

New York Medical Malpractice Attorney Gerry Oginski presents

NY INJURY TIMES

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- ✓ **MED MAL-WHAT'S IN THE NEWS?**
- ✓ **GERRY'S NEVER ENDING STORY**
- ✓ **NEW TRIVIA GAME**
- ✓ **PHOTO GALLERY**



You Are In Pain.

Does Anyone Care?

You must live with the limitations that occurs when your body prevents you from moving because of the intractable pain you have experienced. Our friends and family members try to be helpful, but after they leave, it is you who must lie in bed debilitated and disabled.

Pain is life's window into hell. We do everything possible to eliminate and avoid pain. When we have a cavity, the dentist will give us medicine so we don't feel pain. If we have surgery, the doctor will put us to sleep so we don't feel pain. The pharmaceutical industry makes billions of dollars a year for creating pills to reduce and eliminate pain.

Our bodies are amazing. Our mind tells us when we have pain so that we stop doing the activity that is causing it. Our mind also tries to make us forget about the horrible pain we have experienced in the past. That is why when someone we know tells us they are in pain, we can relate on some level but never truly "feel" their pain.

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Mia in action; she scored 10 points that game just on her serve.



David on the race track in St. Maarten, French Side



Dessert anyone? My wife makes the best desserts.

STATEN ISLAND PLASTIC SURGEON HAS LICENSE SUSPENDED-IMMINENT DANGER TO PATIENTS

According to a report in the NY Post, Dr. Robert Cattani, a cosmetic surgeon from Richmond County, Staten Island, has recently had his license suspended after a long history of leaving his patients 'maimed and disfigured'.

Over the course of 30 years, Cattani had been sued no fewer than 40 times, while authorities and advocacy groups managed to do absolutely nothing about it. The state Health Department and the Center for Medical Consumers, a non-profit group, admit that the writing was on the wall for a long time. The Office of Professional Medical Conduct was notified of complaints as early as 2003.

Earlier this December, however, New York Health Commissioner Nirav Shah suspended Dr.

Cattani's license. A disciplinary board is now holding a hearing on his case, which may lead to a permanent suspension or revocation of his license.

Examples of Cattani's infractions are harrowing. In 2005, a preschool teacher lost sight in one eye after an eyelid lift. A 2007 liposuction resulted in a perforated bowel. In 2009, a woman left her lower-face-and-neck lift operation with thick scars painful enough to keep her awake. A 2010 tummy-tuck operation ended in life-threatening blood loss and kidney failure. Cattani was accused of blocking EMS from assisting at the time.

Two key issues arise when a doctor loses his license to practice and when he has a history of so many prior lawsuits against him.

(1) Can we tell the jury at trial that he has lost his license to practice medicine?"

continued on page 4...

JIMMY CHANGA GOES TO THE FRENCH EMBASSY

The Iranian President did a double-take when he walked in the door. He squinted at Jimmy wondering if this was real. In that split second of deciding whether this was real or not he came to the conclusion that it was the real deal.

He walked up to "Jimmy" a/k/a the Ayatollah and bowed deeply. Then he gave him a hug and kiss on both cheeks. Jimmy grabbed his hand and held it. The president started talking in Persian. Jimmy just smiled. After seven seconds of smiling, he knew.

This man had 12 years and 2 months left to live. It was time to beat a hasty retreat. The French ambassador was watching this little display from 3 feet away.

Jimmy coughed. That was the signal. Then he sneezed. That was the next signal. Blood started pouring from Jimmy's mouth. Jimmy's guards rushed to Jimmy and pushed the Iranian president away. They grabbed Jimmy and made a phalanx of armed men and proceeded to barrel him out of the room, down the staircase, in to the ornate lobby and right out the front door.

On cue, Jimmy's heavily armored limo pulled up and the entire contingency of the fake Ayatollah and accompanying guards were now safely ensconced in the limo, speeding to the airport.

The French ambassador and the Iranian politician had no idea what had just happened. They assumed the worst. The politician was most confused.

On the ride to the airport, all the guards pulled off their costumes. Jimmy was toying with the idea of walking through

the airport with this Ayatollah costume. Then he realized that wouldn't be such a wise move.

