

# ANATOMY OF A LAWSUIT

*What you don't know can hurt you*

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## ABOUT ME

# David M. Ottenwess

**David is the Founding Partner of Ottenwess Law and has been litigating medical malpractice cases for over 35 years. He has defended highly complex and contentious cases against some of the more aggressive attorneys in the State of Michigan.**

**Because of his trial experience in high-stakes matters, David is also retained in other significant, complex litigation, arbitration, and negotiations, including termination of executive employment agreements and related matters.**

My kid is going to be a doctor!



My daughter is marrying a doctor!!

# ANATOMY OF A LAWSUIT

What you don't know can hurt you.

**The initial impact  
(Complaint filed)**

**Fight or flight  
(settle or proceed)**

**It's here – accept  
that it will be a  
part of your life  
for some time**

**The long game  
(settlement/trial  
/appeal)**

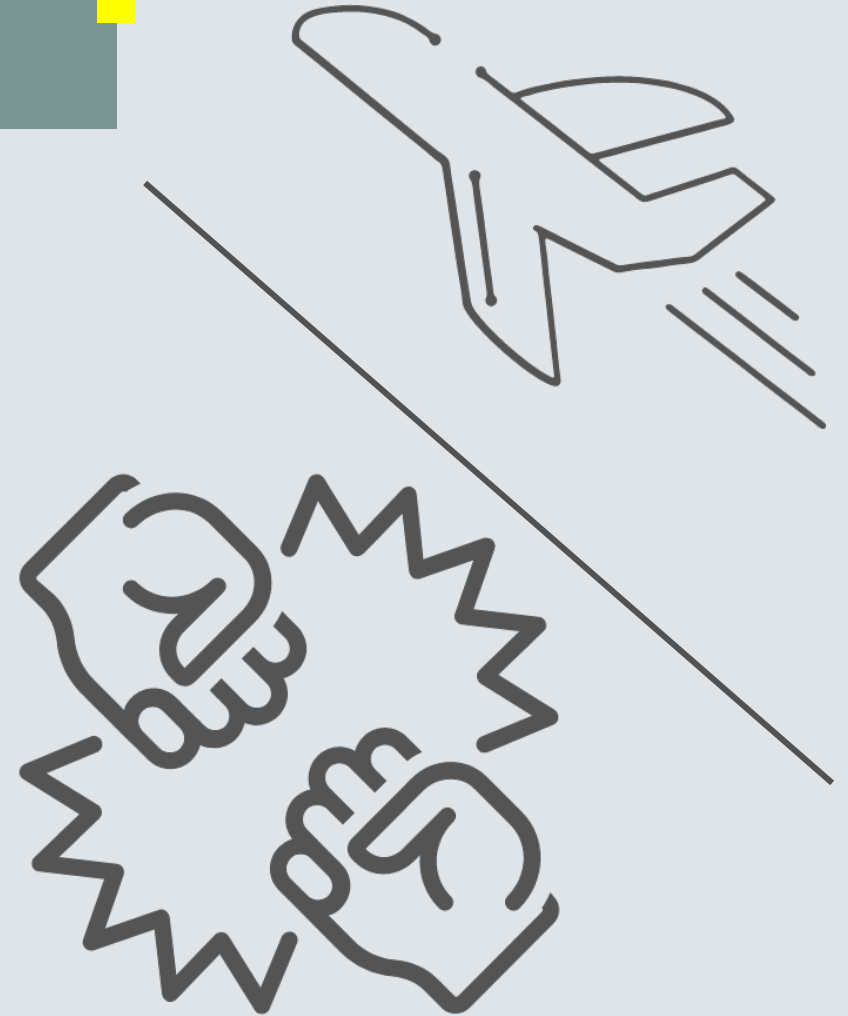
# INITIAL IMPACT

- Don't panic
- Do not discuss with anyone (not out of shame, but strategy)
- Speak candidly to your attorney
- Pay attention and be patient
- Be prepared to participate

# FIGHT OR FLIGHT

You are stuck...

- Early resolution
- Decide to proceed
  - Accept it
  - Participate
  - Prepare
  - Execute



