

February 9, 2020

All Personal Injury Clients

Re: The Legal Process Involving Your Case

Dear Personal Injury Clients:

Thank you for retaining me to represent you in your personal injury case. Please feel free to call me at any time if you have any questions or concerns about your case. I attempt to return all phone calls within 24-48 hours. E-mail is an excellent way to get in touch with me and I typically will respond within 24 hours. If you have an emergency, please tell the secretary that you need a telephone call back immediately. I am often in court, and occasionally I take vacations or am away at conferences. If you need a phone call immediately, please indicate this to my secretary so she knows that time is of the essence for your concern.

Please read this letter thoroughly since it will cover many details discussed in our initial consultation that you may have forgotten.

Personal injury cases involve civil litigation in New York State Supreme Court. The court process is often time consuming and lengthy. I always try to move cases along as quickly as possible, but especially in complicated cases such as yours, it may still take a long time to resolve. I understand that this process can be very frustrating and we want you to feel free to contact my office if you have any concerns or questions about your case.

Make sure that you maintain a log/diary of your case. In your log, please keep track of all the pain and suffering and loss of enjoyment of your life that you have experienced as a result of this accident. If you are in bed sick for a period of time, make sure that this is logged. If you had to call upon family members to help you around the house or assist you in your daily chores, please keep track of this information. Your daily log will be very helpful to you in the future to recollect all the inconvenience and pain that you have experienced as a result of this accident. Like most people, we have a tendency to forget the bad in our life and concentrate on the good. However, the bad needs to be recorded so that you may refresh your recollection at a later period of time if need be.

The following is a basic outline of how your case generally will progress. This may not be fully accurate as to how your case proceeds, but it will give you an idea of how your matter will more than likely be handled and give you some comfort with the legal words that may come up from time-to-time in our discussions.

In litigation, the injured party is referred to as a "plaintiff" (you). The person or company that is accused of causing the injury to you is referred to as the "defendant". There may be multiple plaintiff or multiple defendants depending on the facts of your specific case.

After I have gathered your medical records, no-fault/workers' compensation papers, and other medical records, and after I have fully investigated your matter, I will attempt to negotiate an acceptable settlement. If a settlement cannot be reached, we will serve a summons and complaint (lawsuit papers filed with the court) upon the defendant(s). Within a certain period of time, depending on the complexity

of the case and where the defendant(s) are located, the defendant(s) will send to us an Answer (responding papers) which will describe the defendant(s) position with respect to your lawsuit against them. After this, by law, the defendant(s) and you are both entitled to extensive discovery from each other. That is, each party is entitled to extensive information concerning the other side's position in this matter. This is often a very time consuming process to gather all the information. In addition as discovery goes on, the defendant may want to bring in other parties who they feel are also responsible for your injuries. This is often the most time consuming part of the case and it is at this point that you may feel that very little is being done. However, this is a very important part of the process so please be patient as there is much work going on behind the scenes.

After discovery is completed and after we have prepared and sent to you for your signature a Bill of Particulars (a document I prepare that helps us to prove your damages), Examinations Before Trial (commonly called "EBT's" or "depositions") will be scheduled. These examinations allow attorneys for both sides to speak to the other party under oath and discuss how the accident happened. Sometimes depositions are adjourned several times. This is because it is often very difficult to coordinate the schedules of yourself, this office, the court reporter, the defendant, defendant's attorneys and, as in many cases, multiple defendants and their attorneys. Please do not be surprised if the examination before trial is adjourned several times. I will of course sit down with you prior to this examination and prepare you for the types of questions that you will be asked.

Generally after the examination before trial, the defendant will have an opportunity to make what is called a "summary judgment motion". This is a motion that will seek to attempt and dismiss your case. If such a motion is filed, I will prepare responsive papers for you to review and we will oppose the motion. If we are successful in defeating the motion and after the time for motions has passed your case will be put on the court calendar for trial. There is often a wait of six months to one year after the case is put on the calendar before your trial date will come up, if your case has not been settled prior to that.

This letter generally outlines how a typical personal injury case will progress. Each case is factually different so there may be some variables from these generalities. If you have any questions, please feel free to contact our office.

I look forward to working with you, and should you have any questions or need to go over any of these items with me, please feel free to contact me. As always I am

Very Truly Yours

SCHOPF LAW, PLLC

Jonathan G. Schopf

Enc.