

NEW YORK INJURY TIMES



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*New York Medical Malpractice
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IN THIS MONTH'S
 EDITION:

BUSINESS SPOTLIGHT

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FAQ's and ANSWERS YOU
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BUSINESS SPOTLIGHT

In this month's Spotlight I want to introduce you to an incredible, energetic orthodontist named David Sherman. He practices with his famous father, Peter Sherman, also an orthodontist here in Great Neck.

One of the most noticeable things about David's office is that when you walk in, you are always greeted with a great big smile by Linda Sherman, his mom (and Peter's wife). Linda will usually ask you about your family and school and where you're going on vacation. This is not your typical mom and pop shop of yesteryear. The office has the most up-to-date equipment and tools needed to get your teeth looking beautiful.



I will tell you that two of my kids have

gone to Sherman Orthodontics and the results have been amazing. Their teeth are perfect. When we look at before and after pictures, we can't believe the difference. The next time you're in Great Neck, stop by their office at 12 Bond Street and say hi to Linda and tell her you saw this article in Gerry's monthly newsletter! You can reach them at 516-487-0660.

Coming in next month's newsletter:

- Learn what happened when I slipped on ice in my office parking lot.
- Find out what happened to Hillary Clinton and Jimmy in Gerry's never-ending story.
- Skiing pictures in the photo gallery



Q&A



Q: WHY INJURED ACCIDENT VICTIMS ARE NEVER MILLIONAIRES

A: How many times have you read the headlines in the newspaper "Man wins \$20 Million," "Woman awarded \$35 Million Dollars after slipping on banana peel," "Jury verdict of \$17 Million for brain damaged infant." Don't you feel envious, even for just a moment? Don't you feel jealous that someone, somewhere, is going to get all those millions of dollars? Well, that might be your first impulse, but looking at the facts you realize that you wouldn't want to trade places with that injured victim- ever.

During closing arguments in a trial, an attorney will talk about how much money they feel their client is entitled to. A good analogy is to imagine someone taking out a classified ad in the newspaper with the following headline: "\$10 Million Dollars-Free! Just show up tomorrow morning." Don't you think every single person in the world would show up? But wait!

Before you can get your "Free \$10 Million Dollars" you first must be a victim of medical malpractice. You must suffer brain damage because the anesthesiologist put the airway tube into your stomach instead of

your airway. How many people do you think would still line up outside the door seeking the "Free \$10 Million Dollars?"

There may be some crazy folks who don't care what they do for that kind of money. But hold on...what if there are more conditions before you can get that money? Before you can ever see one dime, you have to be permanently and forever disabled; confined to a wheelchair, have no bowel control, and require a full-time nurse to attend to your every need. You need help eating, feeding, going to the bathroom, waking up and going to sleep. You need physical therapy 5 days a week, and you can only communicate with your family with grunts and moans. How many people do you think would still take the money under those circumstances? I don't know anyone who would go to that length to get \$10 Million Dollars- even if someone was giving it away 'Free'.



St. Maarten

The next time you read the news headlines where some injured victim won millions of dollars rest assured that after appeals are exhausted they'll have a fraction of that amount. I guarantee you, they'd rather have their health than any amount of money. That money isn't going to make them healthy and whole again. It'll only provide the best medical care they can buy to support them and their broken family. The next time you see an injured victim winning a large award, take a close look at the facts of the case and the injuries that person suffered before wishing you were in their shoes. Doing so will make you a better person.



Q&A



Q: WHAT ARE THE TOP 10 MOST IMPORTANT THINGS YOU NEED TO KNOW IF YOU SLIP AND FALL?

A:

- What was the weather like on the day you fell?
- What were you wearing on your feet?
- Do you wear eyeglasses?
- Do you have a history of dizziness or falling?
- Are you taking any medications that make you dizzy?
- What did you slip or trip on?
- After you fell, did you see what it was that you fell on?
- Were there any witnesses to your fall?
- Did you file an accident report with the owner of the property, or with the police?
- How long do you think the dangerous condition existed before you fell?

DO DOCTORS INTENTIONALLY COMMIT MALPRACTICE?