A secure satellite phone was ready and waiting for Jimmy in the limo. He was silently handed the phone and he spoke only a few words. No pleasantries were exchanged.

"12 years and 2 months." Jimmy then hung up. His mission was done. It was Miller time now. They only had to get out of the country now and back home to his own people.

Jimmy was given a passport with the name Ashraf Somaligi. He was an Indonesian carpet bagger. His guards were also given fake identities with similar passports. Only two of the guards would be joining Jimmy on the plane back to the United States. The others were dispersing through Europe. They would ultimately make their way back to D.C. separately.

Jimmy checked in no problem. His two guards also checked in without a problem. They had left their weapons in the limo.

Jimmy was sitting in first class. One of his guards was also sitting in first class, behind and across the aisle from him. The plane was scheduled to take off at 10pm Iranian time. The takeoff was delayed by 30 minutes. The announcement said they were told to expect a high-ranking official to join the plane.

30 minutes later a group of cars swept up to the plane sitting on the tarmac. 3 minutes later someone sits down next to Jimmy in First class. Jimmy looks to his right and almost loses it. It was the Iranian President.

Join me next month when we follow Jimmy's antics in my never ending fictional story.



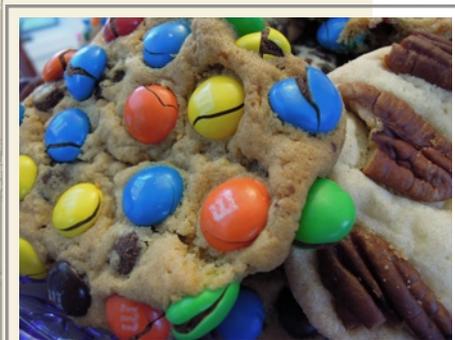
A perfect sign for a plaintiff's attorney



In St. Maarten at Pineapple Pete's



My wife's famous desserts



6 of 7 Medical Errors Go Unreported; New Study Says

A new study from the inspector general of the federal Department of Health and Human Services (HHS) claims that 6 in 7 Medicare medical errors slip by unreported. Over 130,000 Medicare beneficiaries in hospitals were estimated to have experienced one or more adverse event per month.

Adverse events include: "Medication errors, severe bedsores, infections that patients acquire in hospitals, delirium resulting from overuse of painkillers and excessive bleeding linked to improper use of blood thinners."

27 states now require hospitals to report on infections acquired in the hospital (up from 6 in 2005). Many hospitals have implemented reporting guidelines elsewhere. Still, most events went unreported, which means hospitals could not follow up and fix many mistakes that were made before. Reasons for not reporting errors include assuming that others would do the reporting, believing that commonplace errors do not need recording, and considering certain errors as isolated and unlikely to occur again.

What's worse, hospitals that investigate errors often don't adjust protocol to prevent similar future errors. The study, which noted that errors must be tracked and analyzed as a condition of Medicare payment, used independent doctors to pour through 293 cases in which patients were adversely affected. Only 40 cases were reported, 28 underwent hospital investigation, and 5 led to changes in practices.

Hospital executives often shrugged these stats away as not indicative of "systemic quality problems." Inspection and accrediting organizations largely do not take stock of

error reporting practices.

Hospitals seem to be aware of the problem and are looking to work with the White House to solve it. Medicare, for its part, is now drawing up detailed checklists so professionals know which errors are worthy of reporting.

*STATEN ISLAND DR.'S LICENSE SUSPENDED...Continued
from p. 4*

The short answer is yes.

The longer answer is that although we may be able to let the jury know that the doctor is no longer practicing medicine and had his license revoked by the New York State Department of Health, we may be unable to explain to the jury the underlying reasons why his license was revoked.

(2) "The fact that the doctor has been sued 40 times, can we use that information at trial to show a pattern of neglect in my case?"

The answer will surprise you. The answer is no and here's why.

Let's say you get pulled over by a policeman for speeding. He checks your license history and learns that you were ticketed for speeding five times within the past year. Does your past history of speeding automatically mean that you were speeding in this instance? It might indicate a pattern of speeding, however you might not have been speeding in this case. Do you want the cop to automatically assume you were speeding because of your 5 prior speeding tickets?

