United States District Court for the Middle District of Florida

Civil Case Flow Chart

COMPLAINT
The written document that begins a lawsuit in which the plaintiff sets out claims against the defendant(s). The complaint is filed with the clerk of the court. Along with the complaint, the plaintiff must also file a civil cover sheet and summons. (Forms for both of these documents are located in the forms section of this website).

PAY COURT FEE
When the complaint is filed, the plaintiff pays the statutory filing fee.

MOTION TO PROCEED WITHOUT FEES
Asks the court allow the plaintiff to file the case without prepaying the court fees.

MOTION DENIED
The plaintiff must pay the court fees in order for the case to proceed.

MOTION GRANTED
The clerk will prepare and the U.S. Marshal will serve the summons.

SERVICE OF PROCESS
The complaint is delivered to the defendants as notification that an action has been filed against them. This is the responsibility of the party who files the claim unless the Court has granted the Motion to Proceed without payment of fees in which case it will be done by the US Marshal Service.

REFERRAL TO MAGISTRATE JUDGE
A U.S. Magistrate Judge handles pretrial motions and hearings and enters scheduling orders. The Magistrate Judge may preside over a civil trial if the parties consent. Otherwise, the matter will be turned over to a U.S. District Judge for trial.

ANSWER
The defendants' response to the complaint. Under federal rules, most defendants have 21 days to file an answer after being served with the complaint. The U.S. Government has 60 days to respond to cases against it.

DEFAULT
Where a party fails to answer or otherwise respond to the complaint, the clerk of court may enter a default upon the motion of another party.

DEFAULT JUDGMENT
If the defaulting party fails to cure the default after proper notice, a judgment may be entered awarding a plaintiff the relief sought in the complaint.

CASE MANAGEMENT AND SCHEDULING ORDER
The parties shall file a Case Management Report (a sample is included in the forms section of the website) and if the Court orders, shall participate in a preliminary pretrial conference to discuss the scheduling of the case, including discovery, any agreements between the parties, and any other matters needed to promote the just and speedy resolution of the lawsuit. The judge will then enter a Case Management and Scheduling Order detailing the procedures and deadlines for discovery and trial.

DISCOVERY
Before trial, the parties develop evidence for trial by methods including depositions, written interrogatories, requests for production, inspections, and requests for admissions.

MOTIONS
Parties may file motions regarding discovery and other issues within time limits set out in the Scheduling Order.

DISPOSITIVE MOTIONS
After the period for discovery, it may appear that the facts of the case are not disputed, and one or more parties may file a motion for summary judgment. The judge will determine whether there are material disputed issues of fact and rule on the motion. If such a motion is granted on all claims, no trial is needed, and the lawsuit will be resolved by that motion; in some cases, the motion may be decided in part, and only certain issues will remain for trial.

FINAL PRETRIAL CONFERENCE
After dispositive motions and prior to trial, the judge conducts a conference with the parties to discuss the issues for trial, the evidence that will be used at trial, and the possibility of settlement.

TRIAL
A trial allows the parties to formally present their case in open court by offering testimony and evidence in support of their positions and by making oral argument. In many instances, the parties have a right to a trial by jury in a civil action, and the jury ordinarily must reach a unanimous verdict.

JUDGMENT
After a verdict, the court enters a judgment on its docket which states the result of the proceeding and clearly identifies the specific relief to which the prevailing parties are entitled.

NOTICE OF APPEAL
A dissatisfied party may appeal the judgment by filing a notice of appeal with the clerk of the district court. The notice of appeal ordinarily must be filed within 30 days after the judgment. If the United States or its officer or agency is a party, the notice of appeal must be filed within 60 days after the judgment.