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| Client | Gerry Oginski |
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Audio

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| Transcriptionist | Tony F. |

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Gerry Oginski: In a wrongful death lawsuit here in New York, does it matter which of the surviving children are going to be named as the person who's actually bringing the lawsuit? You want to know the answer? 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. The answer is no, it's not going to make a difference. In a wrongful death lawsuit, when the person has died, we now have to have a family member named as their representative as someone who is stepping into the shoes of the person who died who otherwise would have been able to bring a lawsuit had they been alive.

 Now let's say there's no spouse and you only have surviving children. Can the children bring the lawsuit on behalf of the person who died? The answer is yes as long as they are above the age of majority. Let's say it's an adult child, and you have three kids. Does it matter which one of those kids is actually bringing the lawsuit? I will tell you that the first question that comes up when you have multiple kids trying to decide who's going to be named as the legal representative of the estate of the person who died is if the person is going to be named as the person bringing the lawsuit, does that mean that they get more money if the case is successful? The answer is no, it doesn't.

 Now the fact that one child is named as the person bringing the lawsuit does not mean that the other two children are going to get any less of a share. They all get the same share as adults, but there are so many people who fight over who's going to be named as the person bringing the lawsuit. The reality is, it's typically going to be the person who has the most contact with the attorney. It's going to be the person who's signing all the documents and it's simply the legal representative of the estate of the person who died. We need to have that happen. It doesn't matter which one of the children it is.

 It's going to be one of the children. If there's a surviving spouse, typically it's the spouse that's going to be named as the person bringing the lawsuit. 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 wrongful death cases here in New York. I realize you're watching this video because you have questions or concerns about your own particular problem.

 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. I do this 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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