

# Facing a New York or New Jersey Business Lawsuit? What To Do First

by Robert Levy on February 13, 2012

Finding yourself on the receiving end of a New York or New Jersey business lawsuit can be a stressful experience, particularly for small businesses and start-ups. Therefore, it is important to understand that there are initial steps that you can take to ease the uncertainty and even increase your likelihood of success.

*Take Action.* If you are served with legal documents, it is important to act immediately. Unfortunately, burying a complaint under a stack of paperwork won't make it go away. Therefore, you should immediately review of all the documents to determine the nature of the dispute and any upcoming deadlines.

*Review Your Insurance Policies.* After reading the complaint or other legal documents, you should carefully review your insurance policies to see if an insurer may be obligated to provide coverage. If so, you should notify the company immediately and begin the process of filing a claim. Although your insurance company might provide a lawyer for you, it is generally advisable to hire an attorney who is solely focused on your interests.

*Consult With an Experienced Business Attorney.* While business litigation may be foreign to you, it is what many of us do everyday. An experienced New York and New Jersey business law attorney can devise an effective litigation strategy that protects your business interests going forward. Also, be sure not communicate with the plaintiff until you consult with an attorney. Anything you say can be used against you.

*Consider Your Defense Strategy.* Even before you meet with an attorney, you can start thinking about your defenses by listing the facts that support your action or inaction. You should also consider why the plaintiff is not entitled to the relief requested. For example, did you fulfill your obligation? Did the defendant breach his?

*Collect Relevant Documents.* It is important to collect all of the documents that may relate to your case and provide them to your attorney. This includes contracts, reports, invoices, receipts, emails, letters, etc. You should also be sure to check both your paper and electronic file storage systems.

*Go On the Offensive.* In addition to raising defenses to the lawsuit, you may also be able to assert your own claims against the plaintiff. By filing a counterclaim, you can often offset any damages claimed and gain leverage in settlement discussions.

*Keep An Open Mind.* While being sued can make any business owner angry, it is important to stay focused on resolving the dispute in your best interests. Often, business disputes can be settled without protracted and costly litigation.

