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In a wrongful death case here in NY, will owning property affect how much surviving family members receive?

In a wrongful death case here in New York, if the person who died owned real estate or property, is that going to affect how much money the people that you are suing are going to be obligated to pay to the surviving family? 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. I'm getting bitten up. It's late afternoon here in Great Neck, but it's a beautiful evening and I wanted to take a few moments to share this terrific information with you. The answer is, no. If the person who died had real estate, they owned property, the fact that they owned property is not going to affect how much compensation the surviving family is going to ultimately receive if they are successful in showing that they are more likely right than wrong, that the people you are suing caused and contributed to this person's death.

Now what do I mean? The surviving family is permitted to go ahead and seek compensation for all of the harms, all of the losses, all of the financial losses as a result of their loved one's death. The surviving family is permitted to try and obtain compensation for all of the harms and all of the losses that they incurred as a result of this person's death. That includes all the financial loss to the family as a result of this person dying as well.

Now what happens if the person owned property? The answer is, so what? It doesn't matter if they owned a house, doesn't matter if they owned a hotel or a building or some other property. You know why? Because if the people that you are suing become legally obligated, a jury determines that they are legally obligated to compensate the surviving family, now they are going to be obligated to compensate the family for all of those harms, and it

makes no difference what that person owned at the time of their death. Doesn't matter if they owned a small house, a big house, a big piece of property. Makes no difference whatsoever.

Is the defense entitled to learn whether the person owned certain property? The answer is, maybe yes and maybe no, and there's specific rules that govern whether or not they're entitled to learn that information during the pretrial discovery process. What they will be entitled to learn is whether the person who died owned the home that they were living in. Whether or not they owned their car, whether or not they owned other property really is irrelevant for the purposes of obtaining damages, and it's irrelevant for the purposes of the defense defending the claim and trying to show that they're not obligated to pay all of those damages and all the financial losses because of whatever they did or didn't do.

Why do I share this quick information with you? I share it with you just to give you an insight and an understanding into what goes on in these medical malpractice, wrongful death and accident cases here in the state of New York. I recognize and I acknowledge 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 I'm getting bitten up at the same time ...

No, seriously, if your matter did happen here in New York and you've got questions that need answers, what I invite you to do is pick up the phone and call me. I can answer your legal questions. I invite you to do that before I get all bitten up during the course of this video. You can reach me at 516-487-8207 or by e-mail at gerry@oginski-law.com.

That's it for today's video. I'm Gerry Oginski. Have a fantastic day.