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## Attorney asks ‘What do you need to settle this case’?

It was a death case. The defense attorney came up to me in court on our very first conference and said, what do you need to settle this case? You want to learn what this is about and why he asked me that question? Come join me as I show you some great information.

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. This was a wrongful death case involving a woman who had a colonoscopy who died within three days after having the colonoscopy.

We put the case into suit. We had a valid basis and our medical expert confirmed that we had a valid basis for a lawsuit. Now, during the first pre-trial conference which is a scheduling conference in court, the defense attorney, the senior partner in this law firm comes up to me and says, listen, what do you need to settle this case?

Why would he ask me that question? In most of these cases, that question doesn't arise until the discovery process is over and we're just about ready to go to trial. In this instance, it happened at the very beginning. The very beginning where now we are scheduling discovery, where depositions are being scheduled, where documents have to be exchanged, and now we set up a schedule with the court. Why would the defense attorney come to me and say, Mister Oginski, what do you really need to settle this case?

There are two reasons why the defense attorney asked me that question. Number one, he knew what the facts were surrounding this woman's death, and he knew that it was bad for him. Number two, he knew that if he could try and settle this case at the beginning, that he could likely save the insurance company tremendous amount of money and not have to spend two to three years actually litigating

this and having the insurance company pay for their experts, pay for all their attorney's fees and it would make him look good at the same time. That's why he asked me the question.

Were we able to resolve this case at the very beginning? No we weren't, but it was a great start because it exposed the fact that they recognized how serious this case was and that they were eager to try and settle it at some point during the discovery phase. You might be asking yourself, when were we able to resolve this case? Only after all the discovery been finished and now as we approach trial. That was the only time that the defense got serious in what they really wanted to offer here. It was only then that my client recognized that this was a good offer.

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 behind the scenes in these medical malpractice cases here in New York. I realize you've got 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 legal questions, what I encourage 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](mailto:gerry@oginski-law.com). That's it for today's video. I'm Gerry Oginski. Have a wonderful day.