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What if doctor refuses to answer my questions?

What happens if the doctor refuses to answer my questions when I question him during his pretrial litigation question and answer session known as a deposition? Do you want to know the answer? Come and join me for a moment as I show you some remarkable information.

Hi. I'm Gerry Oginski. I'm a New York Medical Practice and Personal Injury Attorney practicing law here in the state of New York. It's a medical malpractice case, and you believe a doctor violated the basic standards in medical care. Now, during the course of the lawsuit, I will have an opportunity to question the doctor that you have sued.

During the course of this questioning which really has the same weight and validity as if the doctor were testifying a trial, but it's simply happening in his attorney's office with a court reporter present taking down all of my questions and all of the doctor's answers.

What happens if the doctor turns around and says, "I'm not answering your question. I don't like your question. I don't have to answer that question."? What happens then? The answer is there are a lot of things that can happen. The first thing that's going to happen is I'm going to say, "Doctor, you do have to answer my question. You are a defendant. You are someone who's being sued in this lawsuit. As a result of that, you have an obligation to answer my questions."

His attorney will likely tell the doctor that he has an obligation to answer those questions as well. Now, there are instances where the doctor will get upset, and start yelling and getting screaming and saying, "I'm not answering these questions. I don't believe these questions. You don't have a right to ask me these questions." For whatever reason, the doctor chooses not to answer those questions.

Here's what will ultimately happen. We will bust the deposition. We will bust this question and answer session because continuing this argument further isn't getting us anywhere. The doctor is refusing to answer, I'm asking appropriate questions, and his attorney even acknowledges and agrees my questions are appropriate and that his client has to answer those questions.

The next step is that I will have to go to the judge to ask him for permission to fine the doctor or to sanction the doctor for failing to do something he was supposed to do. What was that? Answer my legal questions, and because the doctor has failed to do that and refuses to do that, despite being given his best legal advice by his attorney to do that, the judge has the ability to sanction and fine the doctor for wasting all of our time.

Now, what happens if the judge sanctions the doctor? Great. Now, he's got a financial penalty he's got to deal with as well as his attorney. What happens next if now he's told to come back to continue the deposition, to continue being questioned by me and now, he does the same thing again? Now, I'll have to go back to the judge, tell him about what happened again, how the doctor is refusing to answer questions despite the fact that he is now suffering financial penalties because of that.

Now, the judge has to figure out how else he can punish the doctor for failing to obey and do something that he should be doing. One option available to the judge is to dismiss the defense's answer. Now, what does that mean? It means, for example, let's say the Mets are playing the Yankees, and the Yankees failed to show up or they do something so horrible that the referee throws them out of the stadium. The Mets get an automatic win.

The same thing happens if the judge dismisses the defense's answer to the allegations in this case. We get an automatic win. Then we simply proceed to a trial on damages to assess how much compensation the doctor will then be required to pay to my client for those injuries. Those are just some of the options that can occur in an instance where a doctor refuses to answer my questions during the pretrial litigation process.

Why do I share this terrific information with you? I shared it with you just to give you an insight and understanding to how these cases work here in New York. I realized you're watching this video 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, then I invite you to pick up the phone and call me. I can answer your legal questions.

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 by e-mail at gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.