

NEW YORK INJURY TIMES



Gerry Oginski
*New York Medical Malpractice
 & Personal Injury Trial Lawyer*

IN THIS MONTH'S EDITION:

**GERRY FALLS IN HIS
PARKING LOT**

TRIVIA GAME

**GERRY'S NEVER-
ENDING (FICTIONAL)
STORY**

FAQ's and ANSWERS YOU
NEED TO KNOW

Photo Gallery

**VIDEO
UPDATE!**

What is funnier to watch than an attorney who slips and falls on ice in his own parking lot? Seems like the perfect YouTube video that would go viral and be watched millions of times. I mean really, who wouldn't want to watch a trial lawyer who prosecutes cases like these experience firsthand what it's like when one of his clients lands flat on their back?

IT TAKES SKILL



**TO TRIP OVER
FLAT SURFACES**

Well, I am pleased to say that there was no video camera to capture my momentous fall. So here is how it went:

Toward the end of this winter we had a blast of a snowstorm that melted over the following days. As is often the case, the melted snow froze overnight when the temperatures dropped below zero. One morning I pulled into the parking lot behind my building and drove over what appeared to be a puddle that had frozen over.

I opened my car door, took a step down to the frozen puddle and gingerly closed my car door. I took two steps and the next thing I knew I was lying flat on my back and my right arm and elbow hurt really bad. I couldn't figure out why I was lying on this frozen puddle on a cold, clear winter day, with my suit and tie and nice polished shoes. It took me a moment to realize that I had just slipped and fallen in a fraction of a second. I had no warning that I would lose my balance.



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I'm happy to say that other than just losing my dignity for a few moments and being slightly bruised, nothing more came of this. What is the take-home lesson for this story?

in order to prove that the landowner is responsible for causing this accident, I have to be able to prove that the property owner knew or should have known of the dangerous condition, and that he failed to fix the condition in a timely manner. In this instance, we could have raised a good argument that the property owner knew of a dangerous condition since many people in the office building had complained about the treacherous icy conditions during the winter months to the property owner and that he failed to shovel, plow or put sand or salt down in the parking lot.

In fact, when I called the landlord to tell him that I had just fallen in the icy lot and how dangerous it was, he was well aware of the problem and had been well aware of the situation for years.

Question: If he knew about this dangerous condition, then "Why didn't he take any steps to actively fix the problem or prevent it from happening?"

I don't know the answer to that question.



Simple steps such as clearing the ice and snow and putting down salt or sand would have shown affirmative action on his part. If done in a timely manner, this is often a good defense used to fight slip and fall cases on snow and ice.

What's the bottom line? If you fall from a dangerous or slippery condition, the question is always whether the owner of the property knew or should have known that the condition was dangerous and that they had sufficient time to fix the problem, but for whatever reason failed to do so.

Also, if the injury is temporary, such as a bruise, it will be difficult to show any long term injury or disability as a result of the wrongdoing.

Coming in next month's newsletter:

- Find out what happened to Hillary Clinton and Jimmy in Gerry's never-ending story.
- More pictures in Gerry's photo gallery