The mere fact that the doctor has been sued so many times does not necessarily mean that he departed from good care in your case. It might, but we have to show to the jury that, more likely than not, the treatment you received was inappropriate and caused you significant harm.

My new 2nd Edition is out! I've added new chapters and removed outdated ones. The book has 322 pages of useful content that will educate you and teach you how injury and accident cases work in the State of New York.

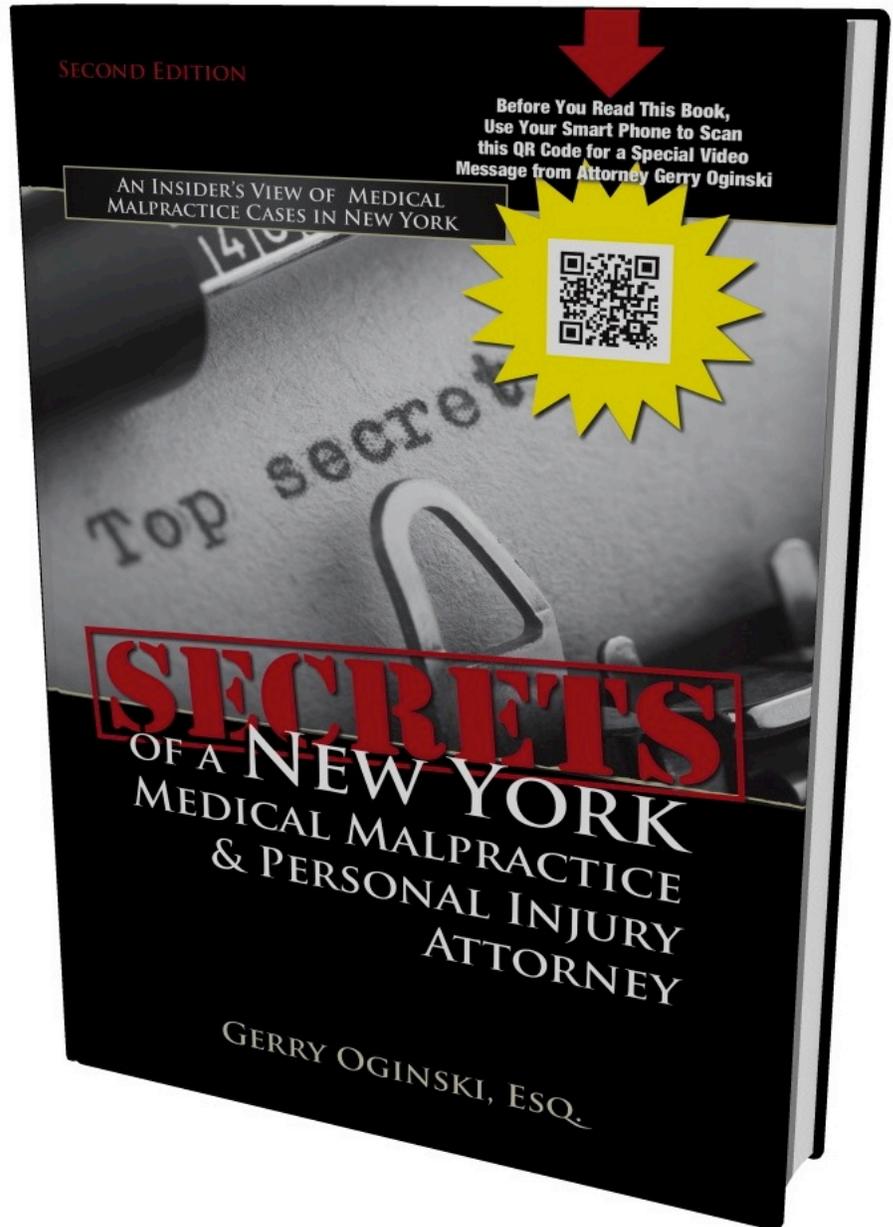
One of my new chapters talks about the "Lost Chance" or "Lost Opportunity" type of case. What that means is that because of someone's carelessness an injured victim lost the opportunity to achieve an optimal result.

Want to see something really cool?

If you have a smartphone, go grab it right now and use it to scan the QR code you see on the cover on the right.

