

## What to do if you get sued

*by: Stephen Branigan, Associate  
&  
Keith Murkin, Associate*

*published 2 August 2023*

Being sued or involved in a lawsuit can be an extremely stressful and confusing experience. Often it is tempting to simply ignore the claim and hope that the problem goes away. So, what do you do if someone sues you?

If you are being sued, the initiating document will be served on you. Most initiating documents will be personally served by a process server. However, you may also receive the document by other methods such as mail, email, or fax.

There are a variety of documents that commence a claim. The most common are a Statement of Claim, Notice of Application, or a Small Claim. Regardless of what type of document you receive, or how it is received, it is important to stay calm and consult a lawyer immediately to ensure that there is sufficient time to formulate a response and receive legal advice.

In Manitoba, a defendant in a lawsuit generally has 20 days to respond to the lawsuit. If you do not respond within that period, the court can grant default judgment against you. This means that the person who sued you will automatically win because you did not reply to the lawsuit. It is, therefore, imperative to respond to the claim as soon as possible.

You should also start collecting all documents related to the dispute. Once you have been served with a claim, you must not destroy or delete any information related to it. Compiling documentation will be beneficial while drafting any defense as the matter progresses.

You must also decide on how to respond. When faced with a claim you have the option to defend in court, negotiate a settlement, or admit liability and allow judgment against you.

To defend against the claim, you will need to draft a statement of defense which responds to the allegations against you and establishes your side of the story. This document will be filed in court and will allow the court process to continue with both parties' involvement. You can also negotiate a settlement with the other party in the dispute. Settlement discussions can occur in a variety of ways and allow both parties to reach an agreement that addresses their needs. Finally, when you get sued, you may choose to admit the claim against you and allow the other party to obtain a judgment against you.

Litigation can be complex and nuanced, and a lawyer will help you understand the litigation process, your potential liability, the costs, and the best way to respond. Even if you chose to handle the lawsuit on your own, consulting a lawyer is a valuable first step to the litigation process.

**DISCLAIMER:** *This article is written for informational purposes only and does not constitute legal advice. The views expressed are solely the authors' and should not be attributed to any other party, including Meighen Haddad LLP. If you want to seek legal advice, please contact the author directly or call our office at (204) 727-8461.*