

TAKING THE PLAINTIFF'S DEPOSITION IN A WRONGFUL TERMINATION CASE

by
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- I. What the lawyer needs from the employer client.
 - A. A copy of the Complaint and date of service.
 - B. The original personnel file of the employee.
 - C. A copy of the company employee handbook.
 - D. An opportunity to interview supervisory employees, as well as co-workers.
 - E. Solid employment practices by the HR Department.

- II. Preparation techniques
 - A. Always take the Plaintiff's deposition by video.
 - B. Pre-mark copies of all exhibits to be used in deposition with a copy for the Plaintiff's lawyer.
 - C. Schedule the deposition to be taken as soon as possible after the Complaint has been filed.
 - D. Review the causes of action alleged in the Complaint and determine what admissions you need from the Plaintiff to defeat his/her claims.
 - E. Study recent case law to re-familiarize yourself with the mandatory requirements which the Plaintiff must prove to succeed in her/his claims.
 - F. Study the employee's personnel file to become familiar with all relevant facts regarding the Plaintiff's work history, disciplinary actions and justifiable reason(s) for termination.

III. Video Demonstration

IV. Conclusion

Nothing is better than obtaining a series of admissions from the Plaintiff. Each claim can be dissected into its smaller parts. When the Plaintiff, under oath, admits that she/he has no facts to back up the allegations in the Complaint, the case is essentially over. Either the Plaintiff's lawyer dismisses the case, or there is now sufficient evidence to file a Motion for Summary Judgment.

After the deposition shown in the demonstration video, that same day, the Plaintiff agreed to dismiss his case.