

# Tortilla Factory Worker Killed in Mixing Accident, New York Personal Injury Lawyer Comments

**An undocumented Brooklyn factory worker dies on the job after falling into a machine used for mixing tortillas.**

NEW YORK, NEW YORK – February 1, 2011 A Brooklyn tortilla factory lost one of its workers in a work-related accident. *The New York Times* reported Juan Baten, a 22 year-old factory worker at Tortilleria Chinantla in Williamsburg fell into a waist-high machine used for mixing tortillas. Surveillance video of the accident shows his arm got caught on one of the blades of the mixer, and he was pulled in. The blades are not sharp, but they are powered by a strong motor, and Baten broke his neck almost instantly.

Co-workers were unable to save Baten from the dough-mixing machine and police were called to the factory. Baten was pronounced dead at the scene.

The federal Occupational Safety and Health Administration (OSHA) and the Department of Labor are investigating the work related injury and death of Baten in New York and personal injury lawyers at The Peregman Firm are following the story.

A spokesman with OSHA said the agency had no prior inspection history with the factory, Tortilleria Chinantla. Police said they believed no criminality was involved. But, a few days after the accident, New York State closed the factory because officials from the State Workers Compensation board found that the company's workers comp policy had lapsed in March of last year.

According to a NY State Workers Compensation spokesman, the owner of Tortilleria Chinantla would need to get the insurance and pay approximately \$56,000 in penalties before the company is allowed to reopen.

It has been reported online that Baten's wife, Rosario Ramirez, revealed that her husband had been working nine hours a day and six days a week at the factory without any legal documents.

According to the Supreme Court of the United States, says New York personal injury lawyer David Peregman, undocumented workers have the same rights as documented workers to make a claim or sue to recover financial compensation for injuries sustained by reason of an accident caused by the negligence of another. In New York, an undocumented worker injured at work may pursue a personal injury claim.

“Immigration status does not automatically disqualify someone from recovering damages. A New York personal injury lawyer may be able to determine what financial compensation, if any, the victim is entitled to receive for a work-related injury,” said Perecman, a New York personal injury lawyer for over 30 years.

If a worker is hurt or killed on the job in New York, a personal injury lawyer may be needed to help the injured worker and/or surviving relatives receive adequate financial compensation for:

- Medical expenses
- Permanent injuries
- Lost income wages
- Rehabilitation costs
- Death benefits if the employee was killed on the job

To learn more about worker’s compensation and personal injury claims, contact a New York personal injury lawyer who can evaluate your case and inform you of your legal rights. New York personal injury lawyers at The Perecman Firm understand the risks workers take every time they venture into a factory.

About David Perecman and The Perecman Firm, PLLC:

For the past 30 years, the construction accident, medical malpractice, personal injury accident and auto accident, lawyers at The Perecman Firm, PLLC have championed all types of cases concerning personal injury. David Perecman, founder of the Firm, is particularly well known for his work in the area of construction accidents. As a Board Director and the past Secretary and Treasurer of the New York State Trial Lawyers Association (NYSTLA) and a chair of its Construction Accident committee. Mr. Perecman's achievements have brought him recognition as an Honoree in the National Law Journal's Hall of Fame, in New York Magazine's "The Best Lawyers in America" and The New York Times Magazine "New York Super Lawyers, Metro Edition" for the years 2007-2010.

“I am proud to say I have helped more construction workers and their families than most New York Accident Lawyers”, Says Perecman.

The Firm has recovered millions of dollars for its clients. Among the more recent victories, Mr. Perecman won a \$15 million verdict\* for a construction accident numerous other multimillion dollar verdicts and settlements for construction workers, a \$5.35 million dollar verdict\*\* for an automobile accident, and a \$40 million dollar structured settlement for medical malpractice\*\*\*\*.

\*\*later settled while on appeal for \$7.940 million

\*\* later settled for \$3.5 million

\*\*\*\* total potential payout

"Lawyer Advertising"

"Prior results do not guarantee a similar outcome."