

New York Injury Times

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Gerry
Oginski

Google Update!

With anticipation building, and only two weeks to go before the Brooklyn Trial Judge rendered a decision on whether to shut down my website, I settled the underlying malpractice case.

With a window of opportunity quickly closing, my adversary finally got serious about settlement negotiations. I'm happy to report that we settled this wrongful death case just before the Court rendered a decision.

This means that the Court no longer has the opportunity to render a decision about whether to shut down my website. Unfortunately, this does not prevent defense counsel in other cases from making the same kind of ridiculous argument as was made in my case.

The argument was absurd- that potential jurors would ignore the trial judge's instructions and go online to do research about the lawyers and the medicine involved in the case. The defense felt that this would somehow prejudice a potential juror from fairly deciding the case. Nonsense. We are all inundated with information every day, whether by newspaper, radio, advertisements, magazines, and the internet, so that selectively shutting down one website would, in my opinion, be meaningless. This was just another attempt to delay a meritorious case. What will defense attorneys think of next?

I read an online comment recently by an attorney who read what was happening with my website. He suggested that the lawyers should each have the ability to shut down three websites of their choosing, instead of having three choices to remove jurors during jury selection. Excellent idea!

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**"YOUR CANCER IS
GONE!"**

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Come see what all the
fuss is about. I guarantee
there's something there
for you.

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75,000 hits last month!

In This June Edition, We Look At

Summer Activities and 5 Important Tips To Help Keep You Safe This Summer Season

The weather's gotten warmer, kids are playing outdoors, and the barbecue is waiting to be fired up. Despite this beautiful season, we see avoidable tragedies every day in the newspaper and on TV.

Take for example the professional football player who chose to ride his motorcycle without a helmet and now has fractures of his jaw and face. What about the 4 year old child who wandered away from his family backyard and was found floating in a neighbor's fenced-in pool? How about an elderly man who went to light a cigarette in his kitchen and his house blew up? What about the young man who was experimenting with illegal fireworks that blew off half of his hand?

These stories are all true, and they continue every day. Here are some tips to help make your lives a little safer this summer season.

1. PARENTAL SUPERVISION

IF YOU HAVE YOUNG CHILDREN- remember, there is NO SUBSTITUTE FOR PARENTAL SUPERVISION. Now, I'm not suggesting that you don't get a babysitter or have a



reliable family member watch your kids. Instead, I'm saying that when you're outside and

have young children, know where they are at all times.

When at a pool, either private or public, do not rely on the lifeguard to watch your child- no matter how old your children are. The lifeguard must watch the entire pool. You should be watching only your child. Is that inconvenient? At times it is. But I'd rather be inconvenienced for a few hours than regret a simple decision for the rest of my life.

2. BARBEQUEING-

When finished, make sure your propane and gas tanks are shut off. The last thing you want is a leak when someone nearby decides to light up.



Also, keep in mind that young kids like to explore and test their limits. They might not know that the black surface of the grill is extremely hot. Keep the grill closed when possible, and instruct the little ones to stay away.

3. BICYCLES



The best tip I can offer is to get your kids and yourself helmets. They're light, comfortable and protect your head. Now we all know that wearing a helmet won't totally protect you in an accident, but it certainly minimizes the chance of a skull injury. Why take the risk?

The best advertisement I ever saw was a three word ad for helmets. It said, "It's your head."



The other thing you need to know is to wear reflective clothing and if possible use flashing headlights and taillights to alert oncoming cars and trucks of your presence. Then, when you have a few minutes, learn the rules of the road. You can find them on my website, www.oginski-law.com in the bicycle accident section.

4. RUNNING

For those of you who enjoy running, you need to get an identification tag that you either wear on your wrist, or attach to your shoelaces on your sneaker. The best one I've seen is called ROAD ID, and it's available online at www.roadID.com.

Why is this important? Because most runners don't carry identification, and even if they do, it's insufficient to notify someone in the event of an accident.

