

From Jerry Maschka



Alicia More and I recently resolved a matter for Barbara Jacobson. (I'm telling you about Barbara because she gave us permission to do so; we couldn't otherwise.) In a bad car crash in 2004, Barbara suffered very serious fractures to both of her legs. There was

considerable doubt about whether she was going to walk again. With assistance from very good doctors and rehab staff, after weeks in a hospital and five months in a nursing home, Barbara got back on her feet. She and her husband had to purchase a different house to avoid steps, and she still uses a cane and a wheelchair for extended walking.

What impressed us throughout this painstaking recovery was that Barbara remained unfailingly positive and resolute about "getting back on her feet." It was a true triumph of the human spirit. To all who helped her, including us, she provided by example far more than she received in assistance.

Knowing and helping people like Barbara continues to give meaning to what we do. Receiving a sizeable settlement doesn't bring back full use of her legs, but Barbara feels a lot better that "fairness" was accomplished to recognize what she lost. We too, feel better about that.

Jerry Maschka

About Maschka, Riedy & Ries

Complex Civil Litigation

The work of this firm focuses on cases that require complex civil litigation or mediation. Our team of ten lawyers and 14 legal support staff work for clients who have suffered personal injury, wrongful death or loss in a construction dispute or other civil issue. Our firm's full legal resources are a formidable force for balance and justice when a wrong has been suffered.

Compassionate Client Service

People and the healthy continuation of their lives are the reason for our work. Jarred by an unexpected event, our clients deserve the compassion, respect, clear communication and direction we provide. We are united in our commitment to help them navigate troubled times and resolve issues so life can be resumed with self-respect intact.

Professional Achievement

Together, our attorneys bring 210 years of legal experience to client cases. This depth of experience, specialized knowledge and a collaborative approach produce consistently successful client outcomes. Partner Jerry Maschka is among Minnesota's "Top 40 Personal Injury Lawyers" (MN Law & Politics), and for the 13th consecutive year is counted among Best Lawyers in America, a Best Lawyers® referral

guide respected for stringent peer-review selection.



Complex case? Ask us to lead.

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Pre-Trial Work Pays Off

In the depths of Minnesota winter, a snowmobiler rode along a rural gravel road to his brother-in-law's house, planning to watch the Super Bowl. A freshly whitened landscape stretched in all directions, promising nothing but smooth sailing. The illusion, however, dissolved when the snowmobile hit a utility pole buried in the snow and both snowmobile and rider went flying.



Site Visits Important

The driver came to Maschka, Riedy & Ries shortly after the accident with a compression fracture in his back, a fractured kneecap and aggravation of previous injuries. Having struggled through a car accident and serious soft-tissue injuries without guidance just a year before, he called us within days. MRR immediately sent an investigator to the site, who photographed poles and evidence of the event in the snow. Legal staff visited the site with the client several times to understand what had happened and where.

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## Attention to Detail Makes Case for Snowmobile Driver

### Pre-Trial Disputes

When the incident was brought to the attention of the utility company and subcontractor responsible for placing the poles near the road, discussion focused on two questions: Was the rider properly in the road right-of-way? and Were the poles in the road right-of-way, such that there was duty to warn of the poles? The utility company and officer on call insisted that the poles were not in the road right-of-way; our client and eyewitnesses said they were. Further dispute focused on whether injuries were caused by the snowmobile accident or the previous year's car accident.

for the trial. Many depositions were taken. To prove that the poles were in the road right-of-way, a surveyor mapped the site. Our client and his wife were prepared for direct and cross-examination and coached in trial procedures. Expert witnesses were sought and prepared to testify.

### The Decision

At trial defendants offered to settle for \$20,000. The jury found that the contractor and utility company were largely at fault and liable for damages related to the accident and the spouse's loss of consortium. Our clients were awarded \$111,150.



### Preparing for Trial

Because of its complexity, some lawyers may have chosen to settle this case, but MRR believed the client and believed in the firm's ability to make a case. MRR's Renee Rubish led intense preparation

## tip

Call without hesitation after an accident.

Whether or not you pursue compensation, a skilled personal injury lawyer will take time to help you understand how to field calls from insurers, preserve evidence and manage details. Personal injury lawyers are compensated with a percentage of the award, if there is one, and hourly rates do not apply.

### Other Areas of Expertise:

## Debt Resolution

When financial obligations can't be met, it's important to understand alternatives. Bankruptcy may be an option, but is usually a last resort. MRR partner Chuck Ries has represented both debtors and creditors in and outside of bankruptcy proceedings for over 25 years. Certified Public Accountant (C.P.A.) certification, experience representing creditors' committees and acting as bankruptcy trustee in thousands of cases give him unique perspective.

"Whether debtor or creditor, knowing your and the other party's options is key to an optimal solution," says Ries.

### Chuck Ries recommends the following:

- Compile data. Identify issues.
- Determine goals. What do you want and what can you compromise?
- Be realistic. "Success" is not a single objective, but a range of possibilities.
- Understand bankruptcy's ramifications.



### Charles W. Ries, J.D., C.P.A.

Chuck Ries is a Certified Public Accountant, District of Minnesota Panel Trustee, and Minnesota State Bar Association Bankruptcy Section past Chair, Vice Chair, and Secretary/Treasurer. A graduate of William Mitchell College of Law, Ries brings together skill and experience in law and accounting to help his clients with debt resolution, bankruptcy, taxation and business issues.



A personal injury client represented by Jerry Maschka was recently awarded a settlement of \$650,000. The client, who was involved in a motor vehicle accident, suffered a fractured femur requiring knee replacement, a severe right ankle fracture, a left ankle fracture, a left rib fracture and 65 staples in the right leg.

On September 21st Renee Rubish presented on No Fault Subrogation at the Minnesota Association for Justice Subrogation Seminar.

Nicholas J. Maxwell joined MRR's litigation department as an associate attorney. Nick graduated from the University of Minnesota Law School in 2007. He has served as Student Director, University of MN Civil Practice Clinic; Judicial Extern, 1st Judicial District; teacher, Minnesota Justice Foundation's Streetlaw Program; and with the Minnesota Attorney General's office.

Matthew S. Johnson joined MRR as an associate attorney. Matt is a 2007 graduate of the University of Minnesota Law School and a 2004 graduate of St. John's University. He served as Judicial Extern and was recognized by MN Supreme Court Justices and others as a finalist in the Law School's Oral Argument Tournament, 2005-2006. At St. John's, Matt was a Presidential Scholar, captain of the baseball team and earned MIAC All-Conference honors.

## MRR: Partnering with outside attorneys

Complex problem?  
We litigate, mediate.

If your client is faced with a personal injury case that requires mediation or complex litigation, we are ready to assist. As partners, we respectfully, purposefully move your client from crisis to justice and resolution. Call Jerry Maschka to discuss specific case details and client needs. 507.625.6600

## complex problems resolved