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

Can sworn pleadings be used against you in your accident case, or your medical malpractice case, or even your wrongful death case during the course of your pretrial testimony? 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 Attorney practicing law here in the state of New York.

The answer is yes, they can be used against you. Let me explain. Pleadings are sworn documents that your attorney prepares, that you have to read and sign off on, confirming that you swear that the allegations being made are in fact true. Let me give you a great example. Let's say you've started a lawsuit for a car accident matter, and you brought the law suit in Bronx County, and the only reason you've been able to bring the case in Bronx County is because you've told your attorney that you lived in The Bronx at the time of the accident. In fact, in those papers those pleadings, the summons and complaint, you've indicated and confirmed that you lived in The Bronx at the time that the lawsuit was started, and at the time of your accident.

Now, during the course of your pretrial testimony during the course of your lawsuit, the defense attorney will have an opportunity to ask you questions, that's known as a deposition. The defense attorney learns during the course of your pretrial testimony, during your deposition that you didn't live in The Bronx. In fact, you lived near The Bronx, you lived on the border of The Bronx, and now in your pleadings in your summons and complaint, you have confirmed and you have sworn that you lived in The Bronx. You might be thinking, so what, what difference does it make?

It makes a huge bit of difference because now the defense attorney has ammunition to use to show that you're being less than truthful. In addition, after your pretrial testimony is over, he is likely going to ask the judge to move your case from Bronx County to a different county. Why? Because he's going to argue that you're being less than truthful. Let's put it in an-

other way, he's going to argue that you lied. Make no bones about it, he's going to say you were a liar when you swore that you lived in Bronx County, and that the only reason why you were permitted to bring that case in The Bronx is because you swore that you lived in The Bronx.

Guess what, that can come back to hurt you because at the time of trial, the defense attorney can now use that information to show the contradictions between what you swore at the very beginning of the case, and the testimony that you gave during your lawsuit, to show to the jury that you can't be trusted, that your credibility is shot, all because of one small little thing. Now, we're not talking about some typographical error, that can easily be explained away by some secretarial error.

Why do I share this quick information with you? I share with you just to give you an insight and an understanding into what goes on in these lawsuits, these civil lawsuits here in New York. I realize 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 thinking about bringing a lawsuit, but you have questions that need answers first, what I invite 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 via mail 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.