The road id is a small tag that has names and phone numbers on it, in the event you cannot speak or are unconscious. It tells someone who to call in an emergency. It sells for less than \$20 and makes a great gift for anyone who's into running or biking. (Just so you know I have no financial interest in this product- I just think it's a great idea).



5. FIREWORKS-

Don't use or encourage the use of illegal fireworks. It's that simple. Fireworks are explosive devices, designed to give you a bang for your



buck. The problem arises when kids and teenagers think they're invincible, and can run faster than the fuse can burn.

Here's what usually happens- A kid will light a fuse, drop some fireworks in a tin garbage can, cover it, and run. 30 seconds later, when the 'bang' hasn't happened, the kid opens the lid, reaches into the can, and then has his hand blown off because of a delayed fuse. My best suggestion is to leave the use of fireworks to professionals.

HAVE A GREAT SUMMER, and for those parents whose kids are off to camp, enjoy yourselves with your free time! 

"YOUR CANCER IS GONE!"

By Gerry Oginski

Gerry's new story continued from May 06 newsletter...

"You understand that this information is not to be made public, under any circumstance, correct?" demanded Dr. Peppermill. "Absolutely, sir," replied Dr. Ortega.

Dr. Peppermill pulled Jack Daniels aside and said "What the heck is going on here? Is this some sort of game someone's playing? We're the most respected cancer center in the damn country. If this stuff gets out, we'll be the laughing stock of the medical community," exclaimed Dr. Peppermill.

"John, I'll let you know when I figure it out," said Dr. Daniels. And with that statement, he sidestepped any further questions and walked out of the room, and proceeded to leave the hospital.

Outside in the sunshine, in the

parking lot he ran into a friend of his who was very religious. "Tell me Menachem...in your religion, does God pick and choose who he helps?" asked Dr. Daniels. "Of course," replied Menachem. "God must pick and choose, and has reasons for everything he does."

"Have you ever heard of a patient having a disease one moment, and the next moment it's gone?" asked Dr. Daniels. Menachem gave that question some thought, and then smiled. "As a matter of fact, I haven't. But I'm always open to suggestions or miracles," he remarked. And with that comment, proceeded to hum the tune of "Miracle of Miracles" from Fiddler on the Roof. "Oy" was the last comment Dr. Daniels heard as he got into his car to go for a ride.

Months went by without any answer. No other patients were cured. The investigation was at a total standstill.

On Long Island however, things were just starting to heat up. The Attending Radiologist, Dr. Jim Siegal, at the largest hospital on Long Island, Gold Coast Hospital was asked to review 10 sets of MRI's for that day. Two of them were absolutely normal. The other 8 showed significant cancer. As was his custom, Dr. Siegal called each doctor to let him know his findings. Interestingly, the two patients who had no cancer had the same doctor. "That's one less call for me to make," he thought.

"What do you mean there's no evidence of cancer!" Dr. Young blurted out when Dr. Siegal called him. "These patients are metastatic! Look at their prior films, look at the test results! These two patients are going to die...and soon," uttered Dr. Young.

"Not according to these films," replied Dr. Siegal. "Come down and look for yourself." So, he did. He took the current films and compared them to the previous films. They were like night and day. One set of films showed massive cancer. The other set showed

healthy, normal, vibrant tissue. "Incredible! There must be some mistake," he shouted to Dr. Siegal.

"There's no mistake. I checked the films myself. I spoke with the technician who took these films. The machine was working just fine. No other problems with any other patients, except these two."

"How is this possible?" Dr. Young asked. "I have no idea," answered Dr. Siegal. "You mean they're now totally healthy, and won't die of horrible cancer?"

"According to these films, neither of your patients have cancer any more! This looks like a case to present to the American College of Radiology," noted Dr. Siegal.

Two days later, the chief of cancer surgery, Dr. Vinny Basta at Gold Coast Hospital received a call from radiologist Dr. Siegal. "Doctor Basta, you're not going to believe this, but one of your patients no longer has ovarian cancer." "What the hell are you talking about, you idiot! Of course she has cancer. I operated on her myself. She had stage III ovarian cancer and it had spread to her lymph nodes. I've been following her for the last 8 months. Don't tell me she doesn't have cancer. Just look at the pathology slides!" yelled a frustrated Dr. Basta. "Yes, I understand that..." stammered Dr. Siegal, "but now she doesn't..." Silence was all that he heard before the phone slammed down in his earpiece.