Do you think your doctor woke up this morning and said "I wonder which patient I can commit malpractice on today?"

Do you think your doctor went to medical school for four years and postgraduate training, known as a residency for 3-6 years, and then into private practice just so he can turn around and commit malpractice?

A doctor who intentionally commits wrongdoing on a patient will not have any medical malpractice insurance to cover a lawsuit where the patient brings a claim against the doctor seeking compensation. Why? Because their malpractice insurance policy will only cover a doctor only for unintentional acts. That means that if the doctor was careless or negligent, the insurance policy will cover those claims.

In my experience as a medical malpractice trial attorney in New York, I've never seen a physician intentionally cause harm to a particular patient. That's not to say that it has not happened, and that is not to say that it does not happen. However, the majority of physicians wake up each morning expecting and hoping to do good for the patients that walk in their door.

A physician's lack of communication with their patient following a complication or error is the major cause of an injured victim picking up the phone and calling me.

In addition, if the physician was careless and caused a patient harm, the doctor creates a debt that can only be repaid with money. In our system of justice, compensation is really a form of repayment of a debt that is owed by the physician to the patient.



St. Maarten



The LAWYERS' VIDEO *Studio*

WANT TO LEARN HOW TO MARKET YOURSELF WITH VIDEO?



NEW FEATURE!

Want to jump onto Video but don't know where to start?

Start with my book. The first 5 people to call or email me about getting onto video, get the book **FOR FREE!** (A \$16.95 value).

If you are a *former client*, call me at 516-487-8207 to schedule a video shoot to talk about what happened to you and how I was able to help you.

If you are an *attorney* who wants to get onto video, then check out my VIDEO CREATION incentive program for getting you onto video and starring in your very own video today!

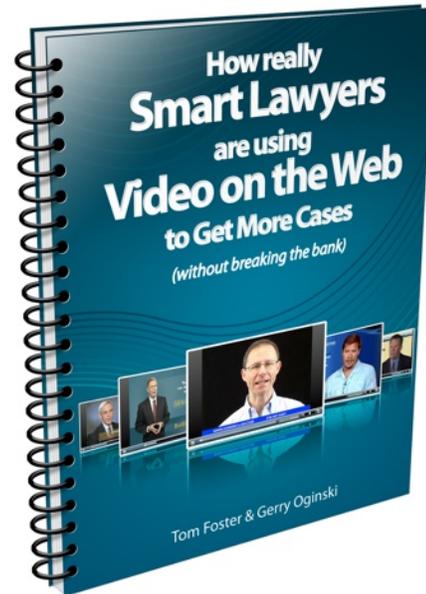
<http://lawyersvideostudio.com/turn-key-system/>

If you're a *business owner* and want to get people to trust you; you need to star in your own video. Call me to get you onto video today. What are you waiting for, an invitation? 516-487-8207.

GERRY'S NEW BOOK

JUST PUBLISHED! Available at Amazon.com for \$16.95.

How cool is that?



VIDEO UPDATE: The following videos went live last month on my video blog:

<http://nymedicalmalpracticevideoblog.com>

1. Urology Nightmare
2. Board Certification- What Does It Mean?
3. Residents, Fellows & Attendings, The Doctor Hierarchy
4. Anesthesia Overdose in New York
5. Testicular Torsion
6. Eyelid Surgery Gone Bad
7. Misplaced Feeding Tube Results in Death
8. Erbs Palsy
9. Blind in One Eye
10. Lawyer Blooper #13
11. Pharmacy Mistakes
12. Unrecognized Bladder Cancer

GERRY'S TRIVIA GAME

TEST YOUR LEGAL KNOWLEDGE

1. "No Recovery, No Fee" means if you lose your case, you don't have to pay your attorney anything. TRUE OR FALSE?
2. If you are on a worksite and fell from a ladder, the owner of the property is automatically liable for your injuries under the Labor Law. TRUE OR FALSE?
3. If an insurance company denies your property damage claim, you have no recourse. TRUE OR FALSE?
4. If your accident happened in Queens and you live in Brooklyn you must bring your lawsuit in Queens. TRUE OR FALSE?
5. You can tell the difference between attorneys just from a 30 second TV commercial. TRUE OR FALSE?
6. I have only one year to file a lawsuit for a car accident. TRUE OR FALSE?
7. In an accident case, I have to pay for an attorney upfront. TRUE OR FALSE?
8. A firefighter using a blue flashing light can go through a red light on the way to an emergency call. TRUE OR FALSE?
9. Carbon monoxide detectors are required in new residential construction in New York State. TRUE OR FALSE?
10. You do not need a lawyer to represent you in an accident case. TRUE OR FALSE?

