

## When Your Entity is Sued

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## The Scene



You're sitting in your office and someone walks in and lays a summons and complaint on your desk. They ask your name and leave. You have been served.

*OR HAVE YOU?*



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## Service



- Who can be served
  - Officer
  - Director
  - Managing Agent
  - Attorney thereof
- How can service be completed
  - Personal Service



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**Service (con't.)**

- Office Service
  - o To person who appears to be in charge; must be followed by first class mailing of the complaint to the named defendant(s) at their dwelling or office
- Waiver of Service
  - Generally, we do not want you to waive service as there could be some valuable defenses waived along with the service.



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**What Do You Do Once You Have Been Served**

- Document
  - Who
  - When
  - How
- Get the Summons and Complaint to Claims
  - Time restrictions to answer
  - Follow up with claims office
  - Default



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**CIS Response**

- Assign suit to defense counsel
  - Type of allegations
  - Location
  - Past experience with the Member
- Investigation
  - Prior Tort Notice
    - Investigation already started and may be completed



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**Investigation (con't.)**

- First Notice
  - Contact Member
  - Statements from all responsible parties
  - Contact/Interview outside witnesses
  - Request/Review records and reports
  - Site inspection
  - Reserve calculation sheet



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**Defense Preparation**

- Acknowledge Suit and advise Member of defense counsel
- Preliminary evaluation
- Additional investigation
- Strategize
  - Settlement options
  - Plan for trial
- Update Member
- Discuss experts
- Depositions
- Summary Judgment



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**Evaluation**

- Liable
  - Negotiate
  - Settle
- No Liability
  - Work with defense counsel to provide the best defense
- Damages
  - Determine exposure
- Attend Mediations, Settlement Conferences and Trials
- Keep Member informed



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 **Member Responsibility** 

- Protect all possible evidence
- Consider all who may have knowledge and input on the case including people not longer with the organization.
- Caution staff to discuss the case with media or other outside parties
- Secure all records of relevance to the case



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 **Time Commitment** 

- Records production
- Staff interviews with CIS claims staff/defense counsel
- Depositions
- Pre Deposition meetings
- Trial/mediation
- Testifying



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 **“Uninsured” Exposure** 

- Condemnation
- Wage and Hour claims
- Contract claims
- Excess verdicts



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When Your Entity is Sued

*Questions?*

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