

# Overview Of A Civil Case

## Overview

Court cases that involve disputes between people or businesses over money or some injury to personal rights are called "civil" cases.

A civil case usually begins when one person or business (called the "plaintiff") claims to have been harmed by the actions of another person or business (called the "defendant"). The plaintiff starts a court case by filing a "complaint" (a document that outlines the plaintiff's facts and legal theories and makes a request for relief). In the complaint, the plaintiff might:

Ask the court for "damages," meaning money to pay the plaintiff for any harm suffered

Ask for an "injunction," which is a court order to prevent the defendant from doing something or to require the defendant to do something

Ask for a "declaratory judgment," meaning a court order stating the parties' rights under a contract or statute

Eventually, a judge or jury will determine the facts of the case (in other words, figure out what really happened) and then apply the appropriate law to those facts. Based on their analysis of the law and facts, the judge or jury will make a final "judgment" (sometimes also called a "decision" or "order") and decide what legal consequences flow from the parties' actions.

The parties also might resolve the case themselves. At any time during a case, the parties can agree to settle their disputes and reach a compromise to avoid trial and the risk of losing. Settlement often involves the payment of money and can be structured to result in an enforceable judgment.

## Types of Cases In Civil Court

Civil courts handle a wide variety of cases. Very broadly, civil cases may involve such things as:

### Tort claims.

A "tort" is a wrongful act (sometimes called a "tortious" act) that causes injury to someone's person, property, reputation, or the like, for which the injured person is entitled to payment. Cases involving personal injury, battery, negligence, defamation, medical malpractice, fraud, and many others, are all examples.

### Breach of contract claims.

A breach of contract case usually results from a person's failure to perform some term of a contract, whether the contract is written or verbal, without some legitimate legal excuse. Examples include lawsuits for not completing a job, not paying in full or on time, failing to deliver goods sold or promised, and many others.

#### Equitable claims.

An "equitable claim" usually asks the court to order a party to take some action or stop some action. It might be joined with a claim for money. Cases for a court order to stop the destruction of property, the sale of land, or the marketing to a business' customers are examples.

#### Landlord-tenant claims.

Civil courts handle disputes between landlords and tenants. Cases where a landlord is trying to evict a tenant, or a tenant has moved out and is suing a landlord for the return of a security deposit are examples.

## Stages Of A Civil Case

In Clark County, a civil case might be filed in small claims court, one of the justice courts, or the district court, depending on how much money is at issue and other factors. Each court has its own rules that control how a case moves forward. To see a flowchart that shows a civil case's path through justice court or district court, click one of these flowcharts or scroll to the bottom of this page:

[Flowchart - Civil Case in District Court](#)

[Flowchart – Civil Case in Justice Court](#)

Most civil lawsuits can be divided broadly into these stages:

#### Pre-filing stage.

During this stage, the dispute arises and the parties gather information, try to negotiate a resolution, and prepare for the possibility of a court case. To learn more, click to visit [Pre-Filing Stage: Before You File A Case](#).

#### Pleading stage.

In this stage, one party files papers (a "complaint") to start the court case, and the other party files some type of response (an "answer" or maybe a "motion"). To learn more, click to visit [Pleading Stage: Filing a Case or Responding to a Complaint](#).

#### Discovery stage.

During this stage, both sides exchange information and learn about the strengths and weaknesses of the other side's case. To learn more, click to visit [Discovery Stage: Getting the Information You Need](#).

#### Pre-trial stage.

In this stage, the parties start preparing for trial. They get their evidence and witnesses in order, they might engage in settlement discussions, and they may file motions with the court to resolve the case or narrow the issues for trial. To learn more, click to visit [Pre-Trial Stage: Filing Motions and Prepping for Trial](#).

#### Trial Stage.

During this stage, the case is heard by the judge or a jury. This could last for a couple of hours or a couple of months, depending on the case's complexity. Witnesses are examined, evidence is presented, and the case is eventually decided and a judgment entered. To learn more, click to visit [Trial Stage: Your Day In Court](#).

