Blue & Gray bar image for title text I've been Served with a Summons and Complaint—Now What?

While no one wants to be a defendant in a civil lawsuit, it is important to know exactly what to do when served with a Summons and Complaint.

* First, remain calm and take a breath. Review the documents closely in order to verify that you are the intended recipient of the Summons and Complaint.
* If the Summons and Complaint are intended for you or a business entity that you own or represent, take immediate action. The clock is ticking. Check the front page of the document to determine the time you have to file a Response to the Complaint. Contact an attorney as soon as possible so that they can assist you in getting a Response drafted prior to the Answer deadline.
* Missing the deadline allows for the possibility of a Default Judgement. A Default Judgment is a document from the Court that orders you to pay the Plaintiff the full amount they're requesting. Although Default Judgements can be set aside for good cause, this takes additional time and resources and is not always granted. Obviously, it is better to avoid Default altogether.
* Our attorneys can assist you in filing an Answer or by directing you to another source for legal assistance. We might be able to help you identify applicable liability insurance and defense coverage that you possess which may apply to the subject of the lawsuit that you were served with. We can potentially represent you and work with your insurance company or insurance retained counsel to make sure you end up with an appropriate outcome.
* Begin collecting relevant documentation—err on the side of over including materials.
* Doing so allows an attorney to explore all possible strategies to progress the case.
* **Do not destroy any documents or electronically stored information**. You never know what could become relevant later on or what information is discoverable. Destroying documents or electronically stored information could lead to further litigation or to adverse rulings due to the spoliation of evidence.

**I've Hired an Attorney—What are my Next Steps?**

* After retaining an attorney, be prepared to forward him or her the Summons and Complaint and have conversations regarding the claim.
* Your Answer will mirror the format of the Complaint and either admit or deny each allegation or state that you do not have sufficient information to admit or deny. It will also state defenses, counter-claims, and/or cross-claims against the plaintiff or other defendants. The answer will also state whether you want a jury trial.
* Depending on the facts of the case, a Motion which asks for the case to be dismissed may be filed instead of an Answer. Your attorney will draft and file the Motion and attend the hearing to argue the Motion. The Judge will either grant or deny the Motion.
* If the Motion is granted the case will be dismissed; if the Motion is denied, litigation will continue.

**The Response is Filed. What Can I Expect?**

* After the Response is filed, the Court will issue a Scheduling Order setting important deadlines for you and your attorney. These deadlines will outline when certain documents need to filed, when discovery needs to be exchanged, and create a timeline for the rest of the case.
* Be prepared to be in regular contact with your attorney to continually provide information and documentation. You will also have to appear if your deposition is scheduled and if a Trial takes place.

If you have any questions regarding the above recommendations; or are looking for an attorney, please reach out to Foster Swift attorneys Ray Littleton at [Rlittleton@fosterswift.com](mailto:Rlittleton@fosterswift.com) or at 248.539.9903 and Sydney Steele [SSteele@fosterswift.com](mailto:SSteele@fosterswift.com) or at 248.785.4729.

Ray Littleton’s practice area consists of commercial and general litigation and health care law. He helps businesses and organizations address a wide-range of litigation matters and disputes, specializing in four key areas: Insurance, Health Care, Transportation and Warranty Claims. In addition, Ray advises businesses in connection with employment disputes, discrimination and retaliation claims, union labor disputes and the enforcement of non-compete agreements.

Sydney is a member of the Firm’s General and Commercial Litigation practice group in the Southfield office. Prior to joining Foster Swift as a summer associate in 2018, Sydney was a Law Clerk at the State Attorney General’s Office in Detroit where she worked with the Children and Youth Services division. She also interned with several political organizations where she gained an understanding of political campaigns and constructed a comprehensive political directory.