

## FRIEDMAN RANZENHOFER, P.C. ATTORNEYS AT LAW

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## In 1955...



**Fred Friedman**

Bill Haley and the Comets' *Rock Around the Clock* became the first Rock and Roll single to reach #1 on the charts.

*Alfred Hitchcock Presents*, *Captain Kangaroo*, *Gunsmoke*, the *Mickey Mouse Club*, the *Honeymooners*, Elvis Presley and the *Lawrence Welk Show* made their TV debuts.

The musical careers of Johnny Cash, Patsy Cline, Little Richard and Al Green began.

Rosa Parks was arrested for refusing to sit at the back of the bus, in violation of Montgomery, Alabama's segregated seating law.

The average annual income was \$4,137. Postage was 3 cents. The average monthly Social Security benefit for a man was \$75.86. 27% of women with children under 18-years-old worked. A new Ford automobile cost \$1,600 to \$2,944.

And Fred Friedman, Attorney hung out his first shingle.

Television. Music. Technology. Civil Rights. The Economy. A lot has changed since Friedman & Ranzenhofer, P.C. was founded 50 years ago. Fred Friedman's primary mission was to deliver affordable legal services in a timely manner. Back then, he didn't have much more than a love for his profession, a clear vision of how to serve clients, a manual typewriter and an office in his home on Clarence Center Road in Newstead. Beginnings don't come much humbler than that. But thanks to his commitment to stay true to that vision, Friedman & Ranzenhofer, P.C. is still going strong serving the Western New York community from its five (5) offices. ■



**Robert Friedman**

## LANDLORD SEMINARS

"**Landlord Legal Survival**" will be presented by attorney/author Robert Friedman on Wednesday, February 2, 2005 and Monday, April 18, 2005 from 6:00 to 9:30 p.m. at Clarence High School, Room 124, 9625 Main Street, Clarence, New York. Mr. Friedman will discuss evictions, leases, Small Claims Court, discrimination laws, civil liability, insurance, security deposits, elderly tenants, drugs, debt collection and lead paint regulations. The registration fee is \$15. The optional book fee is \$30. To register, call (716) 631-9999 or visit [www.clarenceschools.org](http://www.clarenceschools.org). ■

## WHY EVERYONE NEEDS ESTATE PLANNING

Can you bear the thought of a 10 year legal battle among your family members when you die or become disabled? How about the possibility that end of life decisions might be made not by you, and not even by your loved ones, but by a judge that you never met? That's what happened to Terri Schiavo. Terri collapsed at home in February 1990 when her heart stopped temporarily which cut off oxygen to her brain. She has been in a coma ever since. Doctors believe the incident occurred due to a potassium imbalance. She was only 26-years-old and had no children. Her husband, Michael, became her legal guardian and sued doctors for misdiagnosing her condition. In November 1992, a jury awarded \$700,000 for her care and \$300,000 for Michael's damages. In July 1993, Terri's parents, who were concerned about Michael's motivation, filed an action to remove him as guardian. That case was dismissed. However, it marked the beginning of an eleven year fight over control of Terri's care. In May 1998, Michael filed his first request to remove Terri's feeding tube. Her parents objected and fought to keep the tube in place. Finally, after five years of court appeals, the Florida 2<sup>nd</sup> District Court of Appeal in June 2003, found that all reasonable efforts had been made to treat Terri and that after over 10 years on a feeding tube without any official signs of brain functions, her recovery was not reasonably foreseeable. There were several additional appeals, including appeals to federal court. On October 15, 2003, doctors removed Terri's feeding tube. On October 21, 2003, Governor Jeb Bush urged the Florida Senate and House to pass "Terri's Law," allowing him to intervene to force doctors to replace the feeding tube. Michael's attorneys filed suit alleging Terri's Law was unconstitutional. The trial judge ruled in his favor. On September 23, 2004, the Florida Supreme Court agreed that the law was indeed unconstitutional and that the state government had improperly intruded on the power and sovereignty of the courts. On December 29, 2004, the Florida 2<sup>nd</sup> District Court of Appeal affirmed that decision. The ultimate issue was whether Terri would have preferred to remain on life support treatments (a feeding tube) even if there was no medically recognized hope of recovery. However, she never expressed her intentions in a living will. Many people like Terri have not done any estate planning because they don't have much money, have all their assets jointly held either with a spouse and/or with the spouse designated as a beneficiary and/or don't want to spend money on legal fees. Unless you create a proper estate plan now, you run the risk that if something happens to you and/or your spouse, there will be a costly and bitter fight among your family members. Not only end of life issues, such as living wills and health care proxies, but also issues surrounding the passing of wealth must be in writing. For further information, send a stamped (.37), self-addressed envelope to P.O. Box 31, Akron, New York 14001 with a request for "Why You Need A Health Care Proxy, Living Will and Power of Attorney." ■

