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Defense admits they're responsible for your injuries. Do we have to agree?

The defense lawyer calls me shortly after we start this medical malpractice lawsuit and says, "Gerry, I know that my client screwed up. I know what he did was medical malpractice. We're going to admit and concede liability. How about we just try this case on damages?" Do I have to agree to just try this case on damages? Do you want to know the answer? Do you think you know the answer? Come join me for a moment as I share with you the answer to this question.

Hi, I'm Gerry Oginski. I'm a medical malpractice and personal injury attorney practicing law here in the state of New York. Now, it's remarkable when the defense turns around and says, "Yes, we agree with you that our client was wrong, so let's actually avoid the entire litigation process, or at least half of it, and now simply go ahead and try this case on damages. Yes, we admit we were wrong. Yes, we admit we did something we shouldn't have done, and your client suffered injury as a result of that. We acknowledge that you client is entitled to receive compensation. How about we just try this issue on the amount of compensation she's entitled to receive? Do you agree?" Now, there's a risk for me to say yes. There's also a risk for me to say no. Do I have to say yes, "Yes let's go ahead and do this just on damages?" The answer is, no, I don't. I have an opportunity to go ahead and say, "Thank you very much for your offer, but I'm going to decline your offer."

One of the key reasons I might do that is if what the doctor did in this particular case, or maybe a careless driver, or a careless company, I want the jury to hear and to see all of those things that they did improperly to cause my client harm. They may be very egregious. What they did may be outrageous, and it may inflame the jury, and they

may be so outraged that now they really want to compensate her. The defense, as a trial tactic, as a strategy, they may decide, hey, let's short-circuit this whole process. Let's cut this thing off and not give Oginski the opportunity to go ahead and present anything that happened to cause his client's injuries. We'll focus only on the value of the injuries.

To answer the question, I don't have to agree with the defense's offer, even though we want to get across the fact that yes, we know that they screwed up, it may not always be to our advantage to say, "Yes, we'll agree just to try this case on damages."

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in these medical malpractice cases, and these accident cases, and these wrongful death cases here in the state of New York. I realize you're watching this video because you likely have a problem that occurred here in New York. Well, again, if your matter did happen here in New York and you're thinking about bringing a lawsuit but you have legal questions and you're not sure about how to proceed forward, 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 talk to you. You can reach me at 516-487-8207, or by e-mail at gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a fantastic day.