

Common Sense Tip: Don't Lose Your Cool When Sued!

By [Melissa Dewey Brumback](#)

[Adopted from [Construction Law in North Carolina](#) 11/2/2010]



Despite the vast number of legal shows on television, as you might suspect: getting sued is not cool.

Immediately, when threatened with litigation, it seems like everyone and everything is out to get you. Allegations in complaints can cut deep. You may want to just bury your head in the sand. Don't. Problems denied can turn figurative mole hills into mountains. Here are three common sense tips for dealing with the initial shock of being named in a lawsuit:

1.

Run, don't walk, to your attorney. If you have insurance coverage, talk to your agent immediately to report the loss so that a claims attorney can be assigned to your case. Court deadlines are not something to be missed, and so you'll want to get professional help on your team asap.

2.

Immediately begin to **gather all documentation** relating to the Project. If you have regular paperwork or computer deletion/destruction policies, stop them at once. Notify everyone in your company that litigation is pending (or threatened) and place holds from any automatic or scheduled deletion of documents.

3.

Make lists. Your attorney will need all sorts of information about the Project, even stuff you may not deem relevant. Making lists can get your attorney up to speed quickly and efficiently. Lists may include:

- a general timeline of your involvement with the Project and any key dates (Notice to Proceed, Substantial Completion, First notice of defects, etc)

- a list of the Project's players; that is, all companies that you know worked on the Project, their role, and their key employees
- a list of your employees that dealt with the Project in any capacity, their contact information, and, if they are no longer with your company, whether or not they left on good terms

Ever been in litigation? Tips you wish you had known right away? Drop me a line at mbrumback@rl-law.com .

Melissa Dewey Brumback is a Raleigh, NC attorney who focuses on construction law. She blogs on construction law at www.constructionlawNC.com. Her twitter handle is @MelissaBrumback.

© Melissa Dewey Brumback 2010. All rights reserved.

Photo adapted from "[common sense](#)" by Benjamin Gray via Flickr/Creative Commons/Share Alike.