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Stages of Litigation

Civil litigation may go through several different stages before reaching its conclusion. These are typical stages; your experience may vary. Clicking on the hyperlinks or the pictures will take you to the related LegalYou video on the subject.

Stage One: Pleadings



The initial paperwork filed in the Court by the parties is called the “pleadings.” Every party involved in a civil lawsuit files a pleading that will detail their side of the case. The Plaintiff’s initial pleading is called the Complaint, which will allege the damages suffered by the Plaintiff and the essential facts in the case. Typically, the Defendant’s initial pleading will either be a Pre-Answer Motion or an [Answer](#) to the Plaintiff’s Complaint.

Stage Two: Discovery and Pre-Trial



The discovery stage of civil litigation involves fact gathering. Typically, both sides will attempt to gather information from the other through [Interrogatories](#), [Request for Production](#) and [Requests for Admissions](#). The discovery process allows both parties to prepare equally and helps prevent surprises during the trial.

Also during this time, the parties will file any pre-trial motions and attempt to settle the case. In some cases, the Court may order [mediation](#) so that the parties may attempt to settle the case without a trial. Either party may attempt to move for [summary judgment](#), which is a request for a decision by the Court based upon legal arguments only and where no material facts are in dispute. If neither side wins summary judgment, the court will issue a trial order which usually requires the parties to list their [witnesses and exhibits](#).

Stage Three: Trial



Next is the actual trial. During the trial, both sides are given the opportunity to present their case along with any evidence and witnesses. Both parties are given the opportunity to [testify](#) and cross-examine witnesses during the trial. After hearing arguments from both sides, the Court issues a Final Judgment; however, if you think you made a mistake along the way, you have thirty (30) days to file an appeal.