

EXERCISE

THE PHASES OF CIVIL LITIGATION

Background

You've been assigned to a matter for Tempo Cycles, a manufacturer of high-performance road bikes. Tempo is in the early stages of a dispute with the former owners of SPI Components, a manufacturer of bike parts and accessories that Tempo recently acquired.

Tempo's general counsel hopes that the matter will settle, but is prepared to go to litigation if they can't reach the right agreement. The GC was an M&A lawyer before joining Tempo, and doesn't have litigation experience.

The GC sent an email to the senior associate you're working with, which includes the following questions:

- What should the company expect after it files the complaint?
- What does the discovery process involve?
- What's the difference between summary judgment and a motion to dismiss?

The senior associate you're working with asks you to arrange a call with the GC to discuss the above questions, and also to walk the GC through the different phases of a litigation in general.

She'd like to meet with you before the call to hear what you plan to say.

Instructions

Come prepared to discuss what you'll say to the senior associate.