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## **But the Doctor ALMOST Killed Me!**

"What do you mean I don't have a case? The doctor almost killed me!"

Really? Almost doesn't count. You want to know why? Come join me as I share with you some great information. Hi, I'm Gerry Oginiski, I'm a New York medical malpractice and personal injury attorney practicing law here in the state of New York. That's the kind of conversation I get from time to time. A potential client, a potential injured victim calls me and says, "Listen, the doctor did some horrible things, I could have died." Or, "He almost killed me."

You know what I say to that? I'm glad he didn't. That stops the caller cold in their tracks. Why? Because they are so upset, they're so furious, they're so angry that the doctor did something wrong, but then I take it one step further. I said, "Listen, in New York in a medical malpractice case we have to show not only that there's wrong doing, but we have to show that the wrong doing was a cause of your injury. Then we typically have to show that the injury is significant or permanent."

There has to be that connection, what we call a causal link between the wrong doing and the injury. If there's no connection and there's no injury, now we've only got part of a case. You don't have all the other steps necessary and by the way, we have to have each one of those elements of the claim confirmed and backed up and supported by a qualified medical expert who's reviewed all of your records and confirms number one, that there was wrong doing or departures or violations from the basic standards of medical care. That violation, that departure from good care, was a cause of your injury. Well, if you almost died, there's no injury. Maybe there's some pain and suffering, I don't know. Maybe there's some other injury that you suffered, but obviously you're still alive, you're talking to me which means that whatever treatment you had did not kill you, thankfully.

You want to know, hey, can I bring a lawsuit if the doctor almost killed me? The answer is maybe and maybe not. It all depends on what was the wrong doing, what injury did the wrong doing cause, and is the injury significant or permanent? Then in response to all of these comments, they turn around

and say, "Are you telling me that my life is worth more if I'd died than if I was alive?" Actually that's not true because in a death case here in New York the biggest element of damages is what is the financial loss that the family experienced. Your family, your surviving family experienced as a result of your death.

As far as pain and suffering, we can only try and claim pain and the suffering you endured from the time of wrong doing up until the time of your death which is very finite. However, in a case where you are still alive and now this injury is going to affect you for the rest of your life, now we can show that you have ongoing disability, you have ongoing injury, you have ongoing pain, ongoing suffering that's going to last you for the next 10, 20, 30 years of your life. That is a very significant component of damages in any medical malpractice case here in New York.

Why do I share this great information with you? I share it with you just to give you an insight and understanding into what goes on in a medical malpractice case here in the state of New York. You know I acknowledge and I realize that you're watching this video because you likely have questions or concerns about your own particular matter. Well, if your matter happened here in the state of New York and you're thinking about bringing a lawsuit, 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 this is something I do every single day and I'd love to talk to you.

You can reach me at 516-487-8207 or by email at [Gerry@Oginski.law.com](mailto:Gerry@Oginski.law.com). That's it for today's video, I'm Gerry Oginski, have a great day.