WE ARE COMMITTED
To providing exceptional legal services to each and every one of our clients.

CARPEY LAW LAUNCHES PANDEMIC INITIATIVE: FREE 30-MINUTE LEGAL CONSULTATION RELATED TO COVID-19

WHAT CAN WE PROVIDE A FREE, 30-MINUTE LEGAL CONSULTATION ON?
In addition to providing advice on personal injury, accidents and claims, we are also able to provide advice on:

- Employment law. Job losses may give you access to worker’s compensation, short-term disability, or long-term disability, for a whole host of reasons. Our firm can offer information and insight into the federal stimulus and financial aid laws recently signed into law by the President. You may be entitled to federal funds.
- We are also able to provide advice on avoiding scams during this period of difficulty. Scammers will try to take advantage of people that do not pay attention to their credit reports and credit card accounts.
- We can help you navigate the new 2019 tax deadlines.
- We can help you navigate the laws pertaining to landlord-tenant disputes, particularly in light of the fact that evictions are now prohibited.
- If you are a small business owner, we can help you understand and apply for the Payroll Protection Program (PPP) and the Economic Injury Disaster Loan (EIDL), also recently signed into law. Small business owners may also be entitled to business interruption insurance, if their insurance plan provides for the right type of coverage.
- If there are legal questions needed to be answered outside of our expertise, we can refer you to lawyers in the Carpey Law network.

 Want to know more? Give us a call to start your free, 30-minute legal consultation!

Over the years, Carpey Law has been unwavering in its commitment to community support, service and assistance. This dedication has grown to become one of the largest and proactive pro bono initiatives put forth by any law firm in or around Philadelphia. Nevertheless, we recognize that now more than ever, it is important we come together as a community to help one another. We are all living through historic times. There are certainly limits to what we can do because most of us have to stay home and practice social distancing. But Carpey Law can help. Give us a call.

Contact Attorney Stuart A. Carpey at 610-834-6030, or email him at scarpey@carpeylaw.com.

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Can Coronavirus Victims Sue For Injuries In Pennsylvania?

The current considerations regarding liability claims amidst the coronavirus (Covid-19) outbreak continue to be a growing concern for individuals and corporations. If someone falls ill and has a positive diagnosis of coronavirus, does it follow that there is a personal injury case to pursue?

The answer is it is possible but very unlikely.

IS SPREADING CORONAVIRUS CONSIDERED NEGLIGENCE?

In a liability case, also known as negligence, a personal injury victim must prove four things:

- **Duty** (to do something or not to do something)
- **Standard of Care** (how a reasonable person would act) and breach of that Standard of Care
- **Causation**
- **Damages**

So, in a typical case, like a car accident case, it’s pretty easy to see how these standards play out. The driver of a car has a duty to drive safely, determined by the rules of the road in the state where the accident occurred, and any injuries have to be caused by the collision. If the at-fault driver breaches those four standards, there is a negligence case; so long as the accident victim is injured.

WHAT IS CONSIDERED “CAUSATION” IN A CORONAVIRUS CASE?

In a coronavirus case, causation would be the break in the link of the chain to prove a negligence case. A property owner clearly has a duty to keep his or her property safe, clean, etc. That duty is determined by the “standard of care, what common sense tells us should be done. Even if the injuries are minimal (ie: quick recovery from coronavirus), it would be difficult to prove that any particular venue was the cause of contracting the virus. In a more serious injury case involving death, and a direct link to the location of the contraction of the disease, a negligence case would be possible.

WHAT LIABILITIES ARISE AS A RESULT OF THE CORONAVIRUS OUTBREAK?

There are certainly other types of liabilities that will arise as a result of the coronavirus outbreak. Below are just a few examples:

- **Employers that have employees**
- **Workers compensation claim**
- **Possible business interruption claims**
- **Vendors in close proximity with those that have contracted the disease**

There has been one case brought so far when victims departed from the Princess cruise ship but the damages were for emotional distress which are low-value cases particularly in Pennsylvania.

We will see in the next months what kinds of claims are brought due to this new disease outbreak.

To discuss your specific coronavirus legal issues, Contact Carpey Law.

