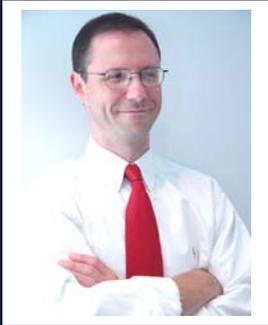


# New York Injury Times

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Gerry Oginski, Trial Lawyer

**News**

**p. 4**

## Don't get sued!

### Ice & Snow are often to blame for accidents.

As beautiful as ice and snow are to look at, they create all types of hazard. Walking or driving on ice is typically the worst. Driving on snow has its own problems. This month's newsletter talks about what steps can be taken to minimize the likelihood that you'll be sued for injuries caused by snow and ice on your property.

Let's say you own a home and it snows. You have a driveway that leads to the street. Suppose you shovel your driveway, but there's still a layer of snow that you just can't get rid of. Well, over the next few days the weather gets warmer and then colder, causing the snow to melt then re-freeze, leaving a layer of ice on your driveway.

Now, let's say your mailman comes to deliver your mail and walks across your icy driveway before you had a chance to put down salt or some other chemical to melt it away. You know what happens...he falls, breaks his arm and next thing you know you get served with a lawsuit telling you that you failed to maintain your property in a safe condition.

Let's change the facts slightly. Your elderly neighbor decides to come by and drop off a holiday cake for your family. While walking in high heels, carrying a cake and a heavy pocketbook, she slips on the ice in your driveway that's been sitting there for 5 days now. She breaks her hip, and an ambulance takes her to the hospital where she has surgery and remains hospitalized for an entire month. Can she sue you?

The answer is yes. Would she be successful? Probably. Why? Because the ice condition had existed for a sufficient length of time that either you *knew about the* ...Continued p. 2

Gerry's Book continued...  
Find out how Jacob learns where  
Bin Laden is hiding... page 2

**Ice & Snow are often to blame for accidents-  
Learn how to minimize your risk of being  
sued...page 2**

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# In This December Edition, We Look At

## HOW TO PREVENT BEING SUED FOR SNOW AND ICE INJURIES

Continued from page 1

...ice and failed to remove it, or you should have known about the icy driveway because of the warming temperatures and re-freezing over the past week.

So how do you prevent this from happening? The first step is to make sure that you use a snow plow service or kids in the neighborhood to keep your driveway clear after each snow. You could always shovel the snow yourself if you are able.

What about the accumulation of ice? It would help you greatly to buy a large bucket of ice melt (try any Home Depot). Any time your walkway or driveway is shoveled, make sure you put down a layer of ice melt. Will this guarantee that someone won't fall? No, but it certainly minimizes the risk that you'll be sued successfully for not keeping your property free and clear of obvious hazards.

People that come on your property have a reasonable expectation that your property doesn't have big gaping holes that will swallow them whole or planks of wood with exposed nails sticking up just waiting for the next unsuspecting victim. Nor do they expect sheets of ice on a cleared driveway or walkway.

Does this mean that the injured victim is always without any fault of their own? No. Sometimes, the person who falls may be entirely responsible for their own accident, or partially responsible. Each case is different.

The key to preventing and minimizing lawsuits for injuries on your property is by keeping your property in good, clean condition. We can't always prevent slips and falls from happening, but when you can show that you have a routine of clearing snow and ice every time it snows, and did it in this particular case, your chances of being successfully sued are much less than if you don't.



## GERRY'S BOOK CONTINUED



Jacob enjoyed taking Chelsea out and about town. He enjoyed his job at the White House, and he was living the good life. His parents still thought he was an alien and couldn't understand why their caller ID kept reading "White House calling" every time Jacob called them from work.

Jacob's secret job required him to meet with virtually all foreign diplomats and dignitaries at the White House. The President always introduced him as a 'friend of the family' - a close friend of Chelsea's.

At the same time, Jacob was also working at Morgan Stanley as their heavily celebrated clairvoyant savant and predictor of future riches. Every stock broker and trader had heard of Jacob's uncanny ability to predict the future of any stock. They all wanted to get close to him for tips and tidbits of information they could use to their advantage.

Impressively, Jacob was very humble and played stupid, giving most of the Morgan Stanley folks the cold shoulder. Many at the firm took this as being standoff-ish and condescending. Jacob didn't care. He didn't need any more friends, and he took this job just because he needed something to do during the day.

Jacob's life was about to change once again, and he didn't even know it.