BONUS: You slip and fall on black ice and break your leg. You must prove the owner of the parking lot knew or should have known there was ice there and failed to timely clear the ice to prevent injury. TRUE or FALSE?

GERRY'S NEVER-ENDING FICTIONAL STORY

continued from the Back page

Jimmy and Hillary were grimy and covered in fish-smelling overalls. They were rushed into a utility van with no windows. The sign on the van said "Plumber" in Russian. It was a great cover. The graphic logo showed a man from his waist down sitting on a toilet. The graphic was positioned on the driver's door directly under the window. It gave the impression that the driver was the one sitting on the toilet. The image got laughs wherever the van went.

They slowly made their way toward the U.S. embassy. The Russians were still looking for them. The Russian president was destined to find them and detain them, causing yet another international incident. On the way, they received a coded Facebook and Twitter message which said to again divert to a farm about 25 miles outside of Russia. There they would hide out until an extraction team was sent in to get them out of the country.

The airport was out. The trains were out, and the borders were now reinforced with Russian security forces. They were told that if they let Hillary Clinton out of the country, they would be shot and their families would be sent to Siberia! Talk about extreme measures.

It's a good thing Hillary had her iPhone and was in constant communication with

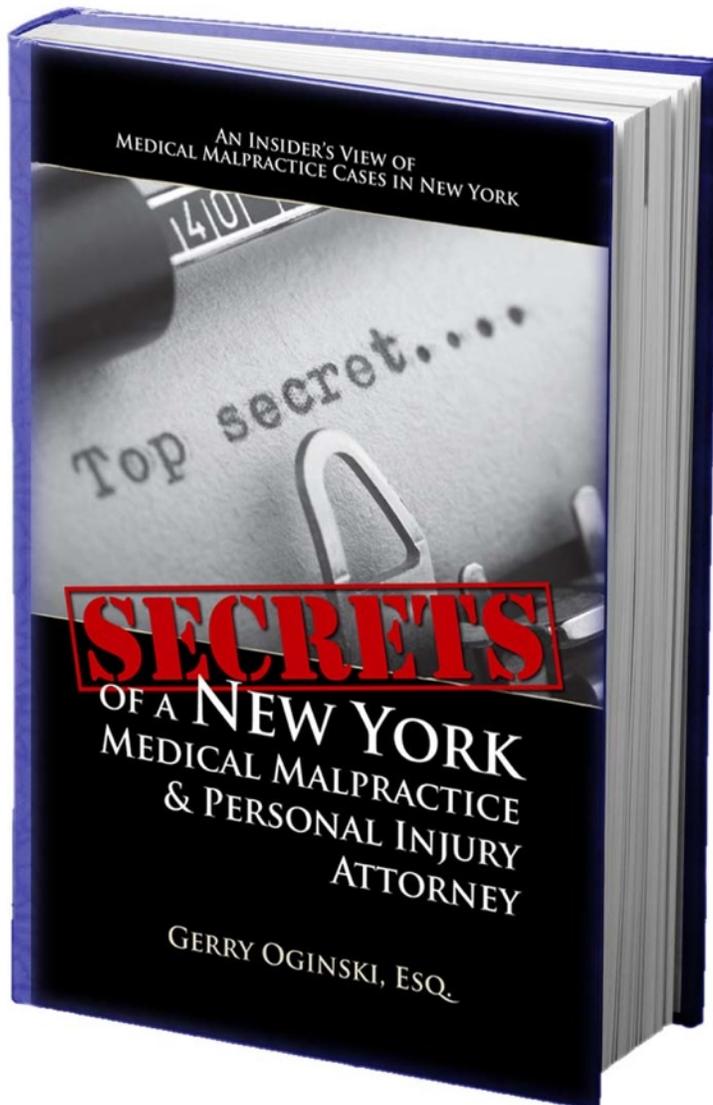
the National Security Advisor. President Obama ordered a high-level military extraction. He called up his friend in the Israeli Mossad and asked for a favor. The never-before-named head of the super-secret Israeli military organization listened and then said "For you, my friend Barry, anything."

