

IT'S  
SPRING!

New York Medical Malpractice Attorney Gerry Oginski presents

# NY INJURY TIMES

JUNE 2013

THE LAW OFFICE OF :  
**GERALD OGINSKI, LLC**  
25 Great Neck Rd., Suite 4  
Great Neck, NY 11021

TELEPHONE      FAX  
516-487-8207    516-487-8472

Failure to give blood thinner following urology surgery results in massive saddle pulmonary embolus and sudden death.

He had been on blood thinners prior to surgery. His doctor told him to stay on his coumadin and while in the hospital they would stop it right before surgery.

That's exactly what they did.

The surgery went well. Post-operatively **nobody put him back on his blood thinners**. In the days leading up to the surgery while he was in the hospital his doctor was watching his INR levels. That checks to see how effective the blood thinner is working.

His levels were good prior to surgery.

By the way, in case you don't know, blood thinning medication is given to patients who are at risk for developing a blood clot. By thinning out the blood, it reduces the likelihood of the blood clotting, creating a life-threatening collection of blood that clogs off a vein or artery.

*continued on page 3*

- MED MAL-WHAT'S IN THE NEWS?**
- FAILURE TO GIVE BLOOD THINNER...**
- PHOTO GALLERY**
- NEW WORD SEARCH**
- YOUR CASE IS WORTH MILLIONS!**

**"I guarantee your case is worth millions!"**

**The attorney said to the new potential client.**

An injured woman was looking to hire the best attorney for her case. She was given a referral by someone who used this attorney in the past. The referral said great things about this lawyer. Naturally, she made an appointment to see this attorney.

He had a beautiful office. He was dressed magnificently. His shoes were so shiny that you could see your reflection in them.

By the end of the one-hour consultation the attorney stood up and said "Your case is worth millions! All you need to do is sign this retainer to get started and we will have you on your way."

*continued on page 2*

continued from page 1

If you overhear an attorney in New York guarantee that your case is worth millions of dollars, ask him how he can know that. Ask him how he can evaluate the full value of your case if he has not done any investigation whatsoever on your matter.

Ask the attorney who guarantees that your case is worth a specific amount of money to put that promise in writing. Watch what happens.

Did you know that no attorney in New York can ever guarantee a particular result? It's simply impossible. Even if the attorney has handled many cases identical to the one you have and has experience handling these exact types of cases, even then he is not permitted to promise or guarantee that he can get the same result that he got in prior cases.

There are many reasons for that. Your particular case may have certain issues that could alter the value of your case.

There are some attorneys who make outrageous statements like this in order to entice you to simply sign up with that lawyer or law firm.

If the attorney is unable to achieve the type of result he had promised initially, I can pretty much guarantee you will be extremely unhappy at the end of your case.

Why do I share this information with you?

So that you will be aware of what to look for in the event an attorney promises or guarantees you a particular result in your particular matter.

Scenes from Sanibel, Florida



Sunset in Sanibel, Florida at Blind Pass

## FAILURE TO GIVE BLOOD THINNERS LEAD TO BAD THINGS...

continued from page 1...

Getting back to this patient, while he is in the hospital recuperating following his surgery, **his INR levels become abnormal**. His doctor fails to recognize this.

Unfortunately for the patient, he no longer had the coumadin working in his blood system. That meant he had a significant risk of developing a blood clot. The problem was that no doctor caring for him picked up on this important fact.

One evening, days after the surgery, the patient was found dead in his room. **Nobody could explain why he died**. The surgery was successful. He had no obvious problem prior to his sudden death.

His death warranted an autopsy. In case you are unaware, an autopsy is a procedure done by a doctor known as a medical examiner or a pathologist. They examine the entire body with the goal being to try and identify why the patient died.

**It was not until an autopsy was done** that the patient's cause of death was revealed.

Examining the lungs during the autopsy revealed a massive blood clot to the lungs. This particular blood clot was known as a "Saddle embolus."

One of his surviving sons thought nothing of this, until he had a conversation with me.

The interesting thing about this conversation was how it happened.

### I HAD A COMPUTER PROBLEM

I was having a computer problem. My computer was not talking to my secretary's computer. I couldn't figure out why. I finally decided to get a trusted

recommendation for a computer expert to come in and diagnose my problem.

This computer expert came to my office and began working on my computer. While he's diagnosing the problem and fixing it, we started talking. He didn't know what I did. I explained that I help get injured victims compensation for injuries caused by wrongdoing of a doctor or hospital.

### That's what triggered his story about his dad.

I told him that it was unusual for the doctor and hospital not to have put his dad back on the blood thinner. He asked me if I could look into his dad's matter. I said "Sure."

Turns out, after getting all of dad's medical records and reviewing them as well as having a urology expert review them, did I learn he had a valid medical malpractice case.

At the son's request, I proceeded forward with a lawsuit in behalf of his family.

During the course of the lawsuit I had an opportunity to question dad's urological surgeon; the one who performed the surgery and followed him in the hospital after his surgery.

