

Served With a Lawsuit? Do These Things in This Order

1. **Note when you were served.** On a separate sheet of paper note the date, time, and place you were served along with any other details regarding the service you feel are important. DO NOT write on the summons or complaint, highlight portions of the complaint, or mark or write on any of the documents that were served.

2. **Read.** Read the summons, complaint, and any attached documents so you will know why you are being sued, when your response is due, and to learn of other important information.

3. **Make copies.** Make at least one copy of all documents that were served. If you can, scan all documents into a single PDF. You will need to forward clean copies to your insurance company and attorney, and you should always keep a clean copy for yourself.

4. **Contact your lawyer.** If you have a lawyer, immediately contact your lawyer and follow your lawyer's advice before you contact anyone else.

If you do not have a lawyer:

A. **But have reported the claim to your insurance company.** If you have already reported the circumstances set-forth in the complaint to an insurance company, immediately contact the adjuster who has been assigned to your claim, or your insurance agent if an adjuster has not been assigned, and advise your insurance company of the service. Then promptly forward a copy of all served documents to your carrier as directed.

B. **If you have not reported the claim to your insurance company.** If you have not reported the claim to an insurance company, immediately locate each copy of any insurance policy, including amendments, which might cover you for any causes of action alleged in the complaint, including the declaration pages. The declaration page will tell you the covered dates, amounts of coverage, your policy number, deductibles, and will contain other important information. The claims referenced in the complaint may have dates which are several years old, outside the dates on the current declaration page. If you have older declaration pages, referencing earlier dates of coverage, be sure to locate them, too. Review your policies and declaration pages for coverage.

C. **Consult an attorney.** You should always consult your own attorney when you have been sued before you report or talk to anyone else, including your insurance agent, about the lawsuit. There are many reasons for this but the main reason is to insulate you from making statements that prejudice your rights or the case. In many circumstances there are insurance coverage issues which should be considered before the lawsuit is promptly reported to your carrier. In all cases, the possibility of a cross-complaint which might grant you affirmative relief should be considered as the best defense is frequently a good offense. Only your own attorney, not one retained by your

insurance company, can advise or represent you regarding these matters. Since there is always a very short window of opportunity, governed by the service of the summons and complaint, you should always contact your own attorney immediately on learning that you are a party to a lawsuit.

If you have been sued, and do not have an attorney, I would welcome the opportunity to explore your options with you. **I can be reached at (818) 971-9409 between 8:00 AM to 8:00 PM daily. Please be prepared to leave a voice mail message which includes your first and last name, your telephone number, and state that you have been served with a lawsuit.** If I am not immediately available, I promise to promptly return your call.

Should you elect not to consult an attorney but believe you have insurance coverage, you should immediately contact your insurance agent and report the service. Failure to promptly report may result in denial of your defense and claim.

In any event, you must respond to the lawsuit in the manner and within the time stated on the summons, or your default may be entered and the plaintiff may be granted all requested relief -- without you being able participate in defense of the complaint.