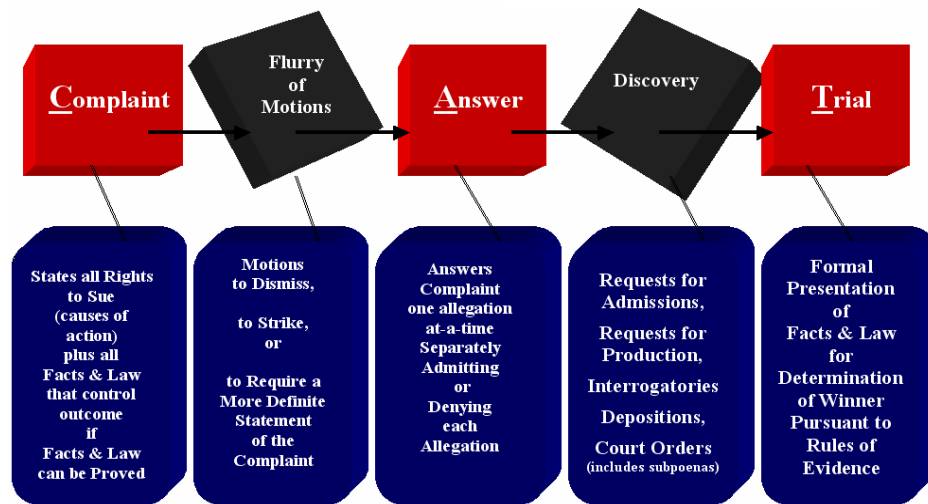


... Lawsuit Flowchart



Lawsuits remain a mystery to those who don't know how to "take them apart" to understand the relationships of their component phases.

Lawsuit Flowchart shows you the five (5) phases of every lawsuit (state or federal jurisdictions).

As you see, there are 3 MAIN phases and 2 INTERMEDIATE phases.

- **Complaint – Answer -- Trial** (The initial letters spell CAT!)
- **Flurry of Motions -- Discovery**

Lawsuits are won by making a record of the FACTS & LAW during each of the five phases. To win as plaintiff, you merely meet your burden to prove that the facts and controlling law in your jurisdiction agree. To win as defendant, you merely prove that the plaintiff's facts and law do not agree, so plaintiff cannot meet his burden.

During each phase, plaintiff tries to meet his burden, while defendant does all he can to shoot holes in the plaintiff's case.

It's really that simple!

➤ **COMPLAINT ...** Plaintiff concisely and clearly states all facts necessary to win ... and says no more than necessary. Plaintiff also concisely and clearly states the law that, if stated facts are proven true, will give him a favorable

verdict "according to law". *The power of law exists whenever necessary facts are proven to exist. In order to win a lawsuit, therefore, you must prove not only that the necessary facts are true but that, if those facts are true, there is a law that provides a court-enforced remedy for your damages resulting from the facts.*

➤ **FLURRY OF MOTIONS ...** Defendant files motions to dismiss, to strike, or for more definite statement and requires plaintiff to prove his complaint is legitimate. *Flurry of motions is used by defendant to get rid of the case. If successful, defendant doesn't have to file an answer to plaintiff's complaint. A flurry of motions can even succeed where plaintiff was "in the right" if plaintiff failed to include in his complaint sufficient facts to state a cause of action, made statements that were impertinent or scandalous, or used such poor English as to make it impossible for the Court to understand his case.*

➤ **ANSWER ...** If the flurry of motions fails defendant must answer each allegation of plaintiff's complaint by admitting, denying, or claiming no knowledge. *Defendant should answer no more than necessary to deny what plaintiff has alleged. If defendant has defenses, however, he should state these in his answer as affirmative defenses (or he may waive the right to raise the defensive issues at a later time).* Now also is time for counterclaims or to bring in a third-party defendant, i.e., one whom the defendant wishes to blame for his having been sued in the first place.

➤ **DISCOVERY ...** By using requests for admissions, requests for production, interrogatories, depositions, and Court's subpoena power facts are put on the court's record. During this critical phase, both sides attempt to make a record of the truth. This is the most important phase of every lawsuit. Failure to make an effective court record of the facts during the discovery phase is the single greatest cause of people losing otherwise winnable lawsuits! Be thorough!

➤ **TRIAL ...** Trial happens if defendant fails to get plaintiff's case dismissed, or the parties fail to sooner establish facts by discovery to promote settlement. *Successful litigants make a winning record before trial, using the procedures and tactics taught by our simplified lawsuit tutorials. They establish winning facts and supporting law on the court record before trial begins. This is the riskiest phase of any lawsuit.* *recommends you go to trial only after ordering and carefully studying all of our lawsuit tutorials ... even if you have the assistance of an experienced trial lawyer.*