

The defense refuses to turn over medical records. The judge orders them to turn over medical records. Is there a penalty for the defense refusing to acknowledge the judge's order and comply with it? 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 trial lawyer practicing law here in the state of New York. Today is the day after Thanksgiving. It's a beautiful, crisp, cold day today and I want to share this great information with you while my wife is out shopping during Black Friday. Okay, so now, the defense has been ordered to turn over certain medical records. They ignore the judge's order. What can I do when they continue to ignore the judge's order? Well, here's what will happen: during a conference with the court, we will tell the judge "Listen, Judge, you ordered the defense to turn over these records. They failed to do so." The judge will then ask the defense why they failed to do that and they'll come up with some crazy explanation. The judge might give them additional time in which to obtain and get these medical records over to us. So now, months come and go. We have another conference with the court. The judge says "Why haven't you turned over these records?" and they come up with some other explanation. Now we're getting frustrated and fed up. I now ask the judge to take extreme measures. I say "Judge, if they're not going to turn over these records, I want you to strike the defendant's answer." And all of a sudden the defense attorney gets all upset, he starts yelling, he's screaming, he's explaining why that shouldn't happen. Now what does that really mean? Well, when we start a lawsuit, we have to serve documents known as a complaint, which really are allegations claiming that somebody did something wrong and that they were careless, that they were negligent, that they violated the basic standards of medical care. The defense (the people we are suing) have to prepare a document known as an answer, which really is an answer to the allegations. If the judge actually goes ahead and strikes the defendant's answer, it basically means that we have won our case and don't have to go to trial and prove that we are more likely right than wrong, that we are entitled to a verdict in our favor. Then the entire case shifts to damages to determine how much compensation the injured victim is entitled to. So why do I share this quick information with you on a beautiful day today here in Great Neck? I share it with you just to give you an insight and an understanding into what goes on in a medical malpractice case, in an accident case, and even in a wrongful death case here in the state of New York when the defense refuses to give us medical records and when they refuse to acknowledge and comply with the judge's order. You know, I realize you're watching this because you have questions or concerns about your own particular matter. Well, if your matter happened here in the state of New York and you've got legal questions, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. You know, 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 quick video. I'm Gerry Oginski, have a wonderful day.