



Successes

PITCHED LEGAL BATTLES AND A PIVOTAL QUESTION AMOUNT TO SUCCESSFUL DEFENSE OF FOOD COMPANY IN WORKERS' COMPENSATION CASE

The workers' compensation case turned on a single question – one posed by Goldberg Segalla partner Elizabeth A. Adekunle during a heated argument with the judge and several other attorneys in the judge's chambers.

Defending a national food company against a claim by a franchisee's injured employee, Liz suddenly realized little had been said about the insurer for the franchisee. So she asked why, and the answer the claimant's attorney gave changed everything. The franchisee's owner, she said, in violation of New Jersey law and his agreement with Liz's client, had no workers' compensation insurance – an issue that so far had gone unexplored. At Liz's request, the attorney for the state soon confirmed that the franchisee's insurer was not duly challenged for the claim because the franchisee did not have insurance coverage.

Hearing this, Liz seized on the chance to save her client the cost of a trial and an estimated \$130,000 on the claim. Relying on Section 81 of the Workers' Compensation Statute, she filed a motion forcing the franchisee's last insurer to prove the business had no coverage. When the carrier couldn't, and it was clear the court would hold it responsible for the franchisee's loss, the carrier chose to settle the case with the claimant.

Liz's successful defense of another client belied the challenging nature of the case, which involved the state of New Jersey. If the insurance carrier couldn't pay up, the state would have to. Moreover, the claim stemmed from a November 4, 2011, automobile accident involving a then 25-year-old pizza-delivery driver. Perhaps because of this, Liz feels, the judge adopted an unwavering position, seemingly unsupported by evidence or law, that Liz's client should pay. This led to heated exchanges in the judge's chambers as Liz refused to settle the case and continued strategizing to remove the focus from her client. In the end, she prevailed. When the case was settled on April 25, 2019, her client paid nothing toward the claim.

In successfully defending her client, Liz drew on her years of experience in defending workers' compensation matters. She handles her cases from inception through completion, and has extensive experience representing clients at trial, motion hearings, and drafting legal briefs and memoranda. Liz is a member of Goldberg Segalla's Workers' Compensation practice group, whose mission is to achieve significant and sustainable reductions to the overall expense of each client's workers' compensation program. Our commitment to this mission — and our success in efficient file handling as well as long-range strategic risk-management — has earned us a national reputation for exceeding our clients' expectations and driving positive change in the practice of workers' compensation law.

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