**I was able to get dad's urologist to finally admit** that dad should have been put back on blood thinners immediately after his surgery. This doctor actually admitted that if dad had been put back on the blood thinners after the surgery, in all likelihood, he would not have developed this massive pulmonary saddle embolus **and would be alive today**.

Once I had that testimony, it was only a matter of time before the defense agreed to settle this case.

# Front Row Seats to the Action

Imagine living in a house on a corner, with a front row seat to accidents. One Staten Island homeowner, Ken Bach, lives in that world.

Bach has requested that the city put up a stop sign to decrease the number of accidents in his front yard. When that didn't work, he put up his own sign in protest. Regardless accidents continue to happen. He claims that in the past six months, three accidents have occurred on this corner. In the past two year that he has lived there, there have been five accidents, and every single one has landed on his lawn. He has watched every accident unfold.

This past accident has been the biggest accident. On Tuesday, May 21<sup>st</sup>, in the afternoon, a fire truck slammed into a car with a man and his daughter inside. As usual, both vehicles landed in Bach's yard. This accident buried his homemade sign, a sign that calls for stop signs or speed bumps to slow motorists down.

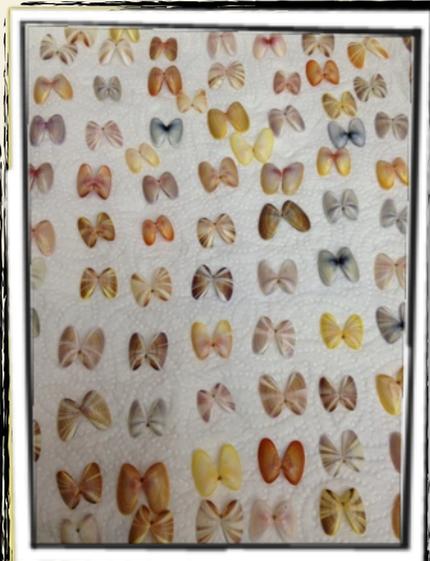
Another resident in the neighborhood claims that if a the city doesn't put in a sign soon then "Somebody's going to get killed out here." Residents in the neighborhood have petitioned the DOT, 6 times in the past decade, for action regarding this treacherous corner. Unfortunately the DOT has failed to act.

The [DOT](#) in NYC has a mission to provide safety, efficiency, and environmentally friendly movement for pedestrians in NYC.

[According to Eyewitness News](#), the DOT's data indicates that there have not been any crashes at this particular intersection between 2007 and 2012, "nor have there been any fatalities in the last decade." Maybe, the DOT should try saying that to the residents and Mr. Bach when they are picking up the debris from yet another accident. Wouldn't it make sense to prevent an accident or fatality rather than wait for one to happen in order to act?

The residents of Westerly say that they've heard it before and they know that according to the DOT this "data" means that the intersection doesn't qualify for any additional traffic controls.

Until the DOT or the city decides to open its eyes to these accidents that Mr. Bach watches from the comfort of his home, accidents will continue to occur and one day someone will be gravely hurt.



5 days worth of shells in Sanibel. Anyone want some sea shells?

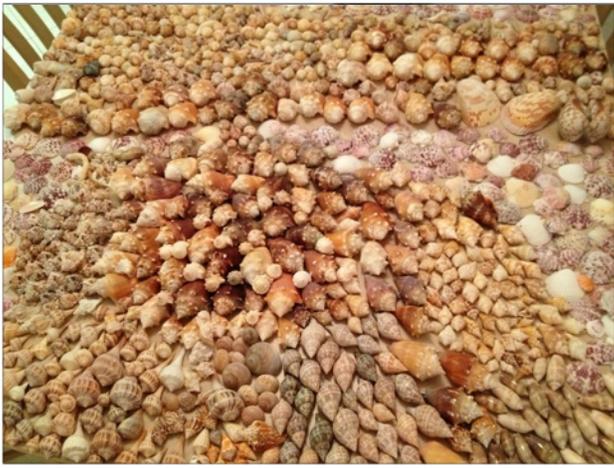


A few of my wife's favorites in Sanibel, Florida



High School Lacrosse for Mia,  
Little League baseball for David





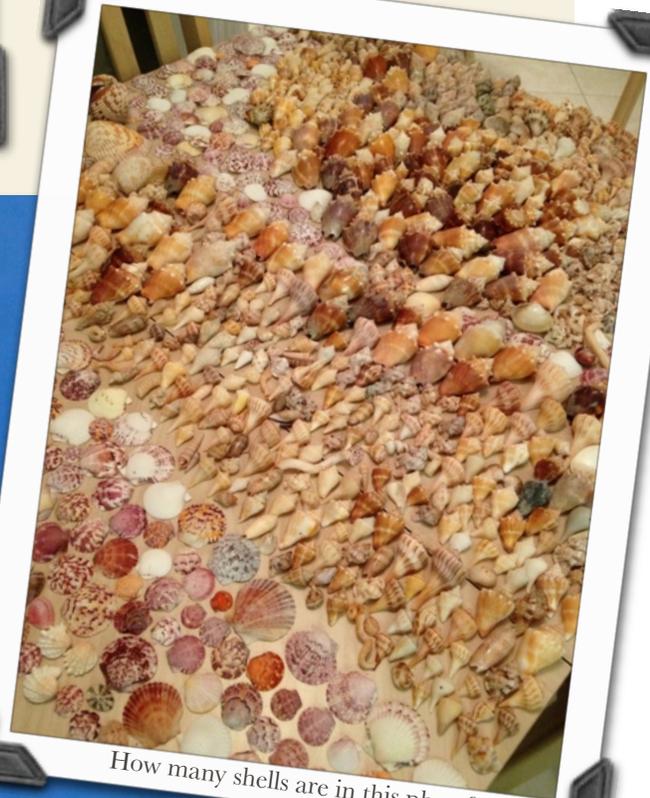
My wife's hobby...picking shells at the beach.



