

# STARK & STARK KNOW YOUR RIGHTS

## The “Fireman’s Rule” is finally dead

It is now finally safe to say that New Jersey’s “Fireman’s Rule” which prevented lawsuits by first responders is dead. During 2006, the Appellate Courts of New Jersey finally recognized and upheld the Fireman’s Act signed into law by former Governor Jim Florio in 1995. This law gives a right of recovery to first responders for injury or death which might be either “directly or indirectly the result of neglect, willful admission, or willful or culpable conduct of any person or entity, other than the law enforcement officer, firefighter or first aid ambulance or rescue squad member”.

At its core, this Act allows first responders to sue property owners for injuries caused by unsafe condition encountered responding to an emergency.

The benefit to the first responder is that it creates an additional right to sue for injury and death over and above any benefits such as workers’ compensation or those provided by the pension system.

There are some recent examples where first responders have been allowed to sue for injuries. These include a police officer struck by an impaired driver at a DWI stop; a police officer injured by debris on the floor of a warehouse while responding to an alarm at night; a police officer being assaulted while responding to a domestic violence complaint; a firefighter suffering smoke inhalation while fighting a fire caused by a vandal setting fire to improperly stored paint cans; or firefighter injured while trying to put out a fire started by an improperly maintained gas grill.

Stark & Stark as your civil attorneys stands ready to assist first responders and their families with a full array of investigative and legal resources to protect the rights of first responders especially from the negligence or actions which may cause your injuries.

## WORLD TRADE CENTER WORKERS NEW YORK FILING DEADLINE

The New York State Workers’ Compensation Board requires that all workers who participated in rescue recovery cleanup operations between September 11, 2001 and September 12, 2002 at the World Trade Center site, the Fresh Kills Landfill, the various morgue and temporary morgue locations, or the various barges have until August 14, 2008 to register. Workers who worked at the site should register with the New York State Workers’ Compensation Board whether or not they suffer any impact from work at those sites. Many workers were exposed to substances which might, over the course of many years into the future, cause various medical problems. However, unless workers register with the State of New York before the deadline, those conditions will not be recognized. Workers from New Jersey are also entitled to benefits under workers’ compensation in the State of New Jersey. In the State of New Jersey the statute of limitations is two years from the development of the medical condition arising from the exposure and from when the worker knew the nature of the condition and its relation to the work. New Jersey presently does not have a registration requirement though a bill that would create one is presently pending in the New Jersey State Legislature.

Whether a worker at the various World Trade Center sites should file for workers’ compensation benefits in either New York or New Jersey depends upon the nature of the condition and its disabling effect. Many may find it advantageous to remain in New Jersey, however, all workers should register in the State of New York. The form is available on the New York State Workers’ Compensation Board’s website at [www.wcb.state.ny.us/content/main/forms/WTC-12.pdf](http://www.wcb.state.ny.us/content/main/forms/WTC-12.pdf).

Again, workers from New Jersey will be able to file claims for benefits under workers’ compensation for injuries as a result of working at the World Trade Center site in either New Jersey or New York. That will be determined based upon the nature and seriousness of the condition.

