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Have you seen the movie **Civil Action** with John Travolta?

Have you ever seen the movie "A Class Action," with John Travolta? Whether you have or haven't, there's a great scene in it where John Travolta plays a plaintiff's attorney representing a great number of injured victims, and now he's asked to go into the insurance company executive's office. The whole goal is to try and negotiate a settlement for all the people he represents. He's asked to sit down, and they try and make him comfortable. The insurance executive offers him eight ... I believe it was eight million dollars to settle this case. Does that ever really happen in real life? You want to know the answer? Come join me for a moment as I share with you some great information.

Hi, I'm Gerry Oginski, I'm a New York medical malpractice and personal injury attorney, practicing law in the state of New York. Recently I watched the movie again called "A Class Action," with John Travolta. In the movie, he represents a great number of injured victims who suffered injury as a result of drinking water that was polluted by a chemical company. Now, during the course of the litigation, the insurance executive, the guy who's responsible for defending this case, invites John Travolta, the plaintiff's attorney, the attorney representing all of these injured victims, into his office, his fancy office. He tells John to sit on the couch, take your shoes off, make yourself comfortable, put your feet up on my table. Then ultimately, he tells him, "Listen. You can ask for whatever you want, but the most that we are ever going to pay is eight million dollars." I think it was eight million dollars.

I will share something else with you. You will find that in some of these significant catastrophic injury cases, there will be direct communication between the attorney and the insurance company, and there may come a time where the insurance company turns around and says, "Listen. This is the maximum amount that we are going to pay." I had a situation like that a number of years ago, where I was representing a gentleman at a failure to diagnose a cardiac condition that resulted in a massive heart attack, killing of 70% of his heart. This guy was a rising superstar in his company, the top

earner in his company, and now we were demanding a significant amount of money.

During the course of the litigation, the insurance company came to me shortly before trial and said, "Listen, the maximum amount of money that we are ever going to pay voluntarily, in the form of a settlement negotiation, is going to be six million dollars. You can either take it or, if you don't like it, go to trial. Let a jury put a value on this particular case." That's basically what John Travolta had to decide in his particular case, on whether to accept it on behalf of all of the injured victims or to say, "No, we're going to go to trial."

Does this scenario happen often? The answer is no, it doesn't happen often. Do they invite the plaintiff's attorneys to come in, sit down, take their shoes off, make yourself comfortable? I'd have to say that that really doesn't happen often, and I personally have never seen it in my career, but you will get feedback from the insurance company or their attorney telling you, "This is the maximum amount that we're willing to go to, nothing above that. If you want more than that, try and get it from a jury."

Why do I share this quick information with you? I share it with you just to give you an insight and an understanding into what goes on in these types of civil lawsuits here in New York involving accident cases and medical malpractice cases, and even wrongful death cases. I realize 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, 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 email at Gerry@Oginski-law.com. That's it for today's video. I'm Gerry Oginski, have a wonderful day.