? You may feel angry at the injustice of being struck with pain. You may be angry with others who don't have chronic pain or don't understand its effect. If the pain is the result of an accident, you may be mad at the responsible person. Anger and envy erupt as others do the things you used to be able to do, frustrated as the pain continues month after month. Getting angry is normal and it will help you push through to self-realization. But venting anger by attacking others could damage relationships that may be vital to you. You need a safe way to express your anger. Sharing thoughts and honest feelings with a support group or a sympathetic listener is the best way to get through this stage.

## ***Stage Three: Bargaining***

If you let them, the "if only," can take over your life. "If only I didn't have pain, I would ...If only there was a cure, I could ...". Bargaining with God, with ourselves, and with our doctors is another normal stop along the way to acceptance. The only problem is that it doesn't work. At some point, you have to put aside the "if onlys" and acknowledge what is, rather than what could have been, and move on.

*Sharon Michaud, a licensed social worker and a trained hospice volunteer, suggested trying these techniques as you travel the journey toward acceptance:*

1. **Talk.** Find a good listener, not someone who will try to fix things.
2. **Attend a support group.** Other people who live with chronic pain will understand what you are going through and can offer support, a sympathetic ear, and sound advice.
3. **Cry.** This is one of the tools the body uses to heal.
4. **Learn to delegate.** Tell people how they can help and what you need. Loved ones can't read your mind, so if you want them to do something, tell them.
5. **Don't suppress anger.** Talk about it, explore it, and dissect it to find out what's bothering you.
6. **Explore your spiritual side.** Hand over your frustrations, sadness and problems to a higher power.
7. **Meditate.** Practice meditation with or without music to release your mind and body from its preoccupation with pain.
8. **Don't compare yourself with others.** You are traveling your own journey; no one else can determine your pace or set your goals.
9. **Laugh.** Humor is a wonderful distraction and mood-lifter.

## ***Stage Four: Depression***

Depression, sadness, hopelessness, frustration, bitterness, and self-pity: almost everyone who lives with chronic pain experiences the feelings. But they don't have to overwhelm you. Crying can help you heal your bruised and battered emotions. Talking about your losses to understanding friends is another way of coping. If depression lasts more than two weeks, seek medical help. Medication and psychotherapy can help depression.

## ***Stage Five: Acceptance***

Finally comes acceptance. You don't have to give up on finding a cure someday, but you do have to accept your life as it is, with pain and limitations. Once you accept that, you can get on with your life and start forming and achieving your personal goals. Nancy, a member of our chronic pain support group, says "Lupus lives with me; I don't live with lupus." She accepts the limitations that lupus has put on her, but she also makes the most of the life she does have. That includes volunteering for several organizations and – on her worst days – putting on makeup to hide the pain.

When you finally accept that the pain is not going away, you can plan strategies to cope with it and live your life fully.

# IMPORTANT CHANGES TO THE WORKERS' COMPENSATION LAW

**O**n November 9, 2006, Governor Ed Rendell signed into law a new piece of workers' compensation legislation. The new law makes several changes to the Workers' Compensation Act:

- Individuals injured prior to August 31, 1993 will receive a minimum of \$100.00 per week beginning January 1, 2007.
- A fund has been established to pay workers' compensation benefits to an injured worker even if the employer fails to carry workers' compensation insurance. Insurance carriers and self-insured employers will be assessed an annual fee to cover the cost of the fund. This is the first time in Pennsylvania history that injured workers will have protection against uninsured employers.
- Workers' compensation judges must enforce specific deadlines so that cases will move along faster.
- Every injured worker will be entitled to a mediation conference once the case has been assigned to a workers' compensation judge. The mediation conference is designed to bring all the parties together to see if the case can be settled instead of continuing the litigation. All parties - the insurance company, the employer, and the injured worker - are required to participate unless the judge feels that a mediation would be futile.
- No individual workers' compensation judge will be permitted to hear more than 75% of the cases from a particular county.

---

## QRG IN THE COMMUNITY

DAVID DEROSE DISCUSSES  
ESTATE AND NURSING HOME PLANNING

Attorney **David DeRose** recently teamed with Louis A. Miller, President of Consumer Insurance Advisors of Latrobe, and gave a comprehensive estate planning presentation at Latrobe Senior Center. Topics discussed included provisions for long term care, the use of insurance to minimize the loss of assets due to nursing home stays, and the need for powers of attorney and living wills to allow important decisions to be made when disability occurs.

David also made a presentation at Trinity Lutheran Church in Latrobe on January 28, 2007 and February 4, 2007. He discussed the essential elements of a basic estate plan, such as wills, powers of attorney, medical powers of attorney, and trusts. During the second session he focused on the issues involved in protecting assets when nursing home care is needed.

If you would like David to speak to your group concerning estate matters or related issues, please contact him at 724-552-2725.

## PAST DUE CHILD SUPPORT CAN IMPACT SETTLEMENTS

**R**ecipients of workers' compensation awards, personal injury settlements and other insurance payouts should be advised of a new requirement in the law. A newly enacted part of the Pennsylvania Domestic Relations Code will enforce obligations of parents who have not lived up to their duty to provide financial support to their minor children.

