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Gerry Oginski: In a wrongful death lawsuit here in New York, if the two surviving children don't get along and they don't trust each other, can they both be named as the people who are bringing the lawsuit on behalf of their loved one's death? You want to know the answer? Come join me for a moment as I share with you some terrific information. Hi, I'm Gerry Oginski. I'm a New York medical malpractice and personal injury attorney practicing law here in the state of New York. The answer is yes.

If the siblings don't get along, let's say there's no spouse involved, if the siblings are adults and they don't get along and they don't trust each other for whatever reason, can they both be named as co-administrators or co-executors of the estate of their parent? The answer is yes, they can. Now what does that really mean? In a wrongful death case, when the person has died, in order to bring a lawsuit, we have to have one of the surviving family members step into the shoes of the person who died and be named as the person who's actually bringing the lawsuit. What does that really mean? It means that one person has to be named as the person who's bringing the lawsuit, as someone who is the legal representative of the estate of the person who died.

Now in some families, where the siblings don't get along, it is possible to have co-administrators or what they call co-executors of the estate. An administrator is simply someone who's representing the estate for a person who died who did not have a will. An executor is somebody who represents the estate who died who did have a will. Now for the purposes of a lawsuit, we simply have to go through the process in a court called the Surrogate's Court to have one or both siblings named as the legal representatives of the estate. Now you should know that whoever's going to be named as the representative is simply going to be the one who has the contact with the attorney on an ongoing basis. That person will be the one who's going to be signing all the documents.

By the way, you should know that simply being named as the representative of the estate doesn't mean that if you're successful in a lawsuit, that you get a greater share of the lawsuit proceeds. That's not how it works. As adult children, in all likelihood, you're going to be sharing equally. The mere fact that one person is named and one person is not doesn't mean that one person gets a greater share. That's not how it works. It simply means that now the attorney has to deal with both siblings, get signatures for all documents by both of them and it simply creates an extra step in the process, but it does not mean that one sibling is going to get a greater share if they are successful.

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 wrongful death cases here in New York. I acknowledge and I recognize you're watching this video because you have questions or concerns about your own wrongful death matter. If 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 answer questions like yours every single day and I'd love to talk to 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 fantastic day.

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