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Wrongful death: Will all siblings share equally if case is successful?

In a wrongful death case here in New York, if there are three surviving adult children, and now we are successful in getting the family compensation, will all three children share equally in the money that we are able to receive? Do you want to know the answer? Come join me for a moment as I share with you some terrific information.

Hi, I'm Gerry Oginiski, I'm a New York medical malpractice and personal injury attorney practicing law here in the state of New York. The answer is in all likelihood, yes. All three adult children will likely share equally if we are successful in showing that we are more likely right than wrong than what we are claiming is true. That as a result of somebody else's carelessness, this person, this family member, died.

Now why do I ask the question about whether or not each child is going to receive the same equal share? That's because there are some instances where one child or one adult sibling or another claims that they've done more for that parent who died. Maybe they were living with them, and now they were sick and they took care of them. Maybe they were in the hospital with them each and every day, and the other two siblings never came to visit. There could be lots of issues like that. Now one of the siblings feels slighted because they're getting the same exact share as their siblings, whereas they feel that their other two siblings should be getting less.

The reality is, in New York, when you have a wrongful death matter and you have three adult surviving children, in all likelihood each one of them is going to be sharing equally. Now, there have been instances where one of the adult siblings says, "Wait a second. I did so much more than all my other siblings, I should be entitled to a greater share."

What happens in that instance? In that instance, that sibling can petition the court, the surrogate's court, for a greater share. If one of the siblings is unhappy with how we expect to distribute the money according to the law, now they can object to that, they can appear in person in front of the judge,

and give an explanation about why they believe they should be receiving a greater share than their other two siblings. The surrogate for each individual court will then look to the facts, and they will look to see what the law is, and apply those facts to the law in making a final determination about whether or not each of the adult sibling children are to receive the same exact share.

Why do I share this information with you? I share it with you just to give you an insight and an understanding into what goes on in a wrongful death case here in New York, now that we've been successful in obtaining money for the surviving family members. I realize you're watching this video because, chances are you'll have questions or concerns about something that happened in your family. Well, if your matter did happen here in New York, and you're thinking about bringing a lawsuit, but you have questions that need to be answered first, what I invite you to do is pick up the phone and call me. I can answer your legal questions. This is something I do 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.