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## You Settled Your Case...When Does the Defense Have to Pay?

Did you know that the defense has only three weeks in which to make payment once they've agreed to settle a case in an accident case or a medical malpractice case here in New York. Do you want to learn why and what that number's important? Come join me for a moment as I show 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. It is critical that we get the appropriate closing papers to the defense in order for those three weeks to begin to run. Now you might be saying, "Why doesn't the time limit begin to run from the time that you agree to settle the case?" That's not how it works. The way it works is that the three weeks only begin once we have submitted all the appropriate closing papers to the defense. You might be asking, "What happens if some of those documents are not accurate or not completed properly?" Well, then the defense attorney will contact us and say listen, "This wasn't filled out correctly. I need more information." The time limit does not begin to run until we have submitted all of the appropriate closing papers.

Here's how this came about. Many years ago the defense would take their sweet time going ahead and submitting the settlement monies to us and our clients couldn't get paid in a timely fashion. Sometimes it would take weeks and weeks, other times it would take months and months and guess what? The defense would be holding onto that money and finally when they got around to it, they'd go ahead and release that money. Well, the legislature changed that many, many years ago. Now the defense has only three weeks in which to make payment. You might be asking, "What happens if the defense doesn't pay within those three weeks?"

There are a number of options that we have available. First, you can be sure we're going to be on the phone with them every day, finding out why they have not submitted the settlement money to us. The other option is we can go ahead and contact the court and try and compel and force the defense to

go ahead and send us the settlement check immediately. Now, if they ignore that, another option is that we can ask the court to go ahead and tear up the entire settlement agreement and now force us to go to trial. The entire settlement agreement becomes void and now we have to go to trial to go ahead and resolve this issue. Why? All because the defense failed to honor their obligation, their legal obligation, to make payment within three weeks from the time that they received all of the closing papers.

Why do I share this information with you? I share it with you to give you an insight and an understanding into what happens when you decide to bring a lawsuit and now a year or two or three down the road when your litigation is finished and now you've agreed upon settling this case, and now you're wondering, "Where's the money? It's been more than three weeks." I recognize your 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, at the very beginning, before you've started one, but you have questions that need to be answered, what I invite you to do is pick up the phone and call me. 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 wonderful day.