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Can injured patient be forced to mitigate her damages?

It's a medical malpractice case. I know the defense is bringing in a qualified medical expert but I also have transcripts of his prior testimony where he has testified in many other trials. Can I use contradictions in his other cases if he doesn't contradict himself in our case? You want to know the answer? Come join me for a moment as I share with you some terrific 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 medical expert that's coming in to testify. I've done my research and I've been able to obtain transcripts in 20 other trials that he's testified in over the years. In about half of those, I've been able to identify contradictions that he's made in each of those trials. I'm hoping and anticipating that this type of expert also makes a contradiction.

Why? So that now, not only can I call him out on it and point out to the jury that this doctor is a liar, but I can use his prior testimony to show that this doctor is not believable. That he's not creditable. Here's the question I raised in the title of this video. If the doctor in our case does not contradict himself, can I use testimony from this other prior cases to show to the jury that in those other cases he wasn't believable, even though he's being believable and not contradicting himself in this case.

In all likelihood, I'm not going to be allowed to use testimony from his prior trial testimony to show contradictions in those cases, if he hasn't contradicted something in our case. Why is that? It's common sense, isn't it? If the doctor goes ahead and testifies and gives compelling testimony, gives compelling explanations about what happened and why, and now I can't contradict him during the course of cross-examination. How can I use something that he's done 20 years ago, 15 years ago, 10 years ago to show to the jury that this doctor is not credible.

In all likelihood, the judge is not going to allow me to use this doctor's prior testimony in order to show that he's not being credible in our case. Why do

I share this great information with you? I share it with you just to give you an insight and an understanding into how these types of medical malpractice cases work in the State of New York. I realize you're watching this video and I acknowledge you've got questions or concerns about your own particular matter.

If you matter did happen in New York and you're thinking about bringing a law suit but you have questions that need answers. What I invite you 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.