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## **We'll settle but only if you agree to accept \$1 Million Dollars**

They would only agree to pay one million dollars if we agreed to settle this case. You want to learn about this game of chicken that was being played in this medical malpractice case. Come join me 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. This is a significant medical malpractice case. Now, as we were approaching trial, I begin to have settlement discussions with the defense attorney. The defense attorney finally said to me, "Listen. We will pay you one million dollars, but only if you agree to settle the case at that number."

Now, what does that mean? It means they wanted an assurance from me that one million dollars would settle the case. Only then would they actually make that offer. It's a little backwards, don't you think? Normally, the negotiation process is we make a demand. The defendant makes a counteroffer. Now, we try and figure out whether we can accept it or not. Then we make a counter demand. The defense will evaluate that to determine whether or not they're willing to pay that. If not, they'll make a counteroffer.

Now, during the course of this particular discussion, the defense attorney comes out and says, "Listen. I'm not going to offer you a million dollars until you tell me that you'll accept it as final settlement." Wait a second. They're telling me they're not going to pay a million dollars unless I tell them beforehand we'll accept it. Wait a second. I want more than the million dollars. What does that mean? If I want more, if I want a million and a half dollars to settle this case, now do you think we're going to reach an agreement where the defense turns around and says, "Listen. The only way we're going to pay a million dollars is if you agree to settle at a million dollars?"

We're extremely far apart. If I need one and half million dollars to settle the case and they tell me, "No, we can only settle this case if you agree to take one million dollars," this case isn't settling. Now, we'll have to go to trial. There are some instances where the defense will come back, say, "Listen. We will only pay a million dollars if you agree to settle this case." It's a

backwards, roundabout way to try and say, “Hey, here’s a counteroffer. This is what we’re willing to accept. If you accept it, the case is over and done.”

Does this happen often? No, not often, but it does happen once in a while. Now, when it happens, we have to evaluate, with my client, exactly whether or not their offer is appropriate. If not, we have to reject it and now proceed forward. Why do I share this great information with you? I share it with you just to give you an insight into how some people negotiate when the case comes up for trial and now they’re trying to resolve the case.

I recognize that you’re watching this video because you have questions or concerns about your own particular matter. If your matter did happen here in New York and you’re thinking about bringing a lawsuit, but you have questions that need to be answer, 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. I’d love to talk to you. You can reach me at 516-487-8207 or by email at [Gerry@oginski-law.com](mailto:Gerry@oginski-law.com). That’s it for today’s video. I’m Gerry Oginski. Have a wonderful day.