On Friday evening, March 7, he was scheduled to be with the President, First Lady and Chelsea at a 'meet and greet' with Middle East envoys and their diplomatic representatives. Jacob learned that these people were really spies and businessmen who were sent by their governments to try and influence the United States while hiding behind a veil of 'secret diplomacy'.

The event was a cocktail party where everyone was dressed in business attire. Jacob really wanted to wear a t-shirt and jeans, but Chelsea gently reminded him that the press covering the event wouldn't take kindly to his overly casual manner of dress, and he grudgingly agreed to wear a suit.

At the party, Jacob was introduced to 12 representatives from Saudi Arabia, Qatar, Islamabad, Pakistan, Afghanistan, Jordan, Egypt, and Iran. He made sure to shake hands with each and every person. The most difficult thing for Jacob was trying to remember which face went with which prediction.

To help him remember who was who, he started to connect images in his mind to the dates when he predicted they'd die. "Curly haired goat herder, 10 years 2 months." "Funny looking guy

with rag on head and big glasses, 27 years, 3 months." "Short bald guy wearing toga robe and lots of nose hair, 8 years, 9 months."

Finally, toward the end of the cocktail hour, he was introduced to someone called Ahmed bin Ahmed bin Baba Lama Ding Dong. He was dressed in a suit with a gold encrusted dagger attached to his belt. He had a scraggly beard and rose-colored eyeglasses. His breath smelled faintly putrid, as if he'd just eaten some dead fish. While shaking hands with Baba Lama Ding Dong, he started to sense something odd. Jacob held onto Baba Lama's hand longer than usual and started talking to him while grasping his hand and smiling.

He asked him where he was from, and where he grew up. Jacob wanted to know what it was like growing up without money and without parents. Baba Lama had a pronounced Arabic accent, but he had clearly been schooled either in the United States or in England. After a few minutes of this banter, Baba Lama pulled his hand away from Jacob, realizing that it was becoming unnatural and somewhat uncomfortable to be holding this stranger's hand.

President Clinton realized that this was unusual for Jacob and immediately put his arm around Baba Lama and redirected him a few feet away into a corner, presumably to talk privately. He nodded for Jacob to accompany him. Jacob immediately asked Baba Lama if he could show him his beautiful gold and diamond watch. The man hesitatingly agreed and handed over the watch. It was a "Folex" watch. Not a Rolex, but a Folex. The second hand worked backwards, as did the time, which had Arabic numerals instead of time markers.

Jacob handed the watch back and asked where he could get a

watch like that. "Nowhere," came the reply. "This was custom made by my uncle Shazam in a suburb of Bangkok. It's the only one like it."

Jacob asked "Has the watch ever had another owner?" "Why do you ask Mr. Morgan?" responded Baba Lama. "Because it looks as if it has been worn for a long time," said Jacob. "I also noticed the deep scratches in the case and also the cracked crystal in the corner," said Jacob.

Out of the blue, Jacob asked Baba Lama whether he'd ever met Saddam Hussein. Baba Lama said "Yes, I have. He's a great man who had a great vision." "Hmm. Have you ever been to the Jumbalaya Training Camp where the Jihadi terrorists who carried out the 9/11 attacks trained?" inquired Jacob.

With this question, the President looked approvingly at Jacob but didn't yet see what he was getting at. Baba Lama's face drained of color and he began to stutter. "How, how would you know that, Mr. Morgan?"

"I'd just like to confirm whether our intelligence is right or wrong. Your answer would certainly go a long way to helping us straighten out our cockeyed intelligence agencies," answered Jacob. "Your assistance would certainly be noticed and appreciated," winked Jacob.

"Well, yes, I, I, I have been dere. I vas dere during da intifata when Chairman Yasser Is Fat vas dere. Ov course I only visited da place and was only observing what was going on," remarked Baba Lama. Mr. President, I don't believe I need to be interrogated like this, by this, this, this person," spattered Baba Lama Ding Dong.

"Oh Mr. Ding Dong, Jacob's just being friendly. He likes to talk to people and see who they really are, not who they pretend to be. I

think it's a great quality, don't you?" said the President.

"Well, I, ah, perhaps, maybe...anyway, the reason for my visit today was to see if you would be able to fund my 'friends' who call themselves 'freedom fighters'."

Jacob interrupted. "Do you mean those terrorists who just blew up a school bus in the Gaza Strip?" Baba Lama again started to stutter and spit all over Jacob. "Again, how is it you know such information?" asked the Dali Lama of Ding Dong fame.

