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Wrongful death- Does the amount of life insurance a person had affect how much money the surviving family can receive?

In a wrongful death lawsuit here in New York, does the amount of life insurance that the person had at the time of death affect how much compensation the surviving family members can obtain if they are successful in their lawsuit? Want to know the answer? Come join me for a moment as I show you some great information.

Hi, I'm Gerry Oginski. I'm the New York medical malpractice and personal injury attorney practicing law here in the State of New York. The answer is no, it doesn't matter at all. It doesn't matter if they had a \$10,000 life insurance policy or a \$1,000,000 life insurance policy or \$10,000,000 life insurance policy. The fact that the person who died had a life insurance policy has no bearing whatsoever on the amount of compensation that the surviving family members can obtain if they are successful in showing that they are more likely right than wrong, that someone was careless and caused that person's death. Want to know why not? It's because one thing has nothing whatsoever to do with the other. The life insurance policy has nothing to do with what the law provides, a surviving family member is entitled to, as a result of somebody else's carelessness.

Let me give you a great example. Let's say we were able to show and it is our claim that because of a careless driver, now they hit your family's car head-on, and the driver of that car, your dad, now died. Solely because of somebody else's carelessness, they crossed over the double yellow line, hit them head-on, and now unfortunately he died. Whether or not this life insurance has nothing to do with how much compensation you, the surviving family members, can try and obtain. But, I guarantee you, that when you bring a lawsuit, the defense lawyer representing the other driver who caused the accident, during the course of pretrial testimony known as a

deposition, they are going to ask you specifically whether or not your dad had a life insurance policy.

Now why would they do that? They do that because they want to go fishing. They want to find information and show to the jury later on, or at least try to, that there was available money to them and hey, don't blame us, this family's already getting \$5,000,000, why should we have to pay any additional money? Now I will tell you that that argument is totally inappropriate, and totally improper. But the defense will often raise that question during the course of pretrial testimony.

So, why do I raise this issue? I raise this issue because it comes up in every single wrongful death case. The defense always tries to go fishing, see what they can catch. They try and throw it out there, but guess what, one has absolutely nothing to do with the other. When you go to trial and we ask a jury to compensate the surviving family members for all the harms and losses that they suffered as a result of that other driver's carelessness, at no time is the jury ever told about whether there is or isn't life insurance, all because it's got nothing to do with what their driver did.

Why do I share this quick information with you? I share it with you just to give you an insight and an understanding to what goes on in these wrongful death lawsuits here in New York. I recognize that you're watching this video because you 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 first, what I invite you to do is pick up the phone and call me. I can answer your legal questions. You know there's something 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's it for today's video. I'm Gerry Oginski. Have a fantastic day.