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| Client | Gerry Oginski |
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Audio

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| Transcriptionist | Marcia G. |

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Gerry Oginski: She was hysterical. She couldn't calm down. She was having a panic attack. Now, all because a doctor failed to put this patient in restraints when she arrived in the Emergency Room, which he caused to fall suffered a fractured shoulder and this all could have been prevented. You want to know how? 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. She was hysterical. She had gotten some bad news from a family member. She was in a full blown panic attack. They take her by ambulance to the hospital. In the emergency room, she's having this extreme anxiety. She was so crazy, so hysterical, that the doctor there decided that they were going to give her an injection to try and sedate her. That's exactly what they did. But now, even though she's so hyped up, even though she's so worked up, they give her the injection to try and sedate her.

 What do they do? They leave her sitting on the bed. What do you think happens? She decides she has to get up. She's anxious. She gets up. She goes to the bathroom and as she gets up, what happens? She trips, falls, suffers an injury to her shoulder and you would think that getting an injury to her shoulder wouldn't be such a big deal. It turns out that she had a really severe fracture and because of her anxiety, she couldn't even go ahead and agree to have surgery to fix the shoulder. Not only did she suffer the fractured shoulder, because she was so fearful about being near doctors, she refused to have surgery to try and fix the problem.

 She brings a law suit against the hospital for what? For failing to restrain her to the bed after they sedated her, after she had come in all hysterical knowing full well that there was a very good likelihood and very high chance she was going to fall out of bed or at least try to get out of bed. Failing to restrain this patient was a clear violation from the basic standards of medical care. What made this even more interesting is that when she brought a law suit against the hospital, what they wound up doing as their defense was they said that she failed to mitigate her damages.

 What does that mean? It means that when someone gets injured, now they have an obligation to try and reduce or minimize their injuries. Let's look at her situation. She's anxiety prone. She has fear. She has fear of doctors and now she has suffered an injury she is fearful and was extremely fearful to undergo the knife, get under anesthesia to try and fix the shoulder to which there was absolutely no guarantee that this would totally alleviate her problem. Did she have the corrective surgery? She didn't. What about the defense's argument that she failed to mitigate her damages? In this case, it was fully justified based upon a prior medical condition. Based upon that their argument failed.

 Why do I share this quick story with you? I share it with you just to give you an insight and an understanding into what happened to one woman who fell out of bed, suffered a massive injury to her shoulder and now, couldn't mitigate her damages all because of a pre-existing psychological condition. I realize you're watching this video because you likely have questions or concerns about your own particular matter. If you matter did happen in New York, and you're thinking about bringing a law suit but you have questions that need answers. What I encourage you to do is to pick up the phone and call me.

 I can answer your legal questions. 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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