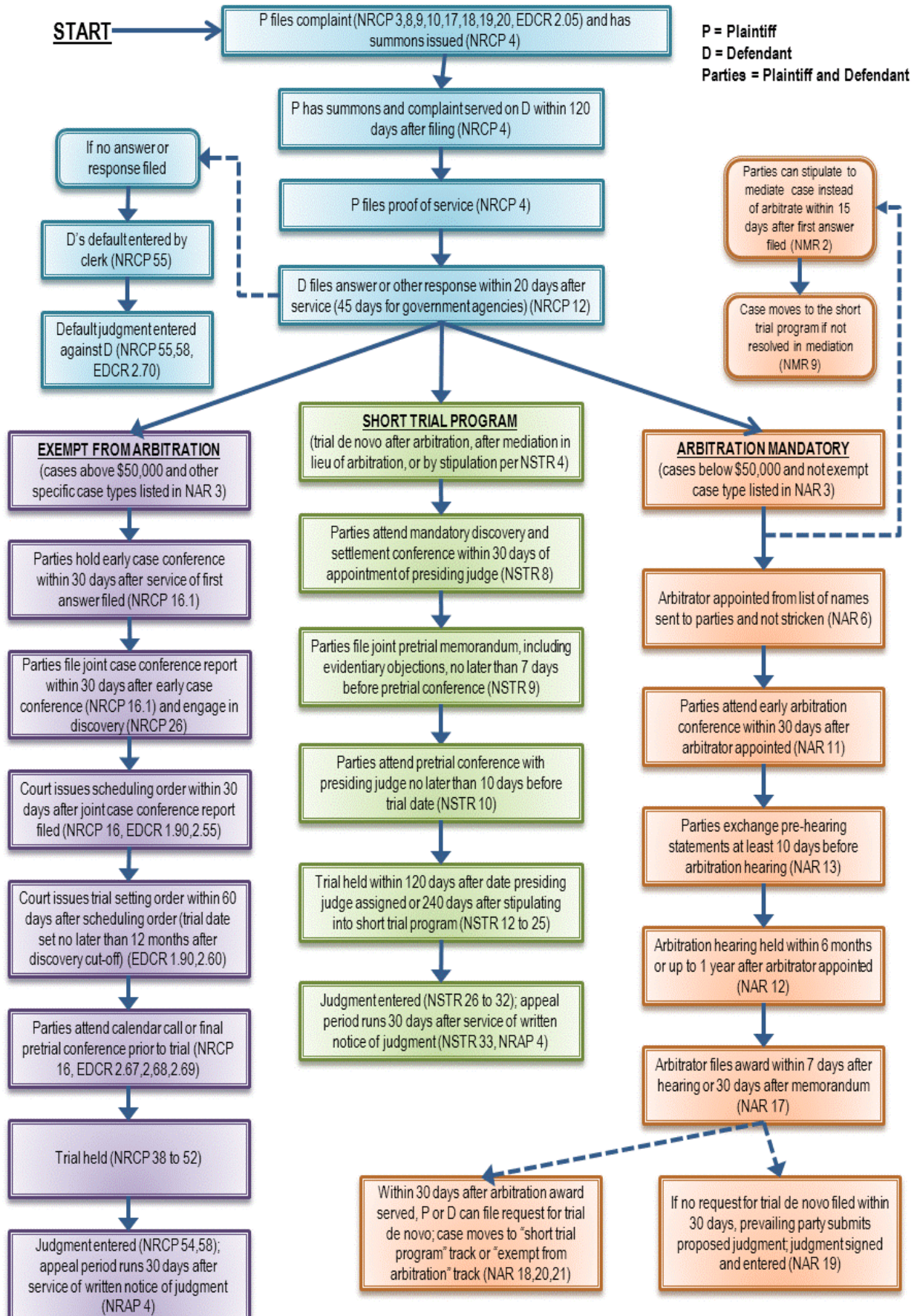
#### Post-trial stage.

During this stage, one or both of the parties might appeal the judgment from trial, or the winning party might try to collect the judgment that was entered. To learn more, click to visit [Post-Trial Stage: After the Dust Settles](#).

Not every civil case follows these stages. The court or the parties might rearrange the stages. And some cases have unique procedures dictated by the court's rules or a statute. To learn more, research your case at your local law library. Click to visit [Law Libraries](#).

# MAP OF THE CIVIL CASE TRACKS IN DISTRICT COURT

## (HOW A CIVIL CASE MOVES THROUGH THE COURT SYSTEM)





## A CIVIL CASE IN JUSTICE COURT (HOW A CIVIL CASE MOVES THROUGH THE COURT SYSTEM)