Jacob answered with a straight face- "Because I know everything about you; about your history; about your people; about your friends and what type of toilet paper you use- Charmin, right?" "Yes," stammered Baba Lama. Jacob turned to the President and asked if he could talk to him alone. He also waved to Jimmy the Hack, the famous national security advisor to come talk to Baba Lama.

"Mr. President, I believe this sputtering ding dong knows where Bin Laden is. I've never felt like this before. I know this guy will die in 14 years, but I kept getting these very strange and uncomfortable feelings when I talk to him. That's why I continued to talk to him to see if I could make sense of it. In fact, I'm positive he knows where Bin Laden is."

"Jacob, go hang out with Chelsea while I get Jimmy Vargas over here to talk with us," said the President. "Sure thing, sir," responded Jacob.

The President intercepted Vargas and brought him up to speed with what Jacob had been doing. Vargas immediately broke away and ran to a phone at the end of the hall. He called the CIA and asked for 4 agents immediately. He wanted to spring a trap on Baba Lama and would do anything in his

power to find out where Bin Laden was hiding.

Vargas returned and calmly walked over to Jacob. "Nice going, big guy. Anything else you can tell me?"

"Yes, ask Baba Lama, no, wait...in fact I'll ask him...come on," said Jacob. With that, he led the way, with Jimmy Vargas and Chelsea Clinton in tow over to where Baba Lama was feasting on oysters and sardines. (That explained the bad breath!)

"Ah, Ahmed, can I call you Ahmed?" asked Jacob. Without even waiting for a response he continued "Is it true you have a home here in Arlington, Virginia?"

"Yes, why do you ask?" questioned Baba Lama. "Who lives there with you, sir?" inquired Jacob. "Uh, uh, nobody, just me and my cat, why?"

Jacob reached over to Baba Lama and gently grabbed a scraggly gray hair that was resting on Baba Lama's coat lapel. Holding it up to the light, he said, "You don't have a grey beard, sir. Do you know whose hair this is?"

Baba Lama looked at Jacob like he was an idiot for asking about a stray hair. "Of course not," he answered. "Ah, but I think you do!" said Jacob decisively. "It's your cat's hair, right?" "Yes, I suppose so," squeaked Baba Lama.

Jacob discretely handed the hair over to Jimmy Vargas and whispered in his ear to have it DNA tested immediately.

A few minutes later, 4 CIA agents magically appeared at the party wearing toga robes and do-rags on their heads. They wore sandals to complete the Bedouin look. Jimmy Vargas had told them to make sure Baba Lama was not to leave the White House for any reason.

In a small room off to the side where the cocktail party was taking place, Jacob was telling President Clinton, Jimmy Vargas, Mrs. Clinton and Chelsea that he thought Bin Laden was here in the United States, and in fact, staying with Baba Lama Ding Dong.

You can imagine the incredible looks all of them gave Jacob when he uttered these thoughts. "Are you nuts, Jacob? Hiding in Virginia? You're out of your mind!" exclaimed Mrs. Clinton. The National Security Advisor however wasn't all that shocked. "Why not? I mean, why couldn't he change his appearance and be hiding here instead of in a cave with sheep keeping him company at night?" said Jimmy Vargas.

"Listen; don't you remember how our troops found Saddam? In a hole that he could barely fit in while breathing from a little tube that was above ground? Why couldn't Bin Laden do something similar? They're both psycho's, they both have beards, they both like sheep...well I think they do," commented Jacob.

"We now have probable cause," said Bubba. Get the Army, the FBI, the Secret Service, whoever can do the job quietly and quickly over to Baba Lama's house,

to search for Bin Laden, NOW," demanded the President.

"I've never been wrong before, and remember, I've never been able to predict something like this before...but I'm telling you, I feel something's up here, and it's him.

Tune in next month to see what happens...

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### **Las Vegas Helicopter crash, settlement \$38 million**

A settlement reached on behalf of helicopter crash victim Chana Daskal totaled \$38 million, making it one of the largest pretrial personal injury settlements for an individual in U.S. history.

The crash was attributable to two factors -- a malfunction in the helicopter's hydraulic system and a faulty fuel tank design that led to a devastating fire in the passenger cabin.

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### **LARGEST PERSONAL INJURY VERDICT IN San Francisco HISTORY**

The parents of a 4-year-old killed in a Municipal Railway accident in San Francisco in February 2003 have been awarded the largest personal injury verdict from the city of San Francisco in the city's history. \$24.7 million to four plaintiffs.



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The Law Office of Gerald M. Oginski, LLC

**Call me personally,  
anytime.**

**516-487-8207**

150 Great Neck Road, Ste. 304  
Great Neck, NY 11021

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