

# **Can I File A Lawsuit After a Construction Accident?**

## **An experienced New York City attorney can guide you through the process**

If you were hurt in a [construction accident](#) in New York City, your life can change in seconds. Suddenly you are left with a serious injury and need medical treatment that may include surgery. You are unable to return to work and there is less money coming in. This can lead to financial stress as you may wonder how you will be able to pay your bills.

In New York, workers who were hurt in a workplace accident are eligible to receive workers' compensation benefits. These benefits will cover the costs of reasonable and necessary medical treatment for your injuries. You can also receive lost wage benefits while you are unable to return to your job.

But many injured workers suffer damages that go beyond medical expenses and lost income. A common question they have is, can I file a lawsuit for my injury?

Under the law, since you are covered under the workers' compensation system, you are unable to sue your direct employer for additional compensation – whether your employer was negligent or not. However, you can seek financial compensation from a third party in a lawsuit if the negligence of that party was responsible for the accident that left you injured.

## **Holding negligent third parties accountable**

It is very common for there to be multiple third parties working on the same construction project. Examples of third parties include a general contractor, sub-contractors, the property or business owner, site engineers, architects, manufacturers of defective equipment, suppliers or manufacturers of defective materials, and motorists who cause an accident on the site.

However, pursuing a lawsuit against a third party can be challenging and complicated. Third parties often deny that they were negligent in any way and refuse to accept responsibility for what happened. This puts you in the position of having to prove that the party was negligent and that that negligence caused the accident that led to your injury.

The third party's insurance carrier is likely to dispute any liability for what happened to you. Also, both the third party and the party's insurance carrier have legal representation ready to fight against any claim for damages.

That's why it's important to be represented by a New York City construction accident lawyer who has experience with third-party construction accident claims. An experienced lawyer will have the resources to investigate your accident, with knowledgeable team members who know where to look for evidence of negligence. They can gather tangible and physical evidence, take photos of the accident scene, and review any existing video of the accident itself.

## **Building a strong case that help you get results**

In addition, a legal team can identify and interview witnesses to the accident and will know what questions to ask. If needed, a lawyer can also consult industry experts who can determine whether all required safety procedures were followed leading up to the accident and help identify negligent parties.

A lawyer will also determine the total damages that you suffered in the accident. In general, you can seek compensation for:

- Medical expenses
- Lost wages
- Lost future income and lost earning capacity
- Vocational rehabilitation if you are left unable to perform the tasks of your previous job
- Required home and vehicle modifications if you were left disabled
- Costs of ongoing medical treatment
- Any disfigurement or scarring
- Loss of consortium
- Loss of quality of life
- Pain and suffering
- Review accident reports and other documentation

When there is evidence of negligence, attorneys for the third party may agree to settlement negotiations. This may happen before, during, or after the discovery process. Most personal injury lawsuits are settled out of court. However, in some cases it will be necessary to go to court.

When should you file a lawsuit? In New York, the statute of limitations for taking legal action after a bodily injury is three years from the date of the accident. But the time you have in your case may vary, which is why it's important to get legal advice as soon as possible.

### **Know your rights – contact an experienced construction accident lawyer**

Another reason to consult an attorney sooner rather than later is that it can take several months or longer to gather evidence and build a strong case. Also, as active construction sites change rapidly, a delay can result in evidence being lost or destroyed. A lawyer can take legal action to preserve possible evidence if consulted soon after the accident.

In addition, the more time that goes by following an accident, the more likely it is that witnesses will forget important details about what happened that could help you build a stronger case.

You may not be sure if you have a case. A construction accident lawyer can review the details of your accident, explain your legal options for recovering financial compensation, and give you an idea of what to realistically expect from the claims process. You can also get answers to any questions you have.

At our firm, you can get the information you need during a free consultation. There's no cost and no obligation. [Contact us](#) to schedule a time that is convenient for you at our New York City office.