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## Settlement offer comes within 10% of what you want. Do you take it?

The defendant's settlement offer comes within 10% of what you wanted to settle your case. Why is it that some injured litigants in that situation turn around and said, "No, I'm not accepting your offer. Let's go to trial"? You want to know why? 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.

Now, during the course of your lawsuit, the defense refuses to pay a dime. It's only as we're approaching trial, we have weeks until trial starts, now the defense begins negotiating. They come within 10% of what we are demanding to settle this case. Now, you the injured victim, turn around and say, "Hey, wait a second. I want the full amount that we're asking for and I won't settle until they give us the full amount." Can you do that? The answer is yes, you can. You want to know why? It's because you as the injured victim, as the client, have an absolute right to either accept or reject any settlement offer that's made. I have an obligation as your attorney to relay that information to you. In other words, the defense attorney tells me what their offer is. I have an obligation to turn to you and tell you, "Okay, this is what they've offered." Plus, I also have an obligation to give you my legal opinion about whether or not I believe their offer is good or bad. I'm also going to tell you whether or not I think you should accept the offer or not.

What happens if I recommend that you take the settlement offer and you disagree and say no, you're not taking it? What happens then? What happens then is that what go to trial. Now a jury will ultimately put a value on your particular case. Before we go to trial, I will have a discussion with you, a lengthy discussion, about all the risks associated with going to trial, about the risks of not knowing what the ultimate outcome will be, about the risk that we could get a verdict far in excess, higher than what's being offered now. At the same time, we could also get a verdict less, much less, than what's currently being offered. The jury could come back and determine

that the people you have sued are not legally responsible for your injuries, which means you get absolutely nothing. There are many different outcomes that can occur when we go to trial. Now you and I are going to have a lengthy discussion before you make that decision about whether to go to trial or take or reject the offer that comes within 10% of what you're demanding.

Why do I share this information with you? I share it with you just to give you an insight and an understanding into what goes on in these civil lawsuits involving accident cases, involving medical malpractice cases, and even wrongful death cases here in New York. I realize you're watching this video and I acknowledge you're watching it because you likely 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. You know I answer questions just like yours 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 fantastic day.