

# WHAT A PERSONAL INJURY CLIENT SHOULD DO...

–At the initial interview, you should be prepared to describe everything about your accident in as much detail as possible

–During the initial interview or during the progress of the case, we may ask you to find out certain facts or to send us certain documentation. Please try to send us materials as soon as possible. If it is not apparent what something is, include an explanatory letter.

–We may need you to go with a member of our staff or an investigator to the scene of your accident. If we schedule an appointment for you, please call us immediately if you need to cancel or reschedule.

–If your injuries are visible (for example, a cast or a scar) you should periodically take photographs of the injury and send them to us with a letter indicating the dates they were taken.

–If property damage was involved in your accident (for example, damage to an automobile from an accident or damage to a building from an explosion), please tell us so that we can obtain photographs.

–If there are witnesses to your accident, we will want to obtain statements. If you hear of anyone who knew beforehand of the dangerous situation that caused your injury, who saw the accident, or who spoke to you immediately afterward, you should obtain their full name and contact information and tell us immediately.

–You should keep any paperwork you receive in connection with your claim in one place (preferably an envelope or folder) in case it is needed later. This includes:

o Any out-of-pocket expenses (including but not limited to: pharmacy receipts, medical supply receipts) and your mileage to and from doctors, physical therapists, etc.

o If you return to work after an accident and are making less money as a result of your injury or disability, you should keep careful track of your earnings. You should keep all of your pay stubs and make extra copies of your tax documents you filled out as well as any medical reports which were submitted with the application.

–You should see a doctor on a regular basis so that your injuries will be sufficiently documented. Keep a list of every doctor, chiropractor, physical therapist, radiologist, hospital and pharmacy. The list should include the name, address and telephone number of the health care provider, as well as the dates of treatment. Tell us immediately when you treat with a new doctor or facility so that we can update our file.

–Insurance companies sometimes hire investigators to observe a plaintiff and take statements from them. You should tell anyone who wants information about your claim to contact Grey & Grey. You are advised not to talk to anyone about your claim unless they either work for Grey & Grey or unless we assign them to work on your case.

–If you file any other claim (such as workers' compensation, social security, unemployment, etc.) after your accident, you should make certain that we have copies of any application you filled out as well as any medical reports which were submitted with the application. If you are out of work and totally disabled for six months or more, you should call Grey & Grey to ask if you are eligible for Social Security Disability Benefits.

# WHAT GREY & GREY DOES ...

–We will investigate your claim and, if indicated, prepare and file a summons and complaint beginning the lawsuit. Once we begin lawsuit, we are dedicated to obtaining the best possible result for our clients.

–We will have competent associates, paralegals and staff that are informed about your case and able to speak with you when you call.

–We will ordinarily pay the costs associated with bringing a lawsuit, such as court fees, investigative charges, etc... Under New York State ethics rules, however, the client is ultimately responsible for these costs. If we obtain a recovery for you, costs that we paid for you must be deducted from that recovery

–We will appear at all court conferences or hearings which are scheduled in your case.

–We will try to obtain the best possible recovery for you. This may require waiting until the time of trial, as defendants often are willing to settle for more money later in a case.

–If your case cannot be settled, we will represent you at trial and argue on your behalf.



## GREY & GREY, LLP

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- Social Security Disability
- **PERSONAL INJURY**

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# ABOUT GREY & GREY . . .

## The History of Grey & Grey, LLP.

In 1967, David Grey opened a law office in Farmingdale, New York to represent injured and disabled workers. In 1971 his father, Arthur Grey, retired after a forty-year career with the New York State Workers' Compensation Board and joined the firm, forming the original Grey & Grey, Esqs. (known today as Grey & Grey, LLP).

David Grey served as the firm's managing partner for over forty years from 1967 through 2008. Arthur Grey retired in 1980, but Robert Grey, David's son, joined the firm in 1990, becoming the third generation of the family to practice law. Robert has been the firm's managing partner since 2009.

## Grey & Grey Today

Today, Grey & Grey is made up of nearly 40 partners, associates, and staff taking care of clients in six offices (Manhattan, Queens, Nassau, Suffolk, Bronx and White Plains). Our three departments handle cases involving workers' compensation, Social Security disability, personal injury, long term disability, and disability retirement. In addition to offering superior legal representation, Grey & Grey has been widely recognized as a leader in our practice areas. Our attorneys lead political action committees that advocate for the interests of injured workers, serve on government task forces, provide technical assistance, education and representation to unions, and serve on the boards of non-profit organizations that protect and educate workers. In recognition of our knowledge, experience, and leadership, we are routinely asked to give continuing legal education lectures to other lawyers throughout the state.

When you choose Grey & Grey to handle your case, and when you recommend us to your friends and family, you can do so with confidence.

# ABOUT NEGLIGENCE...

The law of negligence is centuries old. The American system of negligence was inherited from the English system, called the **common law**. The common law is a series of decisions of judges in different areas of law. The area of law which governs negligence cases is called **tort law**. The word tort is Latin for "wrong", and the law of negligence is concerned with both accidental and intentional wrongs.

The parties to a negligence case are called the **plaintiff** and the **defendant**. The plaintiff is the person who has been injured and who alleges that his or her injuries were caused by the negligent conduct of the defendant. In a negligence lawsuit, the plaintiff has the **burden of proof**. This means that the plaintiff must show that it is more likely than not that the defendant's actions were wrong and that those actions caused the plaintiff's injuries.

# THE STEPS OF A PERSONAL INJURY CASE. . .

A personal injury lawsuit usually begins when the plaintiff files a **summons and complaint** with the court. The summons is the legal document that gives the court the power to pass judgment on a defendant. The complaint describes the facts and circumstances of the accident. It must show that the defendant had a **duty** not to injure the plaintiff, that the defendant **violated** that duty, and that the plaintiff's injuries were directly **caused** by the defendant's violation. A duty may be established by common sense, by a statute, or otherwise. A violation is established by the facts as determined by a judge or jury. Injuries are established by medical proof.

After the summons and complaint is served on the defendant, the defendant's insurance company or attorneys **answer**. The answer either admits or denies the facts alleged by the plaintiff and also states any legal defenses to the claim.

The law gives both the defendant and the plaintiff an opportunity to find out information about the claims and defenses before trial. This is called **discovery**. Along with the answer, the defendant usually asks for information by using **discovery demands**. The plaintiff must respond to these demands as long as they are proper demands. Once the plaintiff has responded to the defendant's demands, the plaintiff sends the defendant his own discovery demands. The defendant must respond to these demands as long as they are proper demands.

As part of the discovery process, the defendant's attorneys are permitted to ask the plaintiff questions at a meeting called a **deposition** or **examination before trial**. This may take place at an attorney's office or at the courthouse, depending on the individual case. The plaintiff's attorneys are also entitled to depose a person from the defendant. If the defendant is a large company, disagreement may arise as to what person should be questioned and rulings by a judge may be necessary.

After discovery is completed, there is usually a conference with the judge to certify that a case is ready for trial. If the judge believes that all discovery has been completed, the case will be placed on the trial calendar. Because of the large number of cases in the court system and the shortage of judges, it is ordinarily at least two years from the time a case is placed on the trial calendar until the time it is called for trial.