



**LAW OFFICE OF GERALD  
OGINSKI, LLC**

35 South Drive  
Great Neck, NY 11021

T 516-487-8207

[Gerry@Oginski-Law.com](mailto:Gerry@Oginski-Law.com)

## Can sworn pleadings be used against litigants at trial?

Can the papers that we use to start a lawsuit and to answer the lawsuit be used to cross examine a litigant at the time of trial? 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 practicing law here in the state of New York. The answer is yes they can. You should know that pleadings are the documents that we use to get a lawsuit started. They are typically the summons and a complaint. Those are the allegations that we are making against the people that you are suing. Whether it's an accident case or a medical malpractice case or even a wrongful death case.

Now the people that are being sued receive those documents and they send it off to their insurance company who then hires an attorney to now answer those allegations. Those documents are called an answer. Now we can use those documents because they are supposed to be sworn documents confirming that what they are saying is true and accurate. At the time of trial, we can in fact cross examine the litigant, the person who has started the lawsuit or the person who's being sued with those particular documents, because at the very beginning of the case, they will typically deny that they did anything wrong. They will deny that anything they did caused injury. They will deny that your injuries are significant in any way whatsoever. Now in the answers to the allegations that are made, in their answer we can use those particular sworn statements to cross examine a particular witness.

You might be saying, "Why would I want to do that?" The reality is that there may be damaging information that they absolutely refuse to acknowledge something so simple and basic and now we're showing them at trial, we're showing the jury, look at how ridiculous this is. We had to wait 2 years for them to finally admit at trial that this is what happened but 2 years earlier, when we started this lawsuit, look at what they said. They said, no, they had nothing to do with this accident. No, they had nothing to do with the improper medical care. Really? It took you 2 years to now admit that? Now we can use that as a trial strategy. Why do I share this quick information

with you? I share it with you just to give you an inside look at what goes on in these civil lawsuits here in the state of New York.

I recognize and I acknowledge you're watching this video because you likely have questions or concerns about your own particular matter. Well, if your matter did happen here in New York and you're contemplating bringing a lawsuit but you're unsure because you have questions that need to be answered first, 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 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.