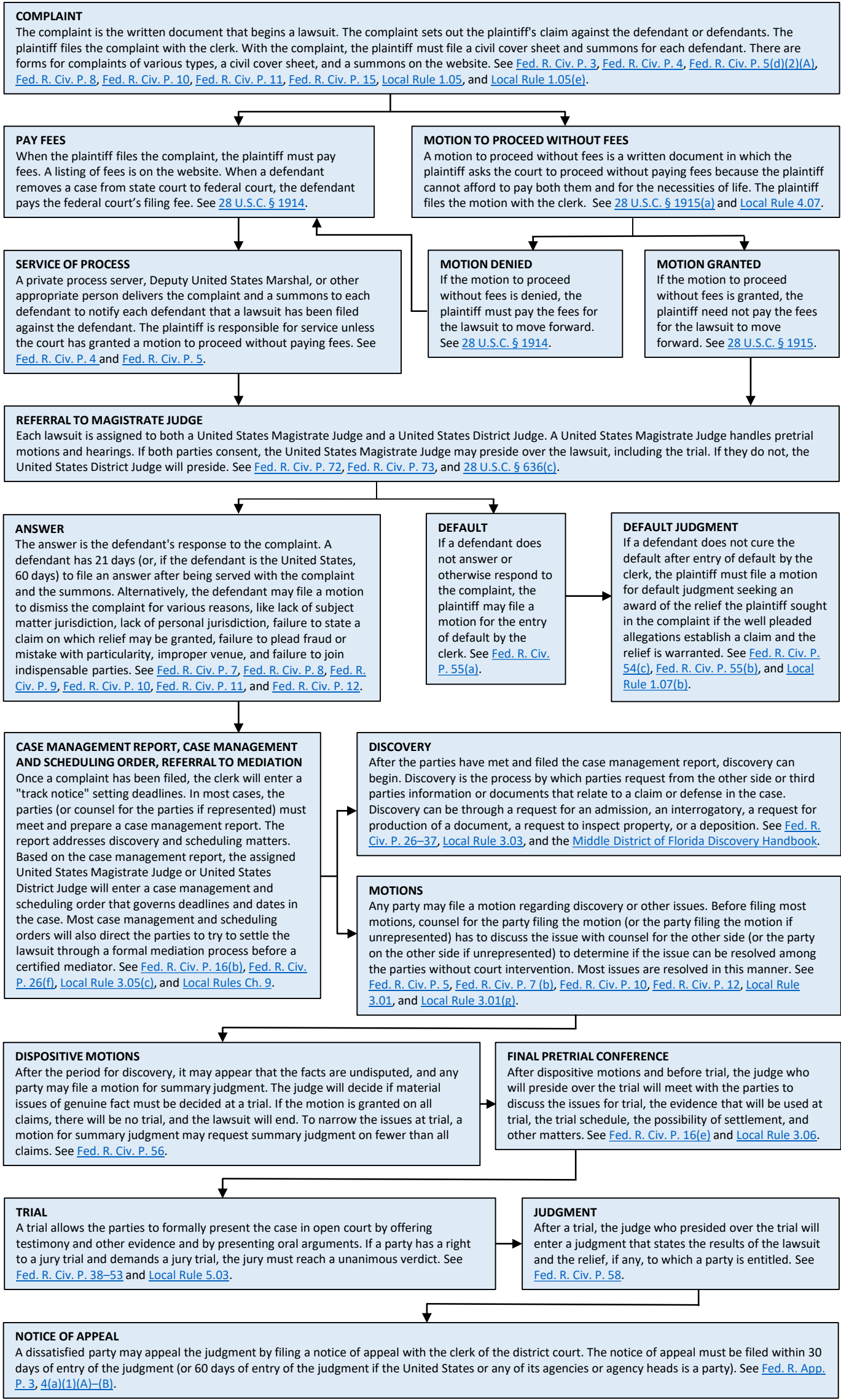


United States District Court Middle District of Florida Civil Case Flowchart



COMPLAINT

The complaint is the written document that begins a lawsuit. The complaint sets out the plaintiff's claim against the defendant or defendants. The plaintiff files the complaint with the clerk. With the complaint, the plaintiff must file a civil cover sheet and summons for each defendant. There are forms for complaints of various types, a civil cover sheet, and a summons on the website. See [Fed. R. Civ. P. 3](#), [Fed. R. Civ. P. 4](#), [Fed. R. Civ. P. 5\(d\)\(2\)\(A\)](#), [Fed. R. Civ. P. 8](#), [Fed. R. Civ. P. 10](#), [Fed. R. Civ. P. 11](#), [Fed. R. Civ. P. 15](#), [Local Rule 1.05](#), and [Local Rule 1.05\(e\)](#).

PAY FEES

When the plaintiff files the complaint, the plaintiff must pay fees. A listing of fees is on the website. When a defendant removes a case from state court to federal court, the defendant pays the federal court's filing fee. See [28 U.S.C. § 1914](#).

MOTION TO PROCEED WITHOUT FEES

A motion to proceed without fees is a written document in which the plaintiff asks the court to proceed without paying fees because the plaintiff cannot afford to pay both them and for the necessities of life. The plaintiff files the motion with the clerk. See [28 U.S.C. § 1915\(a\)](#) and [Local Rule 4.07](#).

SERVICE OF PROCESS

A private process server, Deputy United States Marshal, or other appropriate person delivers the complaint and a summons to each defendant to notify each defendant that a lawsuit has been filed against the defendant. The plaintiff is responsible for service unless the court has granted a motion to proceed without paying fees. See [Fed. R. Civ. P. 4](#) and [Fed. R. Civ. P. 5](#).