Three minutes later, Dr. Basta was in Dr. Siegal's office yelling and screaming. "What kind of moron are you, Siegal? Don't you know how to read a damn MRI film? This isn't a third world hospital here! Didn't you go to medical school somewhere? Give me those films, NOW!" screamed Dr. Basta. Basta took the films, put them on the shadow box, turned the lights on, and looked, and looked. He looked at the name on the films. He pulled the films off the light box, and put them back again. He

looked some more. He seethingly looked over at Dr. Siegal, who by now was cowering in the corner. "Get me the radiology technician, NOW!" Dr. Basta ordered.

The technician hesitantly walked into Dr. Siegal's office as summoned by Dr. Basta. He had heard of the chief of cancer surgery's reputation for eating poorly trained doctors for breakfast, chewing them, and spitting them out. He was scared. Dr. Basta took one look at him, and he almost peed in his pants.

"What...what...what can I do for you, sir?" Dr. Basta proceeded to grill him about the films in front of him. "Where, when, how, why, who, do you remember this patient, did you calibrate the machine, any problems, defects, abnormalities, anyone else use machine beside you..."

The questioning lasted for an entire hour. Dr. Basta picked up the phone, dialed his own office and said "Get patient Gina L. back in here for tests...better yet, send her to 2nd Opinion Hospital in NYC for additional testing for MRI's, CT scans and blood work. Tell her I want her there today!" demanded Dr. Basta.

Two days later, Dr. David Dunlop, chief of cancer surgery at 2nd Opinion called Dr. Basta. "Vinny, it's David! How the hell are you?" asked Dr. Dunlop.

"I'd be better if I could figure this one case out," said Dr. Basta.

"Vinny, I looked at the films for Gina L. I even examined her. She has no cancer...anywhere." Dr. Dunlop stated. "Did you review her prior films that I told her to take with her?" Basta asked. "You bet I did," answered Dunlop. "Listen, something weird's going on...you're not the only one who this has happened to. Jack Daniels, over at New York Cancer Center had the same thing with three of his patients just over a month ago. One day they have cancer, the next day they don't. I personally went to his office to make sure he wasn't bullshitting me. He wasn't."

"This is just great! And we're supposed to be the smart ones here. What kind of nonsense is this?" ranted Dr. Basta.

The next day, Vinny Basta called his counterpart at the New York Cancer Center to talk to him about this 'nonsense'. "Jack, it's Vinny Basta at Gold Coast. How's the family?" "Fine. Angela says hello, the kids are great, and we're going out to the Hamptons next weekend. Want to join us?" asked Dr. Daniels. "As a matter of fact, I do. I'll let my wife know and she can call Angela to work out the details. Thanks." Dr. Basta replied.

"Listen, the reason I'm calling is because I've got a patient of mine who one day has Stage III ovarian cancer with spread to lymph nodes, and as of yesterday, she's free and clear...no cancer anywhere."

I spoke to David Dunlop at 2nd Opinion and he said you had the same thing last month. What can you tell me about this?" Dr. Basta inquired.

Both doctors realized they had a problem on their hands. A good problem, but one that couldn't be readily explained. "You know, I spoke to Allison Abby last week about my three miracle patients, and it turns out she's the gyn doctor for each of them. She and her husband went to see them socially while on their way into the city for a show. She agrees this is the most bizarre case she's heard of." Dr. Daniels explained.

"Wait a second. My patient Gina L. was referred to me by Allison! During a routine gyn exam, she found evidence of cancer and sent her over to me for evaluation and treatment." "Gina was in the hospital for two weeks because she was having bad side effects from the chemotherapy. I wonder if Allison went to visit Gina too," Dr. Basta said out loud.

Tune in next month when we continue our new story! 

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