

## Contested Litigation Flow Chart

As the flow chart on the following page illustrates, litigation can be a complicated process. This flow chart focuses on the *Judgment*, which is typically the culmination of the law suit. The chart depicts that there are numerous paths to obtaining a judgment and many stops along the way.

The process starts with a *claim*, which may result in litigation. Litigation starts with the filing of a summons and complaint which is served on the defendant who must file an answer admitting or denying the allegations of the complaint. At that point a number of preliminary motions may be filed. If those motions do not dispose of the case, the parties may proceed with discovery which is one of the more important steps in the litigation process. Some courts however may first require the parties to submit to nonbinding arbitration.

Litigation ends with the entry of a judgment, either by default, by agreement (stipulation), by arbitration award, on motion, or as a result of a trial.

A default judgment occurs when the defendant fails to answer the complaint. A judgment by agreement is simply a settlement.

A court can enter a judgment based on a number of different motions. A motion is simply a written request directed to the court. It is served on the opposing party who normally has 20-30 days to reply. Depending on the court, there may be oral argument, with a decision within 30 days of the hearing or after the last written brief is filed. The most common motion requesting judgment is a Motion for summary judgment.

A judgment entered after a trial (a formal proceeding) occurs when the parties present their evidence to a court. Judgment will be awarded to the prevailing party.

The flow chart ends with the entry of judgment. The post judgment process (collection and appeals) continues, but is beyond the scope of this publication.

*Prepared by the Pamphlet Committee of the Commercial Law League of America  
The information contained herein is not intended as legal advice. Readers should consult an  
attorney to determine specific applications to the particular situation.*

## The Contested Litigation Flow Chart

The dispute which arises out of the plaintiff's claim may be amicably resolved. If not, it may be resolved through the filing of a law suit. This chart depicts the stages of a law suit starting with the filing of the complaint and ending with the entry of judgement.

