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Defense argues you're partially at fault for causing and contributing to your injuries

If the jury buys that argument, can you still get compensated for the harms and losses you suffered because of the other person's carelessness? You want to know the answer? Come join me for a moment as I share with you some great information.

Hi, I'm Gerry Oginski, I'm a New York medical malpractice and personal injury attorney, practicing law here in the state of New York. The answer is, yes, you can. Now, if the jury believes that you are in fact partially responsible for your injuries, they can still compensate you, and now compel the person who caused you harm to pay you for those injuries.

Now, here's the thing; let's say, for example, the jury determines that the person who caused your harm, let's say it was a car accident case, and the other driver hit you head-on, so now let's say the jury determines that you are entitled to receive 1 million dollars in compensation. If the jury determines that you are 50 percent responsible for causing your own injuries, you know what happens? Even though they've determined that the value of your injuries are worth 1 million dollars, you will only be able to recover 50 percent of that, half a million dollars, from the careless driver who actually caused your injury.

That's a significant difference, so yes, the jury might determine that you are partially at fault for causing your injuries, and then whatever they determine you are entitled to, that amount of money will then be reduced by the percentage of fault that they feel you caused your own injury, and the percentages will change depending upon the facts, depending upon the scenario.

Let's say it's a trip-and-fall case, and the jury determines that you should have seen what it was. You should have seen the defect in the road, in the sidewalk, and because you didn't, you now suffered your injury. They find that you are only 10 percent responsible, so again, if they feel that your injury is worth 1 million dollars, now that injury, that value, those damages, will be reduced by 10 percent. The maximum

that you'll be able to recover from the person who caused this harm, will be 90 percent of what the jury determines you are legally entitled to receive.

You know, I acknowledge that you're watching this video because you likely have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a law suit, but you have questions that need to be answered first, what I invite you to do is, pick up the phone and call me. I can answer your legal questions. You know, that's something I do every single day, and I'd love to chat with you.

You can reach me at 516-487-8207, or be e-mail at Gerry@Oginski-Law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.