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Gerry Oginski: She suffered horrible injuries because the hospital staff was careless, but now's there's a simple surgical procedure that she could have in order to make her condition so much better. Can the defense attorney, at trial, turn that argument around and argue that if they're found to be legally responsible for her injuries, that they shouldn't have to pay the full amount of the value of her injuries, because she never took advantage of trying to reduce and minimize her injuries. 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 in the state of New York. Now, when the patient suffers injury, if she has an opportunity to minimize and reduce the extent of her damages, of her injuries, then she may have an obligation to go ahead and go through with that procedure. Why?

If she doesn't, for whatever reason, the defense attorney, during the course of trial, will turn around and argue to the jury, "Ladies and gentlemen, Mrs. Jones had a full opportunity to try and minimize her damages. She's coming in here, claiming that she can no longer do the following things because of the following injuries, that she claims we caused. Well, guess what, there's a simple surgical procedure she could have had, that would have eliminated all of her problems, but instead, she wants to endure all this pain and suffering for years and years, and into the future, and she wants us to pay for that? That's outrageous. Especially when she had an opportunity to minimize that and make most of her problems go away."

"So now we shouldn't be held fully accountable for all of her injuries. Why? Because she had an obligation to minimize the injuries, when she had the opportunity to do so, and she failed to take advantage of that. If you find us responsible, there's no way you should also find us responsible for her failure to mitigate her damages, and maybe we're only responsible for a small part of it, and not her ongoing damages."

That's clearly an argument that the defense will make at the time of trial, if the patient chooses, for whatever reason, not to minimize her injuries, by going ahead and getting corrective medical treatment, as long as the risks don't outweigh the benefits of getting that corrective care.

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 cases and accident cases in the state of New York, and I recognize you're watching this, and I realized you've got questions or concerns about your own particular matter.

Well, if your matter did happen in New York, and you're thinking about bringing a lawsuit, and you have questions that need answers, 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 chat with you. You can reach me at 516-487-8207, or by email at Gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.

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