7 Stages of Product Liability Litigation



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Product liability litigation can go through seven different stages before reaching a conclusion depending on the outcome of each stage.

1 INVESTIGATION

The gathering of facts in a situation that will be tried in a court of law.

Litigation begins with an initial investigation stage when counsel gathers supporting evidence for the case. Ex: medical records, interviews, etc.

2 PLEADINGS

The parties' formal statement of the cause of action or defense.

Paperwork, referred to as pleadings, is filed by the plaintiff and defendant counsel detailing each side of the case.

The plaintiff(s) files a Complaint.

The defendant(s) files an Answer.

3 DISCOVERY

The exchange of evidence and information between parties.

The discovery stage is when counsel conducts their fact-finding allowing each side to prepare for trial. It is the most labor-intensive and costly stage of litigation.

4 PRE-TRIAL

A meeting between the parties involved in a legal dispute.

A court proceeding takes place before a trial to simplify the issues within a case. Settlement negotiations can take place in this stage.

5 TRIAL

Begins with the parties coming together before a judge, and typically before a jury, to present information.

If the litigation is not resolved in pre-trial, the trial stage begins. Both sides present the evidence and facts gathered in the previous stages. It can take years to get to trial. If a party does not agree with the trial decision, they can file an appeal.

6 SETTLEMENT

The resolution of a lawsuit without going forward to the final court judgment.

The settlement is the final outcome of the litigation. Settlement can occur at any time in the litigation process – even before pleadings are filed.

7 APPEAL

When a case is brought before a higher court for review of the decision of a lower court

Counsel can file an appeal to dispute a case outcome in trial. This stage can move more quickly due to having all discovery information used in the previous case.

Ready In Defense A Liability Litigation And Legal Guide For Nonprofits

Charles K. Coe

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