

Court Case Flow Chart

Although a dispute can be resolved at any time by the parties (by agreement or perhaps through mediation), it may also be resolved through the prosecution of a lawsuit. This chart depicts the various steps in a lawsuit, starting with the filing of a complaint and ending with the entry of judgment.

Complaint

A plaintiff files a complaint to initiate the lawsuit. The complaint identifies the parties, sets out the facts and legal theories, and makes a request for damages.

Motion to Dismiss

In response to a complaint, a defendant may file a motion contesting the jurisdiction of the court, service, or the contents of the complaint. If granted, the case may be dismissed; if not the defendant must answer.

Answer

The defendant's answer admits or denies the allegations in the complaint and includes affirmative defenses to the plaintiff's allegations. The answer may also assert a counterclaim for damages from the plaintiff.

Motion for Judgment on the Pleadings

A motion filed by either party at any time after the answer when liability is admitted in the answer or the complaint is legally deficient. If denied, the case continues; if granted, a judgment is entered.

Default

Default judgment will be entered if the defendant doesn't answer.

Judgment

A judgment may be in favor of the plaintiff or the defendant. It may be granted by default, upon motion, after arbitration, or after trial. The parties can stipulate (agree) to a judgment at any time during the case.

Motion for Summary Judgment

A motion filed by either party alleging there are no material issues of fact to be tried and the party filing the motion is entitled to judgment as a matter of law. If denied, the case continues; if granted, a judgment is entered.

Trial

A trial is a formal hearing at which the parties present their evidence. A judge presides and determines issues of law and fact. If it's a jury trial, the jury decides issues of fact.

Pretrial Conference

Before trial, some courts require a mandatory conference to discuss trial scheduling, management, and settlement.

Trial, Scheduling & Preparation

A case is ready for trial after discovery is completed. In some courts, a trial date is requested, in others it is assigned. Trial briefs may be required, exhibits must be prepared, and witnesses prepared and subpoenaed to testify.

Arbitration

Some courts require non-binding arbitration, which is a more informal hearing at which evidence is presented to an arbitrator. The court will grant a judgment on the arbitrator's award unless the losing party requests a trial.

Discovery Procedures

Discovery is used to obtain information about the case and may include *interrogatories* (written questions to the other party), *requests for production* (requests that a party produce documents or things), *depositions* (the examination of a witness), and *requests for admissions* (written requests to admit facts). A *subpoena* can be used to gain information from a non-party. If a party doesn't respond to discovery within the required time period, the court can impose sanctions.