



## DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

### INTRODUCTION

#### How Our Office Works

The Law Offices of Figueroa, Gonzalez, Hoecker & Owens has been asked by the Nationwide Insurance Claims Department to handle the defense of your lawsuit. An attorney and a paralegal from our office have been assigned to your case. Our regular office hours are 8:15 a.m. to 4:45 p.m. Monday through Friday. If you have a question, please feel free to call the attorney or the paralegal assigned to your case at \_\_\_\_\_ . Your litigation team consists of

Attorney: \_\_\_\_\_ ext. \_\_\_\_\_

Paralegal: \_\_\_\_\_ ext. \_\_\_\_\_

Secretary: \_\_\_\_\_ ext. \_\_\_\_\_

It is important that you contact us if you move while this lawsuit is pending so that we can keep you informed about the progress of your case and continue to represent your interests effectively. You are an essential part of the defense of your case and you must stay in touch with us throughout the course of the lawsuit. Failure to cooperate in the defense of your case could jeopardize your insurance coverage. We will let you know when this lawsuit has been resolved.

- **Correspondence**



We keep you informed by sending you documents and correspondence related to your case. We suggest that you maintain a file for all of the information that is sent you. If you would like your paralegal or attorney to correspond with you by internet e-mail, please provide them with your e-mail address.

- **Your Lawsuit**

#### After Lawsuit is Filed Against You

You have already received, either by personal service, substituted service, or by mail, a **Summons and Complaint**. This means that a lawsuit has been filed against you that requires a defense. You are the **defendant**, and the person suing you is the **plaintiff**. Both plaintiff and defendant are considered **parties** to the lawsuit.

The first time you meet with your attorney you will discuss the facts of the incident that brought about the lawsuit and what to expect during the duration of the lawsuit. Your attorney can answer any questions you may have at that time.

It is important that you do not discuss the case or provide any related information to anyone other than authorized representatives of Nationwide Insurance or this office.

- **The Answer**

Your attorney will prepare an **Answer** in response to the plaintiff's **Summons and Complaint**. A copy of the **Answer** will be provided to you.

- **The Discovery Process**

Once the **Answer** has been served by mail on the plaintiff, your lawsuit enters the **Discovery** phase. During this stage, your attorney and the plaintiff's attorney prepare interrogatories and requests for production. These documents will be used to gather all the information and facts and help decide what issues are related to the incident. Interrogatories are written questions. A request for production is a document that requests a party to produce photographs, reports, medical records, and other pertinent documents relating to the lawsuit. In addition, subpoenas and authorizations are prepared and sent to the plaintiff's medical providers, employers, insurance carriers, companies, governmental bodies and other selected entities in order to gather all the information necessary to properly defend you in this lawsuit.

- **Your Deposition**

You will be contacted by our office regarding the scheduled date for your deposition. A deposition is a recorded testimony given under oath. At their depositions, all parties and witnesses are questioned about the facts and circumstances surrounding the incident. The plaintiff's attorney will ask you questions at your deposition and in turn your attorney will question the plaintiff at the plaintiff's deposition. These depositions are taken under oath and are put "on the record" (transcribed) by a court reporter. Depositions are held in an attorney's office, the court reporter's office, at the Courthouse or any other suitable location.

We will give you as much notice as possible prior to the date on which your deposition is scheduled. Sometimes, due to unavoidable circumstances, depositions must be rescheduled to a different date. Your attorney will meet with you prior to the deposition and remain with you throughout.

During the questioning at your deposition, it is important that you answer questions as concisely and to the point as possible without volunteering any information.

After your deposition, you may receive a transcript of the deposition containing all of the questions and answers. It is important that you read the transcript and note any changes on the correction sheet, sign the transcript and the correction sheet before a Notary Public, and return them to this office. Our office is available to witness your signature if you choose to bring the correction sheet in.

-  **The Trial**

Once discovery is complete, the case enters the trial phase. The plaintiff's attorney will file a Notice that Cause is at Issue with the Court and the case is then placed on the trial calendar. The waiting time for a trial will vary depending upon the county where the case is pending and upon the judge assigned to the case. During this time, settlement negotiations may be attempted. Mediation or binding arbitration may also be used in an attempt to resolve the case.

Most personal injury cases are tried before a jury. As the trial date approaches you will be contacted by your assigned attorney or paralegal. **You must be present at the trial.** You will meet with your attorney ahead of time in order to prepare for your testimony for trial and you will be given a copy of your deposition to read.

At trial it is up to the jury to determine liability or responsibility of the parties for the incident. If the jury decides there is liability they will then determine the damages, or the amount the plaintiff is entitled to receive. If the jury determines that you are not responsible for the incident, the case will be dismissed.

Following the trial, there may also be **post-trial motions or appeals.**

- **Case Closure**

Your attorney will let you know when and how the case has been resolved. You will also receive closing papers from our office, including a copy of the general release document verifying that you have been relieved of all obligations pertaining to the lawsuit.



## Frequently Asked Questions

### *Do I have a say in whether or not my case will settle, and for what amount?*

Nationwide, as your insurer, can

decide to settle for any amount up to the limits of your insurance policy. You can speak with the claims representative assigned to your case, but Nationwide retains the right to settle if they so choose.

### *How will a settlement or trial affect my future insurance premiums?*

Speak with your Nationwide agent or insurance broker about this. We will be happy to provide them with information about your case.

### *How long will it take to resolve my case?*

There is no way to accurately predict how long it will take to dispose of your case.

### *Why is the plaintiff suing for thousands of dollars when this case does not seem to warrant that amount?*

The amount sued for in the complaint is only used to establish which Court will try the case such as small claims, county court, or circuit court.

### *Will this case go to trial?*

Although the majority of cases do not go to trial, some do. Settlement negotiations continue even after juries are picked and the trial has begun.

### *Why did Nationwide settle this case instead of going all the way to trial?*

There are many factors that are considered before a settlement is reached. Nationwide may conclude that it is better to settle rather than allow a jury to decide.

## **QUESTIONS TO ASK MY ATTORNEY:**

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# **DEFENDING YOUR LAWSUIT**

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