## NEIGHBORS SUED FOR HARASSMENT

A couple subjected to anti-Semitic harassment by members of their homeowners' association can seek damages under the Fair Housing Act. The couple owned a home in a subdivision managed by a homeowners' association. One of the plaintiffs is Jewish. The homeowners' association president wrote anti-Semitic graffiti on the side of their home and vandalized their property. Members of the homeowners' association obstructed their efforts to investigate the vandalism. The couple sued the homeowners' association under the Fair Housing Act which makes it unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of the rights provided under that act. The association argued that the act only prohibited conduct that interfered with a person's right to acquire or hold property, and that the plaintiffs could not state a claim based on harassment when such conduct did not force them to move. However, the U.S. Court of Appeals, 7<sup>th</sup> Circuit ruled that interference with "enjoyment of a dwelling" because of religion forbidden by HUD regulations, can take place after the dwelling has been acquired.

The conduct alleged in the plaintiff's claim constituted "threatening, intimidating or interfering" within the meaning of the act and the regulations. The Court noted that it did not want, and did not think Congress wanted, to convert every quarrel among neighbors in which a racial or religious slur is hurled into a federal case. However, in this case there was a pattern of harassment, invidiously motivated, which was backed by the homeowners' association. ■

### YOU DIED ...

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Elizabeth M. DiPirro

### GRANDPARENT VISITATION TERMINATED

Stressful visits and continued estrangement constitute a "change of circumstances" permitting the termination of grandparent visitation.

The grandparents sought visitation with the children of their estranged daughter. The daughter and her husband agreed to permit some visitation. However, they claimed that the visits were an "unmitigated disaster", creating enormous stress. The police had to be summoned to remove the grandparents after one visit. The parents sought to end the visitation, arguing that the increasing animosity between the parties constituted a "change of circumstances." The New York Court of Appeals found that after the commencement of visitation, the already strained relationship between the parents and grandparents further deteriorated. The court noted that grandparents do not have an absolute or automatic right to visitation and that extraordinary circumstances are not a prerequisite to obtain a modification; rather, the standard ultimately to be applied remains the best interests of the child when all of the applicable factors are considered.

Although the Court recognized the value of the relationship between children and their grandparents, this interest must yield where the circumstances—including the worsening relationship and the strenuous objection to grandparent visitation by both parents - render the continuation of visitation not in the child's best interest.

For answers to your family law questions, call Elizabeth M. DiPirro, Attorney at (716) 542-5444. ■

Michael H. Ranzenhofer

### HAVE YOU BEEN HURT IN AN ACCIDENT?

Are you worried what this may mean to your family, your job and your credit? Is the insurance company pressuring you? Are you beginning to feel a bit confused? Friedman & Ranzenhofer, P.C. will help you maximize your benefits, while protecting you and your family. If you have any questions about your responsibilities, your legal remedies or just what the best thing is for you to do, call Michael H. Ranzenhofer at (716) 631-9999 or (800) 729-4571.



#### We promise to:

- Communicate with you in plain language that is easy to understand.
- Promptly return your telephone calls.
- Quickly and thoroughly investigate and analyze your case.
- Have your case personally handled by an attorney.
- Keep you informed of the progress of your case at all times.
- Show you the personal care, concern and attention which has been the hallmark of Friedman & Ranzenhofer, P.C. since 1955.
- Accommodate the needs of you and your family during the handling of your case.
- Vigorously protect your legal rights.

Attorney Michael H. Ranzenhofer limits his practice to automobile accident, slip and fall, dog bite and defective product cases. He is a member of the Association of Trial Lawyers of America, Western New York Trial Lawyers Association, New York State Trial Lawyers Association and Erie County Bar Association Negligence Committee. ■

## EXECUTOR'S LEGAL SURVIVAL® GUIDE

The released *Executor's Legal Survival® Guide* will assist you in naming a good executor in your will; explain to executors their duties and responsibilities and inform estate beneficiaries of the role of the executor in the probate process. The guide by Robert Friedman answers such frequently asked questions as: What is probate? What are the steps in probating a will? Should a family member be named as executor? What death benefits are available? Checklists include: Documents that the executor must collect. Who the executor must notify. How to preserve estate property. What advisors to hire. What records must be maintained. To receive a complimentary copy of the guide, send a stamped (.60), self-addressed, business size envelope to Friedman & Ranzenhofer, P.C., P.O. Box 31, Akron, New York 14001-0031 or visit site now at [www.legalsurvival.com](http://www.legalsurvival.com). ■

### YES, WE ARE ACCEPTING NEW CLIENTS

We are often asked if we have time to serve additional clients. We appreciate your business, and we would also appreciate your referrals. We are a growing firm so new clients are welcome. Please mention our name to your friends, relatives and business associates for estate planning, real estate, personal injury, probate, criminal, traffic, marital, family, bankruptcy, business, municipal, corporate, debt collection, landlord/tenant and elder law matters. ■