That triggered a sequence of events never seen in Russia before. Three hundred Russian Babushka's (elderly women with head coverings) simultaneously came out of their homes carrying pots and pans. They began a march up to the farm where Hillary was holed up. They were singing Russian songs in a form of solidarity. Never mind that it was 45 degrees outside. Hillary and Jimmy were told to dress just like the old Russian Babushka's and to wait.

One hour later, the women with their loud pots and pans could be heard from a mile away. Many were tone deaf and couldn't carry a tune. It didn't matter. The point was they were trying to be as loud as possible. On arriving at the farm, Hillary and Jimmy joined up with the group and they headed out away from the city. Villagers came out to see what the commotion was all about and were stunned to see these elderly women banging their pots and pans, singing nationalist Russian songs. Many villagers joined them in their journey. The only problem was the villagers had no idea why they were marching or where to. Hillary and Jimmy stayed in the middle of the pack humming and banging.

Till next time...stay tuned.





NEW BOOK available for **FREE** download

(for NY residents) by
**New York Medical
Malpractice Lawyer
Gerry Oginski.**

After reading this book, you'll learn:

- Ten reasons why you should **not** sue your doctor,
- Ten reasons why most victims **won't** recover a dime,
- What to look for when choosing an attorney,
- Why you **won't** find a lawyer in the yellow pages,
- What two questions a New York medical malpractice lawyer needs to know,
- How lawsuits in New York work,

- Deposition tips,
- The **answers** to hundreds of FAQ's,
- How a New York medical malpractice lawyer evaluates a case.

Gerry has 245 fact-filled pages of fascinating and interesting articles about accident cases and medical malpractice cases.

I guarantee that after reading my book you will learn at least five new things that you did not know before. Become informed, learn all that you can, and choose your attorney carefully. Only by learning about cases like yours can you, the consumer, make the right choices to help you and your family. Good luck to you in your quest for justice, and if you have questions I urge you to pick up the phone and call me since I can answer your legal questions. 516-487-8207.

TO DOWNLOAD THE BOOK, go to www.Oginski-law.com

P.S. For those out-of-state residents who want to learn about the SECRETS, you can purchase this book on Amazon.com.

CALL ME: 516-487-8207 OR EMAIL ME: LAWMED10@YAHOO.COM I WELCOME YOUR CALL!

Gerry's Photo Gallery

Great Neck, NY



Sanibel, Florida



A 7 year old learning to drive?



USS Intrepid, NYC



GERRY'S NEVER-ENDING FICTIONAL STORY

The three security guards, a select group of highly trained green berets, got up and escorted the Secretary of State and her "assistant" Jimmy Changa out the door. Jimmy was the man who could predict when someone would die simply by holding their hand. Jimmy had been "encouraged" to help the United States government learn when political friends and foes would die. How did he do this? By accompanying Hillary and other high-level dignitaries to parties and functions and simply shaking their

hand. He'd know within moments. Then, he'd relay that information to the National Security Agency, and then he'd be off again to start another mission. ...*Continued on page 5*



Snowtubing at Camelback Ski Resort, Tannersville, PA

Give this newsletter to your best friend. They'll thank you for it, and so will I.

Answers to Trivia Game: 1. True, 2. True, 3. False, 4. False, 5. False, 6. False, 7. False, 8. False, 9. True, 10. True. BONUS: True.

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SEND TO:

Call me right now with any legal questions about injuries from any accident or medical care. I promise to give you a straightforward and honest answer. That's my guarantee.

Call me today with your questions at 516-487-8207