



DOUMAR LAW GROUP NEWSLETTER

A Periodic Publication Covering Legal Issues of General Interest

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Rocket Docket Strategies

For federal cases in the Eastern District of Virginia, litigants do not have the luxury of multiple rounds of discovery, followed by depositions, because there is not enough discovery time. Discovery requests provide for 30 days to answer. A good approach is to serve subpoenas on third parties, which can require compliance within 14 days, for bank statements, accounting records, doctors' reports, contracts, and other documents. For example, we served subpoenas on a doctor to confirm a litigant's excuse for not appearing at deposition and learned that the litigant had misrepresented his doctor's advice. In another case, we served subpoenas for bank records to try to assess damages, and the case settled quickly. In a similar case in state court, we obtained an order compelling discovery of financial records, but after months of delays, we still had not obtained the records, though our client was eventually dismissed. An early deposition can (sometimes) be a good strategy in the rocket docket, to obtain information that can be used for subpoenas.

"Significant Other" Issues

If you are not married, do not give a gift to a significant other expecting a return of the gift, or credit, upon a break-up. If you have provided a down payment on a house and made the mortgage payments, but the house is in another person's name, you have bought that person a house as a gift. Don't complain about it after you have broken up when you can't get the house back. You can enter into a written contract to the contrary before you buy the house. Or, just do not buy another person a house or something valuable that you may want back. Do not sign documents undertaking liability to "help out" a relative, friend, or other special person, or allow your name to be used by any other person. At the least, see a lawyer before doing any such things. Finally, never sign a false signature, even as a favor. That can be a criminal offense.

Forum Selection Clauses in Contracts

Use forum selection clauses with out-of-town contract partners, or with form contracts, to ensure your contracts, with anyone else anywhere in the country, can be enforced locally. Also, try to avoid agreeing to have cases heard in faraway jurisdictions.