



**LAW OFFICE OF GERALD
OGINSKI, LLC**

35 South Drive
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

I Never Should Have Sued this Doctor...What a Huge Mistake!

I never, ever should have sued this doctor even though I had every right to do so. Come join me for a moment as I share with you why I got my head handed to me for doing what should have been done.

Hi, I'm Gerry Oginski. I'm a New York medical malpractice and personal Injury attorney practicing law here in the state of New York. I was a young defense attorney and now I was handed a medical malpractice file to read and to handle and I represented the doctor who was being sued in this particular case. As I'm reading this file, I'm realizing that the doctor that is being sued, my client, is not the real one, not the real culprit here. Reading the records it was clearly obvious to me that my client wasn't involved at all, did not contribute to this patient's injuries. Instead, it was one of his colleagues, who worked in the hospital with him, who really was the culprit here.

Now, the patient isn't the one who sued that culprit, the next doctor, so what did I do representing this particular doctor? I went ahead and I started a law suit against doctor number two. I didn't realize the big no-no until much later. What did I do? I went ahead and immediately started drafting papers to bring the lawsuit against doctor number two. That's known as a third party lawsuit. I'm going ahead drafting a third party complaint, claiming that all the problems that the patient is claiming, didn't happen because of us, rather it was because of doctor number two.

A little while later I get a phone call from the insurance company who represents doctor number two. The first question they had for me was, "What the hell are you doing?" I said, "What do you mean?" It turns out doctor number two's insurance company was the same insurance company that insured my doctor so now they got on the phone with me and they came right out and said, "What the hell did you do?" I said, "What do you mean, what did I do?" They said that they represent doctor number two and now they have to hire an attorney to represent doctor number two and what am I doing bringing a lawsuit against another doctor?

Now I went ahead and explained that my client, I have an interest in representing my client. Even though the insurance company is representing him as well, you hired me to represent this doctor's interest and it's clearly obvious to me that this doctor did nothing wrong. I have an obligation to go ahead and bring an action against doctor number two, regardless of who insures him. You know what? They didn't appreciate that. Why, because it comes out of the same insurance policy. These guys were insured by the same insurance policy and the same insurance company.

I took a lot of heat because of what I did but you know what? I did the right thing. I did what needed to be done. I had an obligation to represent my client to the best of my ability and that included bringing a case against doctor number 2 because the plaintiff's attorney didn't do that. Even though that the insurance company wanted me to discontinue that case against them, you know what I said to them? I said, "I'm sorry, I can't. Ethically I cannot. I have an obligation to my client. I'm sorry that it's coming out of the same policy, from the same insurance company but I have no choice but to continue that case forward.

Why do I share this great information with you? I share it with you just to give you an inside look at what happened when I was a young defense attorney and I did the right thing for my client even though I took heat from the insurance company who represented doctor number two. 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 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.