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To Get Your Settlement Money, You Must Request it in a Very Special Way

In a civil lawsuit in New York, if the defense agrees to settle your case, they have three weeks in which to make payment, but did you know that if your attorney doesn't send them a letter requesting the payment a specific way, the clock doesn't begin to run and those three weeks don't apply? You want to know what they have to do? Come join me for a moment as I share with you exactly what they have to do. 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.

Now let's say it's an accident case or a medical malpractice case. Now the parties have agreed to settle this case. We send them all of the closing papers in a regular envelope. We send it off to the insurance company, to the defense attorney. Guess what? The clock does not begin to run. They don't have three weeks in which to make payment. How much time do they have? The reality is they could take their sweet time. There is nothing that says that they have to pay within a certain time period if we send it to them in a regular envelope with a regular stamp. Really? Yes, really.

The law says if we want the clock to start ticking and the defense to make payment within three weeks from the day that they receive all the appropriate closing documents, you know what we have to do? We have to send it to them certified mail, return receipt requested. That's how we have to send it. That's when the clock starts to run, not when we put it into a regular mailed envelope and send it to the post office with a simple \$0.48 stamp. That does not start the clock ticking. It is only when we send the letter by certified mail, return receipt requested. Only in that instance, according to the law, does the three weeks begin to run. If you don't send it correctly, guess what? You'll be waiting for weeks and weeks and weeks and the clients going to be wondering: Why haven't we received our settlement money? The reality is it's because the attorney didn't send it out according

to the rule which says you must send it out certified mail, return receipt requested.

Why do I share this quick tidbit information with you? I share it with you just to give you an insight and an understanding into how these types of cases work here in New York. I recognize you've got concerns or questions about your own particular problem. If your matter did happen here in New York and you're thinking about bringing a lawsuit, but you haven't started one yet, and you have legal questions that need answers first, what I you to do is pick up the phone and call me. I answer questions like yours every single day and I'd love to talk to 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 fantastic day.