Does this even need a caption? Dinner time.



"Look Ma! I caught a kite surfer on my fishing line!"



How many shells are in this photo?



Bird of prey looking for dinner

# Gerry's Trivia Game

# New Word Search!

TEST YOUR KNOWLEDGE OF NY LAW

FIND ALL WORDS AND WIN A GIFT CARD!

## TRUE OR FALSE?

1. Money from a personal injury lawsuit is tax free in New York.
2. A doctor's prior bad acts and prior lawsuits can always be used in your current medical malpractice case.
3. An early settlement offer by the defense will be their best possible offer at any time.
4. During pre-trial testimony of a doctor you are suing, I must ask hypothetical questions.
5. Asking hypothetical Q's allows me the ability to get doctor to admit wrongdoing at his deposition.
6. The purpose of having patient safety rules is for the benefit of the patient.
7. If a driver violates the rules of the road and causes harm, he will be held responsible for the harms and losses he causes.
8. 'Condition precedent' means that the judge wants to know what the injured victim had for breakfast on the date of the accident.
9. "Objection, beyond the scope of redirect!" means the attorney asking Q's at trial has now starting talking about mouthwash.
10. An attorney who calls his clients every month is helping his clients understand what's happening on their case, without them ever wondering "Gee, what's happening on my case today?"

S O U C X G Y E Z F Y A L F O  
 R E H A B I L I T A T I O N B  
 P Y S E S S O L P L I P E Q J  
 W R N G G C D M I Q L Q A R E  
 C C E O Z A B A Z K I R R P C  
 Z R B T M W B T S P B J N C T  
 L H E A R I G V U D I N I D I  
 D I G D L I T I P U S O N M O  
 Y E V I I P A S W T N I G R N  
 S J T I C B Z L E W O T S A S  
 S Y H C C X I X G T P A U H H  
 M F B L P N F L O O S L D G F  
 Q X B Y H L F G I H E O F B M  
 S T N E M G D U J T R I J Q T  
 N S U F F E R I N G Y V E V U

CIVIL  
 CREDIBILITY  
 DAMAGES  
 EARNINGS  
 HARM  
 JUDGMENTS  
 LIABILITY  
 LOSSES

OBJECTIONS  
 PRETRIAL  
 REHABILITATION  
 RESPONSIBILITY  
 SUFFERING  
 TESTIMONY  
 VIOLATION

**Word search challenge: Find all 15 words correctly, and fax it in with your name & address filled out for a \$10 gift card to Dunkin Donuts. ONLY 15 GIFT CARDS AVAILABLE...so fax it in quickly!**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 ZIP: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
**FAX TO: 516-487-8472**



# NEW YORK INJURY TIMES

THE LAW OFFICE OF :  
**GERALD OGINSKI, LLC**  
25 Great Neck Rd., Suite 4  
Great Neck, NY 11021

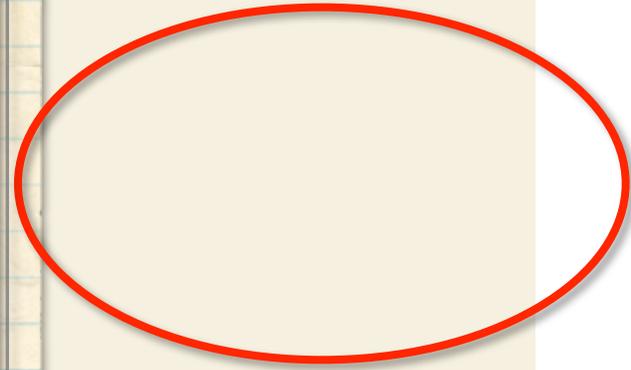


Attorney Gerry Oginski

**NEED ANSWERS TO YOUR LEGAL QUESTIONS?  
PICK UP THE PHONE AND CALL ME. IT'S THAT SIMPLE.  
516-487-8207 OR BY EMAIL: [LAWMED10@YAHOO.COM](mailto:LAWMED10@YAHOO.COM)**



MAIL TO:



# NEW YORK INJURY TIMES

JUNE 2013

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

----- *Answers to Trivia Game* -----

*1. True, 2. False, 3. False, 4. True, 5. True, 6. True, 7. True, 8. False, 9. False, 10. True*

**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.**

**516-487-8207**