# THE LAWSUIT

## ELEMENTS OF A CASE



Duty

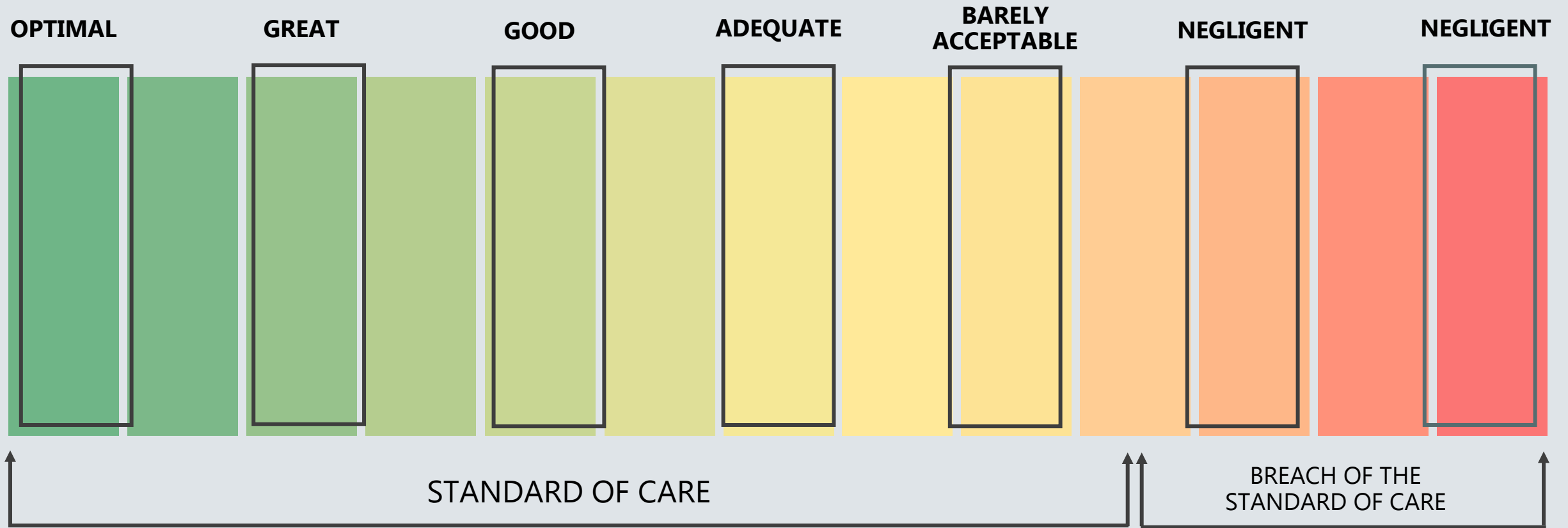
Causation

Breach of that  
duty

Injury/Damages

# THE LAWSUIT

## CONTINUED





# THE LAWSUIT

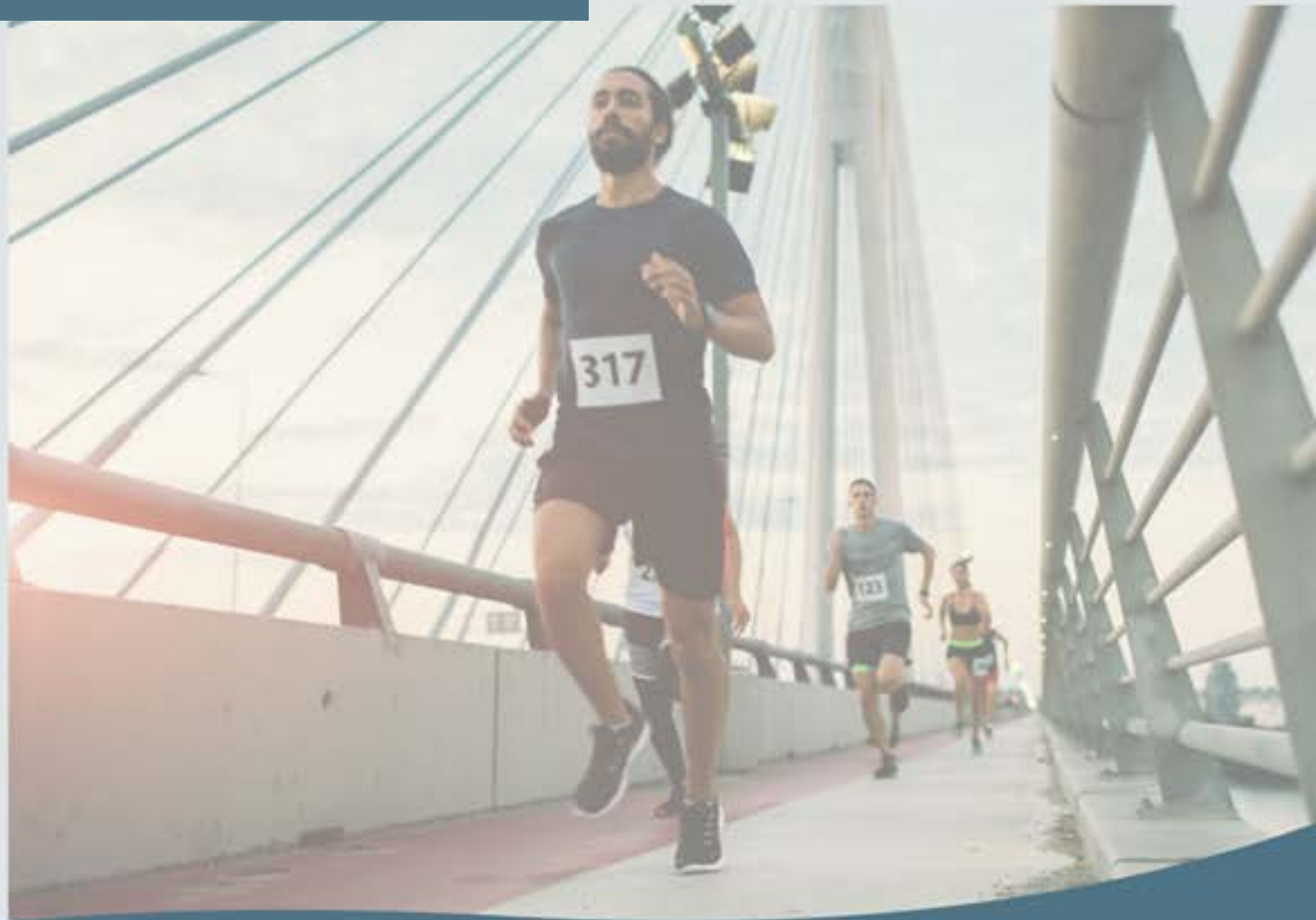
## CONTINUED



- ❖ Discovery
  - Depositions of parties
    - Your deposition is the most critical
- ❖ Experts
  - Cannot get to the jury without an expert to testify as to SOC and causation
  - These depositions are key. They...
    - Form legal basis for dismissal
    - Form basis for credibility attack

# THE LONG GAME

- Decision time
- Mediation/Facilitation
- Trial
  - Are you ready?
- Post-trial





# THANK YOU

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