### BACK ISSUES/FREE SUBSCRIPTION

*Have you missed the past eight years of the LegalSurvival.com newsletter? If so, all back issues are available at [www.LegalSurvival.com/newsletter](http://www.LegalSurvival.com/newsletter). To receive a free subscription, call (716) 631-9999.*

The LegalSurvival.com Newsletter is published quarterly as a public service by Friedman & Ranzenhofer, P.C., Attorneys, with offices in Akron, Buffalo, Batavia, West Seneca and Williamsville/Clarence, New York. The firm, founded in 1955, practices estate planning, real estate, personal injury, probate, criminal, traffic, marital, family, bankruptcy, business, municipal, corporate, debt collection, landlord/tenant and elder law. Your comments and questions are always welcome. For further information or to obtain permission to reprint the contents of this newsletter, call Robert Friedman at (716) 631-9999, visit the Legal Survival web site at www.legalsurvival.com or e-mail to rfriedman@legalsurvival.com.

While a great deal of care has been taken to provide accurate and current information, the ideas, suggestions, general principles and conclusions presented in this newsletter are subject to local, state and federal laws and regulations, court cases and any revisions of same. The reader is thus urged to consult legal counsel regarding any points of law – this newsletter should not be used as a substitute for competent legal advice.

The purpose of this newsletter is to give the reader a general understanding of the law – not to provide specific advice. Every effort has been made to achieve accuracy. The law constantly changes and is subject to differing interpretations. Always consult with your attorney and act only on his or her advice. Friedman & Ranzenhofer, P.C. shall not be responsible for any damages resulting from any inaccuracy or omission. This newsletter is designed to provide accurate and authoritative information in regard to the subject matter covered. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. Certain portions of this newsletter may be applicable only to New York State law.

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## **VERDICTS...** **For Product Burns**

- \$18,503,300 - a **box fan** malfunctioned and set an apartment on fire burning a sleeping 41-year-old to death (Texas).
- \$10,000,000 - injured welders and estate of two who died in factory claimed that an **electric fan**, marketed as safe for use in confined areas, emitted sparks that caused a fatal explosion (Texas).
- \$5,500,000 - worker claimed that **machines in a sugar mill** created a spark that ignited explosive sugar dust, causing flames to shoot all over him (Texas).
- \$2,500,000 - a man who was burned in an explosion after installing a new **fuel pump** in car claimed that the manufacturer failed to warn that different connector threads could spark, igniting leaked gas (New Jersey).
- \$2,200,000 - a woman sustained burns to half her body after dropping a lit **cigarette** onto her pajamas, which caught fire. She claimed that thin material was to blame (New York).
- \$2,125,000 - an infant crawled into a lower compartment of a **stove**, causing it to topple and spill hot

grease onto her. Plaintiffs argued that the stove was not sufficiently stable (Illinois).

- \$1,828,000 - a young girl using a three-legged **coffeemaker** spilled boiling water onto her infant sister. Plaintiffs claimed that the design rendered it unstable (New York).
- \$900,000 - a worker claimed that the English version of instructions for a non-explosive **chemical compound** did not warn against "blowouts," resulting in chemical shooting into his eye (Nevada).
- \$325,000 - floor refinishers were engulfed in flames when an electric buffer shot a spark that ignited **paint thinner** on the floor (Texas).

## **VERDICTS...** **For Defective Automobiles**

- \$52,000,000 - an infant was killed after crawling into a Ford F-350 with the parking brake engaged, **shifting gears** from park to neutral and then jumping out into the rolling truck's path (Nevada).
- \$47,827,311 - a child was paralyzed during a head-on collision when an

**unlatched seatback** of a 2000 Lincoln LS collapsed in on her (Georgia).

- \$19,562,000 – a passenger was paralyzed when the **roof of a S-10 Blazer** crushed after the drunk driver lost control, drove off the road and rolled four times (Nebraska).
- \$12,500,000 - fiery death of a couple and their grandson was caused by pointy **ABS guards** on Ford F-150 which tore into inadequately shielded fuel tank (Missouri).
- \$3,319,000 - estate of driver who sustained a fatal chest injury after striking a barrier at an angle claimed that Ford Taurus' **air bag** deployed at head-on equivalent velocity of only 9 mph (Florida).
- \$1,900,000 - estate of a police officer killed while responding to an emergency call claimed that the Crown Victoria's **power steering** was prone to failure during high-speeds (New Jersey).
- \$1,778,272 - an injured driver of a BMW 323 convertible claimed that the **air bag** system's single-point sensor was to blame for late deployment after she ran into a brick wall at 20 mph (Texas).