

LAWSUIT TERMINOLOGY

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The following is a list of many of the most commonly encountered terms which you will see and hear in the coming months as we handle your lawsuit. The terms are arranged more or less in the order that they will probably be encountered as the case progresses. These are general definitions, and you are encouraged to call us at any time if you need more information or further explanations. Each lawsuit tends to be somewhat unique and therefore not all of these pleadings or terms will necessarily be encountered.

SUMMONS. This document is served on the defendants to give notice that suit has been filed and that a response is required, usually within 21 days.

COMPLAINT. This pleading sets forth the facts in support of the plaintiff's claims. Fact statements are usually grouped to support separate legal theories of liability. It is now customary not to identify specific dollar amount sought for most lawsuits; instead, a request is made for damages in excess of \$25,000.

JURY DEMAND. If the plaintiff wants to have the factual issues determined by a jury, it must make a written request at or shortly after the commencement of the lawsuit and pay a \$85 jury fee.

ANSWER. In this document, the defendant either admits, denies or states that it lacks adequate information to respond to each of the separate factual allegations in the complaint.

AFFIRMATIVE DEFENSES. Certain types of defenses must be stated in writing when the answer is filed or they will be deemed to have been waived under most circumstances.

COUNTER-COMPLAINT. If the defendant has a claim against the plaintiff, it may present the claims at or shortly after the time the answer is filed in the same general manner that the plaintiff prepares its complaint.

ANSWER TO COUNTER-COMPLAINT. This is the equivalent of the defendant's answer although it is filed by the plaintiff in response to the counter-complaint.

JURY DEMAND BY DEFENSE. If the plaintiff does not perfect its jury demand, or fails to make one, the defendant is entitled to make one in writing provided it pays a jury fee of \$85.00.

REPLY TO AFFIRMATIVE DEFENSES. The plaintiff will respond to each of the separately listed affirmative defenses usually by indicating why they are not applicable to the plaintiff's claims.

ORDERS. Most decisions of the court are expressed in writing via orders usually prepared by the attorneys either by agreement or as a result of a hearing requested by either or both of the parties.

SCHEDULING ORDER. In Oakland County Circuit Court, the court will automatically schedule certain cutoff dates for the completion of various phases of a lawsuit once the case has been pending for a number of months.

INTERROGATORIES. These are written questions which must be answered in writing and under oath by the party to whom they are directed.

DEMAND FOR PRODUCTION OF DOCUMENTS. This is another method of gathering information used by either side which requires the recipient to produce records or at least make them available for inspection and copying at the expense of the party requesting them.

REQUEST FOR ADMISSION OF FACTS. In some cases, it is possible to narrow the scope of the dispute by submitting statements of fact to the opponent which must either be admitted or denied within a period of 28 days or they will be deemed admitted and therefore, not contestable.

DEPOSITIONS. This is the interrogation of parties or witnesses in person, under oath, and in the presence of a court reporter for the purpose of gathering information in support of a party's claims or defenses.