MOTION DENIED

If the motion to proceed without fees is denied, the plaintiff must pay the fees for the lawsuit to move forward. See [28 U.S.C. § 1914](#).

MOTION GRANTED

If the motion to proceed without fees is granted, the plaintiff need not pay the fees for the lawsuit to move forward. See [28 U.S.C. § 1915](#).

REFERRAL TO MAGISTRATE JUDGE

Each lawsuit is assigned to both a United States Magistrate Judge and a United States District Judge. A United States Magistrate Judge handles pretrial motions and hearings. If both parties consent, the United States Magistrate Judge may preside over the lawsuit, including the trial. If they do not, the United States District Judge will preside. See [Fed. R. Civ. P. 72](#), [Fed. R. Civ. P. 73](#), and [28 U.S.C. § 636\(c\)](#).

ANSWER

The answer is the defendant's response to the complaint. A defendant has 21 days (or, if the defendant is the United States, 60 days) to file an answer after being served with the complaint and the summons. Alternatively, the defendant may file a motion to dismiss the complaint for various reasons, like lack of subject matter jurisdiction, lack of personal jurisdiction, failure to state a claim on which relief may be granted, failure to plead fraud or mistake with particularity, improper venue, and failure to join indispensable parties. See [Fed. R. Civ. P. 7](#), [Fed. R. Civ. P. 8](#), [Fed. R. Civ. P. 9](#), [Fed. R. Civ. P. 10](#), [Fed. R. Civ. P. 11](#), and [Fed. R. Civ. P. 12](#).

DEFAULT

If a defendant does not answer or otherwise respond to the complaint, the plaintiff may file a motion for the entry of default by the clerk. See [Fed. R. Civ. P. 55\(a\)](#).

DEFAULT JUDGMENT

If a defendant does not cure the default after entry of default by the clerk, the plaintiff must file a motion for default judgment seeking an award of the relief the plaintiff sought in the complaint if the well pleaded allegations establish a claim and the relief is warranted. See [Fed. R. Civ. P. 54\(c\)](#), [Fed. R. Civ. P. 55\(b\)](#), and [Local Rule 1.07\(b\)](#).

CASE MANAGEMENT REPORT, CASE MANAGEMENT AND SCHEDULING ORDER, REFERRAL TO MEDIATION

Once a complaint has been filed, the clerk will enter a "track notice" setting deadlines. In most cases, the parties (or counsel for the parties if represented) must meet and prepare a case management report. The report addresses discovery and scheduling matters. Based on the case management report, the assigned United States Magistrate Judge or United States District Judge will enter a case management and scheduling order that governs deadlines and dates in the case. Most case management and scheduling orders will also direct the parties to try to settle the lawsuit through a formal mediation process before a certified mediator. See [Fed. R. Civ. P. 16\(b\)](#), [Fed. R. Civ. P. 26\(f\)](#), [Local Rule 3.05\(c\)](#), and [Local Rules Ch. 9](#).

DISCOVERY

After the parties have met and filed the case management report, discovery can begin. Discovery is the process by which parties request from the other side or third parties information or documents that relate to a claim or defense in the case. Discovery can be through a request for an admission, an interrogatory, a request for production of a document, a request to inspect property, or a deposition. See [Fed. R. Civ. P. 26-37](#), [Local Rule 3.03](#), and the [Middle District of Florida Discovery Handbook](#).

MOTIONS

Any party may file a motion regarding discovery or other issues. Before filing most motions, counsel for the party filing the motion (or the party filing the motion if unrepresented) has to discuss the issue with counsel for the other side (or the party on the other side if unrepresented) to determine if the issue can be resolved among the parties without court intervention. Most issues are resolved in this manner. See [Fed. R. Civ. P. 5](#), [Fed. R. Civ. P. 7 \(b\)](#), [Fed. R. Civ. P. 10](#), [Fed. R. Civ. P. 12](#), [Local Rule 3.01](#), and [Local Rule 3.01\(g\)](#).

DISPOSITIVE MOTIONS

After the period for discovery, it may appear that the facts are undisputed, and any party may file a motion for summary judgment. The judge will decide if material issues of genuine fact must be decided at a trial. If the motion is granted on all claims, there will be no trial, and the lawsuit will end. To narrow the issues at trial, a motion for summary judgment may request summary judgment on fewer than all claims. See [Fed. R. Civ. P. 56](#).

FINAL PRETRIAL CONFERENCE

After dispositive motions and before trial, the judge who will preside over the trial will meet with the parties to discuss the issues for trial, the evidence that will be used at trial, the trial schedule, the possibility of settlement, and other matters. See [Fed. R. Civ. P. 16\(e\)](#) and [Local Rule 3.06](#).

TRIAL

A trial allows the parties to formally present the case in open court by offering testimony and other evidence and by presenting oral arguments. If a party has a right to a jury trial and demands a jury trial, the jury must reach a unanimous verdict. See [Fed. R. Civ. P. 38-53](#) and [Local Rule 5.03](#).

JUDGMENT

After a trial, the judge who presided over the trial will enter a judgment that states the results of the lawsuit and the relief, if any, to which a party is entitled. See [Fed. R. Civ. P. 58](#).

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 must be filed within 30 days of entry of the judgment (or 60 days of entry of the judgment if the United States or any of its agencies or agency heads is a party). See [Fed. R. App. P. 3, 4\(a\)\(1\)\(A\)-\(B\)](#).

United States District Court Middle District of Florida

Civil Case Flowchart Definitions

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MOTION DENIED: If the motion to proceed without fees is denied, the plaintiff must pay the fees for the lawsuit to move forward. For more information, see [28 U.S.C. § 1914](#).

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