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Wrongful Death in NY- If there's no lost wages, can you still claim financial loss to the family?

In a wrongful death case in New York, if the person who died was not the breadwinner, can we still bring a claim for loss of income to the family? Do you want to know the answer?

Come, join with 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 wrongful death case, one of the key components of our claim for damages is, what was the financial loss to the family as a result of this person's death? In the event that this person was not working, then we cannot bring a claim for lost income. We cannot bring a claim for money that the person lost if they were not working. Why not? Because we have to show that as a result of this person's death, the surviving family members now have a loss of income. Before the person died, they had this much income. Whether it was \$100,000 a year, \$50,000 a year, \$1,000,000 a year, now, as a result of their death, the family is deprived of that income. In instances where the person was not working, now we are not permitted to bring a claim for lost income because they had no income before hand.

So what other types of damages are there? Well, there's obviously pain and suffering. Pain and suffering from the time of the event, of the wrong doing, until the person died. You might be wondering, what if that time period is extremely short. What if it's seconds or only minutes? Can you still bring a claim for pain and suffering in a death case? The answer is, yes you can. It's our obligation to show that we are more likely right than wrong. That this person suffered and had a conscious level of awareness that what was happening was devastating and that they would likely die in moments if not minutes. So that is our obligation. We have to show that we are more likely right than wrong, that this person did in-fact suffer some kind of pain and

some kind of suffering. If we are able to show that to the jury's satisfaction, then, that will justify then giving us compensation for the pain and suffering.

So why do I share this great information with you? I share it just to give you an insight and an understanding as to what goes on in these accident cases and even medical malpractice cases here in New York. You know, I recognize and acknowledge that you're watching this video because you have questions and 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, that is something that I do 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 is all for today's video. I'm Gerry Oginski. Have a wonderful day.