

## - NEWSLETTER -

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### I Want to Start A Legal Action, Now What?: The Stages of Litigation

Deciding whether to hire an attorney and start a lawsuit against someone who has wronged you can be stressful and a little intimidating if you are not familiar with the stages of litigation. However, we have found that once we help our clients develop a legal strategy and walk them through the steps of litigation, they are a little less stressed with the process. Overall, there are three stages in the timeline of a case:

**1. The Pleadings Stage:** Generally, to start an action, you file a Summons and Complaint with the right Court and serve it on all the Defendants. The Complaint lists all the causes of action and the basis for your claims supported by relevant facts.

Depending on how the Summons and Complaint is served, the Defendants will have either 20 or 30 days to file and serve an Answer which is their response to your Complaint. The Defendants will admit, deny, or deny knowing anything about the facts and/or your claims in the Complaint. They may also raise defenses and/or allege their own claims against you. Once you receive the Answer, you will have an opportunity to draft, file and serve a Reply which is your response to any claims made by the Defendants.

**2. The Discovery Stage:** During this stage, each party attempts to gain more information about the case from the opposing side. Usually there will be a court appearance establishing dates for discovery. Parties will draft:

- a) Discovery demands: requesting specific information including documents, pictures and witness lists
- b) Interrogatories: list of questions one party drafts for the opposing party to answer
- c) Depositions: interviews of witnesses, under oath, by one party's attorney

**3. The Trial Stage:** The trial is the formal examination of evidence before a judge, and typically before a jury, in order to decide for and against the parties. The majority of cases never get to trial due to settlement and motion practice. Motions are usually filed throughout the litigation process by the parties and can result in the case being dismissed or a judge making a decision on the merits of the case before trial.

This breakdown is a general overview of the litigation process and it is important to note that litigation can take some time. From the filing of the Complaint to the trial stage it can take anywhere from six months to a few years depending on the type of case, number of parties, financial position of the parties, etc.



**James G. Dibbini & Associates,  
P.C.**

### Everyday We Strive to Help Our Clients Reach or Exceed Their Legal Goals

It means so much to our entire firm when we receive testimonials from our clients thanking us for helping them with their legal issues. The following are two recent testimonials:

*"Working with McCallion and James throughout the process of selling our house was terrific. We did not use the services of a broker, and the team here was always willing to help when needed with any questions or concerns we had during the whole process. They were always prompt to return phone calls and emails, and very friendly and courteous." -JI*

*"What a pleasure it was doing business with you and Joe Salameh. This being my first experience buying a home, I had no idea what to expect but Joe guided me through the intricate process,*

James G. Dibbini & Associates, P.C., collectively, has over 20 years of civil litigation experience. If you want us to help you develop your legal strategy or go over the litigation process in more detail, give us a call at (914) 965-1011 or email us at [jdibbini@dibbinilaw.com](mailto:jdibbini@dibbinilaw.com) to schedule a consultation.



**Thank you...**

Referrals from current/former clients and friends are the greatest compliment our firm receives. We are grateful for every referral, thank you!

**Media**

*NEW Video!*

**What Does a Landlord Need to Sue a Tenant?**



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*answering all of my many, many questions promptly and accurately. Even during closing, which can feel intimidating, I felt completely secure knowing that Joe was there to represent me professionally both in appearance and substance. Thank you again and I looking forward to working with you again in the future." - SF*



**Health and Safety Tip:**

Wait to use your phone until you are out of the car. Studies show that motorists who talk on cell phones are more impaired than drunk drivers with blood-alcohol levels exceeding .08!

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Stay In Touch

