

# CONSIDERATIONS BEFORE YOU SUE

There are logistical pre-lawsuit considerations to work through as a potential plaintiff.



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## TAKE A DEEP BREATH

Consider whether going to court can really give you what you're hoping for. If you are suing for monetary damages, can the other party afford to pay what they owe? If you're suing because of a particular behavior, will suing really get the other party to conform to the behavior you want? The biggest question is whether the time, effort, and money it takes to pursue a lawsuit is worth whatever outcome you hope to secure by suing.



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## THE CLOCK IS TICKING

Don't wait to act. Find out what the relevant statute of limitations is for your claims. If the window to file a lawsuit has passed, you may be out of luck.



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## HAVE A CONVERSATION

It may be more productive to simply have a conversation with the other party, without bringing a lawsuit. If you feel a more formal communication is necessary, you can have us send the other party a demand letter. Simply laying out your position in writing and lodging a firm request in written form, as well as making it clear that you are willing to go to court over the issue, signals that you are serious and that they need to work with you to reach a resolution or risk a lawsuit.



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## OTHER PRELIMINARY STEPS

If the issue you want to sue over arises from a contract, there may be controlling language in the contract requiring you to take preliminary steps. You may need to send a notice of breach. You may also be required to engage in a mediation before going to court. (Most entertainment contracts contain an arbitration clause.)



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## WRESTLING THE BEAR

You don't stop when you're tired, you stop when the bear is tired. In other words, rarely can you file a lawsuit and simply decide that you're tired and want to stop without a trial or formal settlement.

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## FIND A GOOD LAWYER

The experienced entertainment attorneys at Pfeiffer Law can help you every step of the way.

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