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## **Wrongful Death in NY- If there's no lost wages, can you claim lost future earnings for surviving family?**

In a wrongful death case here in New York, if the person who died was not working at the time of their death, can we claim lost future income for the surviving family members? 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 in the state of New York. In a death case, one of the biggest components of a wrongful death case is the financial loss to the family as a result of this person's death. In law, we call that pecuniary loss. Now, if the person wasn't working, now what has the family lost in financial income as a result of that person's loss. In all likelihood, very little, if anything.

So, the question to the title of this video was, "If the person was not working, can the surviving family members, as part of their wrongful death lawsuit, claim that there is a loss of future income that this person would have had had he continued to live?" The answer is, in all likelihood, no.

Now there's some instances where the person who died may have been in-between jobs. Maybe he was in the middle of his career and now he happened to have lost his job and was actively looking for another one. Maybe he had job interviews. Maybe he even had an offer for another job. Maybe he had just accepted a job. Whatever the scenario was, we have to look specifically to see what his job prospects were. If he did have an offer, terrific. Now we can use that claim to show that there was a financial loss, but if the person hadn't been working in years and years, it's going to be extremely difficult, if not challenging or impossible, to ultimately show and be successful that there is a loss of future income if we can't show that the person who died was not working for a number of years beforehand.

So why do I bring this up? I bring this up just to share with you an insight, to give you an understanding of what goes on in these wrongful death cases here in New York. I realize you're watching this video because you likely have questions or concerns about your own particular matter.

Well, 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 invite you to do is pick up the phone and call me. I can answer your legal questions. You know, I answer questions just like yours 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](mailto:gerry@oginski-law.com). That's it for today's video. I'm Gerry Oginski. Have a wonderful day.