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Doctor badmouths patient while under anesthesia during colonoscopy

A remarkable piece of evidence shows up during the course of a medical procedure that prompts a patient to bring a lawsuit against the doctor who's performing his colonoscopy. Want to know what happened? 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 in the state of New York. This made the headlines. This was in the media all over the place. A patient went in for a colonoscopy and now, he wanted to make sure that he remembered the doctor's instructions after the procedure because he expected he wouldn't remember anything the doctor told him after the procedure was over. He took his iPhone, he set it to record on audio, and now he forgot that he turned it on as he gets wheeled into the procedure. He has the phone with him and during the course of the procedure it turns out, he didn't know this at first, but it turns out that the doctor who is performing the colonoscopy, as well as the technician, as well as the anesthesiologist made comments about this patient during the course of his colonoscopy procedure that were not very flattering. In fact, they were highly offensive.

After the procedure is done, after a period of time, he remembers that he had recorded the audio so that he could recall exactly what the doctor had said. As he is playing it back, he hears some horrible things. He is wondering, "How could this happen? How could the doctor make these horrible comments about me? How could the anesthesiologist? How could the technician say these terrible things about me. This is outrageous. They're making fun of me. They're making fun of my anatomy, of my sexual organs. This is ridiculous." And now he is

getting angry, he's getting upset. That prompts him to bring a lawsuit against the doctors, the technician, the anesthesiologist. And guess what? What kind of defense do they have? They've got the audio tape. He's under sedation. He's not conscious and aware of what's going on and here they are making fun of him. He's bring a claim against them for libel, for slander, for making these outrageous comments. Now there's tons of news coverage about it. Nobody likes to learn that they've been violated, verbally, during the course of a procedure when you're sedated. You can't do anything about it. You can't fight back. You can't say something in your defense. Instead, you're helpless.

Why did I share this quick information with you? I share it with you because this was all over the news and I thought it would be interesting to discuss just to give you an insight of exactly what happened and how outrageous this really was. Now, if this happened in New York and this had gone to trial, would we be able to use that audio tape to prove to the jury that what they said was true and now hold these people accountable for the horrible things that they said. The answer is maybe yes and maybe no.

Why do I share this quick information with you? I share it with you just to give you an insight and an understanding into what went on in this one particular case. I realize 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 answered, what I invite you to do is pick up the phone and call me. I can answer your legal questions. This is something that I do every single day and I'd love to talk to you. You can reach me at 516-487-8207 or by email at Gerry, G-E-R-R-Y, at Oginski dash law dot com. That's it for today's video. I'm Gerry Oginski. Have a great day.