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Defense will only settle if this phrase is included in settlement agreement

The defense says settling the case is not an admission of liability. What does that mean? Why would the defense want that to happen? You want to know why this happens? 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.

In almost every case that we settle, whether it's a accident case or medical malpractice case or even wrongful death case. The defense attorney's and their insurance companies want that particular statement in the closing documents which says, "This settlement is not an admission of liability." Why would they want that? They want that to happen for one key reason. If there client is sued down the road, years down the road and now they have to go to trial, they don't want any other lawyer bringing up this case to show there was an admission of liability and that's why they settled the case. Instead, they want that phrase in there that says, "Settling this case is not an admission of liability." You might be asking yourself this question which is, why would they even bother to settle the case if they weren't legally responsible and didn't cause or contribute to this persons injuries? Makes sense right? Otherwise, why would they be settling the case and offering to pay money to compensate this injured victim?

The reality is, when the defense chooses to settle a case, for them it's a business decision. For them they want to accept the fiction. That it's not an admission of liability. You and I both know that the only reason there settling this case is because if it did go to trial, there's a very good likely hood that they would be found legally responsible. Instead they're taking that risk away from having a jury decide that they're legally responsible and then having the jury decide how much compensation to give to my injured client. That's what they're doing by going ahead and settling this case pre-trial.

They're eliminating the risk. Now, in addition, they want to make sure that this particular settlement is not used against them or against their client at a later time.

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in these types of civil lawsuits here in New York. I recognize 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. You know this is something I do every single day. I answer questions just like yours. 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 wonderful day.