To get your **FREE** copy of my **NEW** 2nd Edition, just go to my website <http://www.Oginski-Law.com>. Enter your name and email in the form on the right and you'll get an immediate download. Enjoy your reading!

New clients get a hard copy.



Another new announcement!

Within a few short weeks, my website will undergo a new renovated look. Same great content, more great videos and totally new look. Go see what it looks like now and make sure you come back in a few weeks. You'll notice a huge difference.

I got a sneak peek and it looks awesome. Take a look around the website <http://www.Oginski-Law.com> (you can spend days on there) and let me know what you think of the new design and layout. Send me an email with your thoughts: Gerry@Oginski-law.com or tell me about it on Facebook or Twitter: #gerryoginski.



Being interviewed on TV by David Lesch on Today's Verdict, discussing one of my books "Beyond the ER Doors"

Verdict I achieved for one of my clients.



Subliminal message to get you hungry for my wife's world-famous desserts



T-shirt in store on Sanibel Island, Florida
Notice the double entendre?



One of my favorite desserts at Timbers restaurant, Sanibel Island, Florida. It's absolutely delicious. Served hot.

Gerry's Trivia Game

TEST YOUR KNOWLEDGE OF NEW YORK LAW

TRUE OR FALSE?

1. In order to admit an x-ray into evidence at trial, the patient's name and identifying information must be prominently displayed on the x-ray film.
2. When putting a document into evidence, Plaintiff's evidence will be numbered and Defendant's evidence will be identified by alphabet letters.
3. A document that is marked as Plaintiff's Exhibit #2 for identification can be taken into the jury room when they are deliberating.
4. If the jury wants to re-listen to the testimony of a witness, the judge will bring the witness back and have the witness repeat what they said.
5. A jury in a civil case in NY will remain sequestered and have to stay overnight until a decision is reached.

6. After a jury has rendered their verdict, the lawyers can speak to jurors to find out how and why they voted the way they did.
7. A jury can award more than the injured victim and his lawyer has requested.
8. At the end of a trial, the judge will tell the jury how much he thinks the injured victim should receive.
9. During a trial, the judge can stop the attorney and ask the witness whatever questions he wants.
10. A court officer is always in the courtroom when court is in session.



BONUS QUESTION

All civil trials in NY have open courtrooms and anyone can walk in and watch.

Answers are on the back page



Bugatti Veyron.
This car costs
\$1 Million



Flowers of St. Maarten



- Choose caption: (1) Transformers robot.
 (2) Fire engine was vertically challenged, felt stilts were the answer
 (3) How a fire engine relieves itself
 (4) Getting an oil change

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Ford GT

HAVE LEGAL QUESTIONS? Pick up the phone and call. That's what I'm here for. You can reach me at **516-487-8207** or email me: Lawmed10@Yahoo.com
I welcome your call.

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

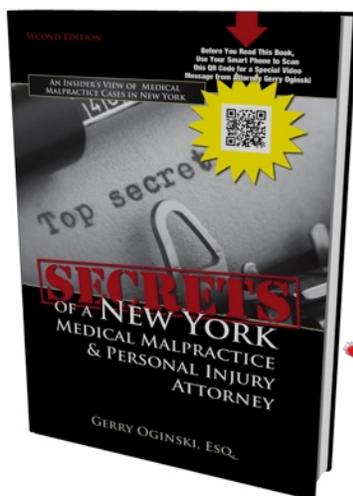
----- *Answers to Trivia Game* -----

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

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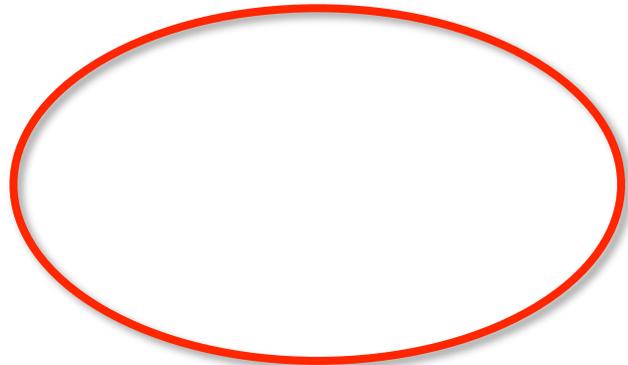
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