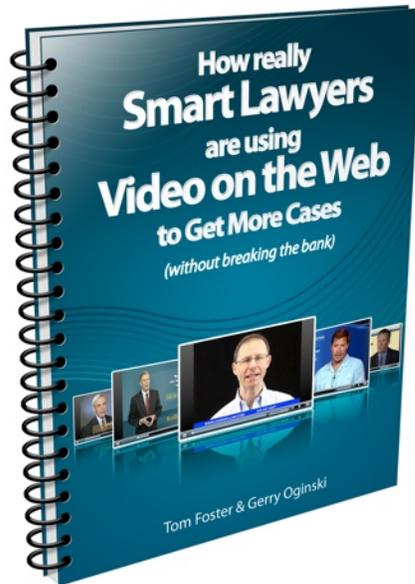


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GERRY'S TRIVIA GAME

TEST YOUR LEGAL KNOWLEDGE

1. One of the biggest complaints that clients have with their lawyers is that lawyers failed to return phone calls. TRUE OR FALSE?
2. In a slip and fall case, we must prove actual or constructive notice. TRUE OR FALSE?
3. A patient who suffers a complication from surgery automatically has a valid case. TRUE OR FALSE?
4. An attorney's expenses to prosecute your case must be repaid to him before you receive your share of the settlement. TRUE OR FALSE?
5. In a case involving a surgical instrument that is left inside of you, you have only one year from the date of discovery of that instrument within which to file a lawsuit. TRUE OR FALSE?
6. The best way to choose a lawyer is the same way you choose a plumber; by opening the Yellow Pages and picking the largest ad there is. TRUE OR FALSE?
7. If you suffer catastrophic property damage to your home and your insurance company refuses to pay, you can bring a lawsuit against your homeowners insurance company. TRUE OR FALSE?
8. A Personal injury settlement for pain and suffering is tax-free in New York. TRUE OR FALSE?
9. A lawyer who refers you to another lawyer to handle your accident or malpractice case is entitled to receive a referral fee only if they do some work on your case. TRUE OR FALSE?
10. All the lawyers have the same experience and expertise. TRUE OR FALSE?

BONUS: In a car accident case in New York, you have only 30 days in which to file a claim with your no-fault insurance company. TRUE or FALSE?

Answers on the back page

GERRY'S NEVER-ENDING FICTIONAL STORY

continued from the Back page

Hillary went in the dune buggy with Colonel Potato-head. Jimmy jumped in the next dune buggy with G.I. Joe Wolfgang Amadeus Mozart. As soon as Hillary and Jimmy were out of earshot, the entire group of elderly Babushka's stopped their banging, turned around and began walking home without another word.

Hillary made a mental note to send a thank you to the head of the Israeli Mossad. The only thing Jimmy could think of as he's blasting through the rough countryside at 30 mph in this open air dune buggy was the song "Over the hills and through the trees, to grandma's house we go..." Fifteen minutes later, Jimmy noticed two unmarked Black Hawk military helicopters, hovering nearby. His driver motioned that these helicopters were waiting for them.

Arriving at the precise extraction point, the helicopters touched down and stayed on the ground for a total of 15 seconds while Hillary and Jimmy were quickly ushered inside. Once the two of them were fastened securely into their seats, the two Black Hawk military helicopters took off at a frenzied pace toward the Russian border. The 12 men seal team unit continued driving to the second extraction

point for a rendezvous with a boat that would take them to a submarine and lead them back home. It was a shame they had to leave these dune buggies behind, especially since they each cost \$75,000.

Twenty minutes later, after crossing the border, Hillary picked up her iPhone and sent a Facebook message to both President Obama, and the national security adviser. "Heading home now. Please thank Moishe for his bagels and lox. Feeling stuffed; can't eat anymore. Will be home soon. Love & kisses to the kids, Hill."

Hillary received a tweet from the CIA director: "Next time why don't you commit our entire country's arsenal to getting you out of the country?"

Someone on Hillary's Facebook friend feed replied to her post: "Gotta love Moishe's bagels. The best in town!"

Another 'friend' commented on her post: "Vladimir and Nikita have some more bagels waiting for you upon your return home. Extra cream cheese and lox too. Can't wait to see you! Love, your secret admirer, Anatoly."

One minute later, Hillary received another Facebook message: "Seeing how full you are, why don't you head over to the farm for a few days of rest and relaxation? See you there." This "friend" was none other than the President himself using the pseudonym 'Cookie Monster'.

Till next time...stay tuned.

Gerry's Photo Gallery



St. Maarten, Carribean



St. Maarten, Carribean



What time is it?

GERRY'S NEVER-ENDING FICTIONAL STORY

We last left Hillary and Jimmy in the Russian countryside being spirited out of town by a group of elderly Russian women wearing head coverings, banging on pots and pans and singing nationalistic songs. The townspeople had no idea what was going on. 5 1/2 miles into their "march" Jimmy and

Hillary were met by a team of Navy Seals who had been airdropped in from the nearby Balkans to extract them and bring them home to the United States. These highly trained seals were dressed like poor farmers packing highly advanced weapons that could hold off a small army for at least an hour. They arrived in specially equipped racing dune buggies that were perfect for the rough terrain they saw as they were airdropped in.

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

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