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Gerry Oginski: In a wrongful death lawsuit here in New York, does the surviving spouse have to answer the defense attorney's questions during pre-trial testimony about how much he pays the handy man, how much he pays the gardener, how much he pays for household groceries. You want to know the answer. Come join for a moment as I show 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. It's a gorgeous day today here in Great Neck, and I wanted to share a few moments with you explaining whether or not the surviving spouse in a wrongful death case has to answer these questions during pre-trial testimony known as a deposition. The answer is yes they do. You might be asking yourself, why is it important for the defense attorney to know how much the surviving spouse pays the handyman, how much do they pay the gardener, how much do they pay for household groceries.

I'll tell you why. One of the important claims that we bring in a wrongful death lawsuit is something known as pecuniary laws. We are claiming that as a result of this person's death the family suffered financial loss, and now because the person has died they're no longer earning an income. They now are having difficulty, are struggling with the ability to pay their bills. Now the defense attorney, when they have an opportunity to question you, the surviving spouse, during the course of pre-trial testimony in the attorney's office they will have the right to ask you how much are you paying the gardener. How much do you pay for your groceries? How much are your monthly bills?

Why is that? They want to know who was paying them before your spouse died. Now that your spouse is no longer alive they want to know who is paying it now. Where are you getting the money to pay those expenses, and if you're borrowing money from a friend or a relative to pay those expenses, the defense attorney needs to know that information. If you can't afford to pay for those expenses the defense attorney needs to know that information. That is part of your damages claim for the financial loss that you the family has suffered now as a result of this person's death.

That's separate and apart from other claims of damages including pain and suffering, from the time of the wrongdoing up until the time the person died. This video is only focusing on the financial loss to the family, and whether the defense attorney is permitted to ask you questions about your household expenses. Why do I share this great information with you? I share it with you because this comes up in every single wrongful death case that we bring in New York that seeks compensation for all the harms and losses that the surviving family has suffered, because of some carelessness that caused the death.

I realize you're watching this video because you have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a lawsuit, but you have questions that need answers, what I encourage you to do is pick the phone and call me. I can answer questions just like yours, and I do this every single day, and I'd love to chat with you. You can reach me at 516-487-8207, or by e-mail at Gerry@Oginski-Law.com. That's it for today's video. I'm Gerry Oginski, have a fantastic day.

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