



List of Legal Definitions

When it comes to litigation, understanding the related terms can be helpful. You are bound to hear many, if not all, of these terms throughout the process. Let's break down the most common ones.

Incidents: situations where something unexpected happens to a patient, perhaps even when there isn't a concern about the care provided. No one's asking for compensation at this stage, but it's important to note that an incident could potentially escalate to a Claim or Suit.

Claims: formal requests for compensation or reductions in billing, either made verbally or in writing, due to a patient injury or incident. These can come from the patient, their family, or even their attorney. When you report a claim to Curi and your coverage has been confirmed, we'll assign a dedicated Claims Consultant as the main contact for the claimant or their attorney. They'll investigate, often with a medical expert experienced in the same or similar specialty and share the results with you. Then together you would decide on the most appropriate response.

Suit: a lawsuit, legally known as a Summons and Complaint.

Curi Claims Consultant: a specialized and dedicated claims consultant who will support you throughout the entire litigation process. Our claims consultants come from diverse backgrounds, from insurance professionals with extensive experience in claims handling to clinicians and medical malpractice defense attorneys.

Curi Clinician Peer Consultant: a peer who understands the stresses you're facing—listens to your concerns and helps you navigate a lawsuit's complexities (and resulting emotions). They can also direct you to additional resources to help you cope, and along with your Claims Consultant, they are available to you throughout the litigation process.

Defendant: the person/party who is being sued in a civil case. The defendant will also likely be a witness in the case.

Plaintiff: the person/party bringing the lawsuit and seeking compensation for a perceived wrong.

Defense Counsel: Curi has built strong partnerships with experienced attorneys across the nation, who specialize in malpractice defense for doctors, hospitals, and other medical care providers. Upon notifying Curi of your lawsuit, your claims consultant will assign a defense attorney to your case.

Plaintiff Counsel: attorney(s) that represents the plaintiff.

Expert(s): individuals hired and called by both counsels to address the standard of care violations that have been alleged against the defendant and any codefendants.

Service of Process: Procedure by which the party being sued is formally notified of the Summons and Complaint. This varies state by state in terms of the manner of the process (who can deliver the notice, etc.) In some states, it must be by a sheriff or process server (see below) and in others, the notice can come via certified letter. Proper notification is part of constitutionally guaranteed 'due process.' If the delivered complaint (which states the 'cause of action') is not responded to in a timely manner, there may be a 'default judgment' against the defendant.

Summons: served by the court on a person involved in a legal proceeding. If announcing the beginning of a lawsuit, will often be accompanied by the Complaint. (There are many other types of summonses, including traffic tickets, served on the spot by law enforcement officers.)

Subpoena: an order to give testimony before the court (or agent of the law), or to provide documents or other evidence.

Motion: a ‘procedural’ (see below) request for the judge to rule on a contested issue in a case. The party filing the motion is the ‘movant’ and the opposite party is the ‘non-movant’. For instance, your attorney may file a ‘motion to dismiss’ if they can show that the law does support the plaintiff’s claims.

Hearing: any requested meeting before a judge in court. For example, scheduling hearings to determine dates that experts will be identified, hearings regarding discovery, motion hearings, etc.

Process Server: a person who professionally delivers documents for the court.

Procedure: the rules about how legal events move forward. ‘Civil procedure’ is the process the court must follow in a civil lawsuit.

Proceeding: a legal action

Tort: a civil (not criminal) action or omission that results in another party’s harm or loss – can be intentional or unintentional. A negligent tort asserts that harm was brought to one person through another’s negligence.

Damages: a ‘remedy’ the plaintiff asks the court to award if the defendant is found to be liable for their unexpected outcome. The remedy sought is typically monetary.

Cause of Action: the alleged set of facts that the plaintiff contends meets the legal requirements to justify compensation (damages) from the defendant through the courts.

Statute: a law passed by Congress or a legislature.

Statute of Limitations: law governing the time frame during which a legal action can be initiated.

Summary Judgment: a decision by a judge to resolve a lawsuit before trial, for either the plaintiff or the defense, based on undisputed facts and their interpretation of the law.

Spoliation: a situation in which one party to the lawsuit deliberately, negligently, or accidentally destroys evidence related to the case.

Privilege: an exemption from a legal duty or obligation (attorney-client privilege means that the information exchanged between them is not subject to usual discovery and keeps any breach of it inadmissible in court).

With Prejudice: a final decision (dismissed with prejudice: the case cannot be re-tried).

Without Prejudice: not a final decision (dismissed without prejudice: the case may be investigated further and tried again, if within the statute of limitations).

For more information, read the litigation education series on blog.curi.com or consult your Curi Claims Consultant.