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Roasted-Garlic Asparagus

*Simple, healthy and delicious. What more could you want from a side dish?*

**INGREDIENTS**

- 1/2 cup extra-virgin olive oil
- 8 cloves fresh garlic, minced
- 1 teaspoon onion powder
- 2 tablespoons fresh finely chopped parsley
- 2 pounds thin asparagus, ends trimmed
- Fleur de sel or coarse sea salt
- Freshly ground black pepper

**INSTRUCTIONS**

1. Preheat oven to 400°F.
2. Line a large jelly-roll pan with parchment paper. Set aside.
3. In a small pot, heat the oil, garlic, onion powder, and parsley on medium-low heat. Cook for 3 minutes, until the garlic mixture is fragrant but not browned.
4. Spread the asparagus in a single layer on the prepared pan. Lightly sprinkle with coarse sea salt and freshly ground pepper. Drizzle on the garlic-oil mixture.
5. Roast for 8-10 minutes, until the asparagus are bright green; do not overcook.
6. Transfer to a platter and serve hot.
MAY 2020

INTERRUPTIONS IN MEDICAL CARE DURING CORONAVIRUS & PERSONAL INJURY CASES

Many clients have reached out to us asking how their case will be affected if they cannot get medical care as a result of the coronavirus outbreak. While we would always encourage our clients to continue with accident-related medical care, as long as the treatment is related to injuries from the accident, these are unique times.

Coronavirus and Non-Essential Medical Care
First of all, any patient of any medical facility should practice all CDC guidelines and appropriate social distancing. In light of this, most non-essential medical facilities in Pennsylvania have temporarily closed. Some initially closed and are now reopening. Nevertheless, many medical offices are serving their patients via telemedicine video and telephone calls. This is something that should definitely be explored with your medical provider.

On March 20, 2020, Governor Wolf provided guidance for Pennsylvania businesses as to how to comply with his COVID-19 Executive Order. Under the Governor’s order, many physical therapy facilities are classified as an Outpatient Care Center and are permitted to be open as an essential service for patients. Thus, physical operations can remain open for much of the care an accident victim may require. You should check with your physical therapy office to see if they meet the parameters to remain open.

Coronavirus and Social Distancing May, In Fact, Increase Your Claim of Pain and Suffering
Pain and Suffering are generally proven by way of testimony, both at trial and in depositions. The injured party (the plaintiff) testifies, as well in certain cases the accident victim’s family members, friends, and sometimes even an employer. Of course, the plaintiff will have first-hand knowledge of the degree of pain he or she endured, how long it lasted, and what it took to remediate the pain. All of this is valuable information. This testimony is frequently supported by other witness testimony and documents. Importantly, your medical providers can and frequently do testify as expert witnesses in order to prove what the patient went through, and what treatments were provided. The medical records and notes on the patient are the basis of such medical expert testimony. Such experts can be orthopedists, neurologists, and/or physical therapists. The kind of expert who testifies greatly depends on the type of case and the kinds of injuries that are involved.

But what if the accident victim cannot get the treatment that has already been prescribed because the medical provider’s office is closed? Does this increase the potential value of the case? The answer is, it very well may. Having to endure greater pain without the ability to get relief is certainly a compensable item of damages. What this means is if you cannot get medical care, through no fault of your own, you are not penalized in the settlement negotiations of your case, or when the case goes to verdict.

Keep in mind, that along with pain and suffering, the accident victim is also compensation on the basis of some of the following factors.
- Surgery required
- Invasive procedures required
- Objective testing
- Scarring
- Duration of medical care
- Wage loss
- Unpaid medical bills

Gaps in Medical Treatment & Your Personal Injury Case
If there is a break in medical care, which insurance companies like to call “gaps in treatment”, this could have a negative impact on the value of your personal injury case. That is why it is important to stay in contact with your doctors and physical therapists during this time period, even if you cannot get in to see them personally. Home care prescribed by your doctor or physical therapist is also crucially important to partake in.

Will Coronavirus Healthcare Interruptions Change the Value of Your Personal Injury Case?
Ultimately the fact that a personal injury victim may not be able to get proper medical care during the coronavirus crisis may actually increase the value of the personal injury case. We have written about how a personal injury case is valued, and this new factor introduced by social distancing will potentially affect the case. Compensation is always calculated on the basis of pain and suffering, so if one is unable to get pain relief because your doctor’s office is not open, we at Carpey Law would argue to the opposing insurance company and to the jury that your case is even more valuable due to the inability to obtain proper pain relief.

Thank You To Our Heroes Fighting On The Front Line.
From All Of Us At Carpey Law
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As a result of the current coronavirus crisis, residents in Philadelphia, the surrounding counties and throughout Pennsylvania are experiencing unprecedented legal and personal problems. Job losses and lack of income coming into the household are creating a cascading set of problems for our clients, friends, and families.

In an effort to help people in need of legal advice, Carpey Law is offering a free, 30-minute legal consultation service program to anyone who contacts us. The areas we can assist in certainly include all areas of personal injury accidents and claims, planning, and landlord-tenant disputes.

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