

## **HOW DOES A LAWSUIT WORK?**

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Whether you're a plaintiff fighting for your rights or a defendant who thinks you've been wrongfully accused, being involved in a lawsuit can be overwhelming. Part of the reason for that is the unknown of what happens in a lawsuit. This article will help allay some of those concerns by explaining how a lawsuit works.

Generally, a lawsuit is started by a plaintiff filing a complaint with the court. The complaint identifies the causes of action, meaning what legal basis exists for the lawsuit, for example a breach of contract or discrimination. The complaint also states the facts which support the causes of action. After the complaint is filed, a process server delivers or "serves" the complaint on the defendants. Sometimes a defendant will try to dismiss the complaint by making a motion with the court, but usually the defendant will submit an answer in which the defendant will admit or deny allegations in the complaint, and set forth any defenses he/she may have.

After the "pleadings" (the complaint and answer), the case proceeds to discovery. In short, discovery is the exchange of information. Each side asks the other side for documents believed to help support the case. Also during discovery, the parties usually take depositions, sometimes called examinations before trial. Depositions are an opportunity for lawyers to ask witnesses questions under oath. Depositions help lawyers learn information about the case, judge a witness's credibility, and create a record of sworn testimony.

After discovery, defendants have another opportunity to ask the judge to dismiss the case and the plaintiff and defendant will argue their cases to the judge. If the case is not dismissed, the next step is trial. At trial, the evidence is presented to the judge or a jury. Whether a judge or jury decides the case depends on the type of case you're involved in. The evidence presented at trial is usually documents found during discovery and testimony from witnesses.

After the evidence is presented, a verdict will be rendered and the case will be complete. However, the side which received an unfavorable decision may have an opportunity to appeal that decision.

If you're facing a legal problem, the lawyers at Famighetti & Weinick may be able to help. Call us at 631-352-0050 for a free evaluation of your case or visit our website at [www.fwlawpllc.com](http://www.fwlawpllc.com) to email us.