As of September 2006, the law enables the Pennsylvania Department of Public Welfare to intercept lump sum monetary awards and insurance settlements, deduct any overdue child support payments, and pay them appropriately. Lawyers handling workers' compensation and similar claims are now under a legal obligation to research the records of the Department of Public Welfare to determine if any delinquent amounts must be withheld from the settlement.

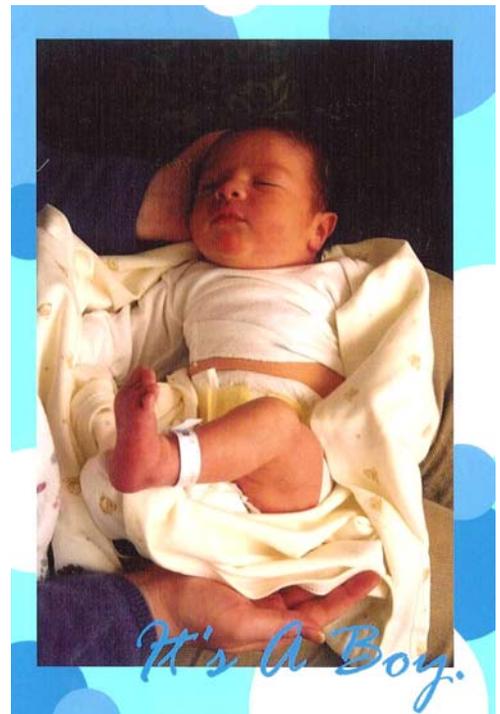
This new provision will apply to all persons who receive net proceeds exceeding \$5,000.

# QRG PERSONAL NOTES

Congratulations to Liznelia and **Brian Bronson**, proud parents of **Bradan Padraic Bronson**. Bradan was born January 4, 2007 at Magee-Women's Hospital in Pittsburgh and weighed 8 lbs., 6 oz. No word yet on whether Bradan plans to be an attorney just like his dad!

**Cassidy Chappell** was selected to be a member of the Norwin sixth-grade girls' traveling basketball team. They will play in various tournaments through March 2006. Cassidy is the daughter of legal assistant **Rhonda Chappell**.

**Dan Prettiman**, husband of attorney **Joyce Novotny-Prettiman**, is an avid dirt bike rider. This past year, Dan participated in the American Woods Racing Series, which included ten races run from April through October. Dan won first place in the Vet B Class (riders aged 30-39), and placed 11th in the overall standings for the 2006 season.



## WHAT'S THE VERDICT?

*Continued from page 2*

**A**NSWER:

It certainly seems that Minnie ought to be able to recover under these outrageous circumstances. Her late husband Jerry was in a truck that was traveling at a high rate of speed and out of control, ran a stop sign, and had bad brakes because the company failed to get the truck inspected or repaired. Surely there is a claim here against the driver and the company - both of whom acted improperly and helped bring about Jerry's death.

Unfortunately, the law in Pennsylvania is exceedingly clear. When you are injured or killed as a result of the negligence of your co-employee or your employer, the only remedy is workers' compensation. The Workers' Compensation Act provides for a schedule of benefits to be paid to Jerry's survivors.

No suit is available or allowable against either the cheese company, which supplied the bad truck and put the deadline in place that Tom was trying to meet, nor against Tom individually for his lead-footed approach and his lack of attention, both of which contributed to this accident.

It is true that in some states, the rule that a co-employee cannot be sued is relaxed if there is extraordinary negligence or recklessness. Unfortunately for Minnie, that is not the case in Pennsylvania. It does not matter what the level of negligence was - whether it was ordinary negligence, gross negligence, or recklessness. Under any of those circumstances, in Pennsylvania, the rule still applies that no law suit is allowed.

Mickey, on the other hand, will have a valid lawsuit for his injuries, because he was not an employee of the cheese company and is not bound by the workers' compensation restriction. (Good thing, too, because on certain muggy August days, there's a lingering aroma of Limburger cheese whenever Mickey is around.)

# MEET THE STAFF

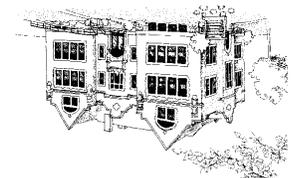
## THE QRG WORKERS' COMPENSATION TEAM



Front row, left to right: Paralegal **Margo Russell**, Attorney **Tereasa Rerko**, Paralegal **Angela Herrholtz**  
Back row, left to right: Attorney **Ron Fonner**, Secretary **Cindy Cronin**, Paralegal **Rhonda Chappell**, Attorney **Pete Gough**,  
Secretary **Donna Carmen**, Secretary **Robin Kennison**, Attorney **Vince Quatrini**

Visit us at  
[www.qrglaw.com](http://www.qrglaw.com)

QUATRINI RIFFERTY GALLOWAY  
ATTORNEYS AT LAW  
550 E. Pittsburgh Street  
Greensburg, PA 15601  
(724) 837-0080



Return Service Requested

PRST STD  
U.S. POSTAGE  
PAID  
Greensburg, PA  
Permit No. 39