



CNA HealthPro

FAQs – Understanding Court Actions

Q: I am a dentist who was named as a defendant in a lawsuit. Recently, I was advised that summary judgment was entered by the court in my favor. What exactly does this mean? Is the lawsuit over as far as I am concerned?

A: Summary judgment is a favorable outcome for you. Lawsuits that do not make it to trial are generally resolved in one of three ways:

- dismissal “with prejudice”
- dismissal “without prejudice”
- summary judgment

A motion for summary judgment is generally filed by your defense counsel. The motion is presented to obtain a judicial declaration that there are no questions of material fact on one or more issues, thus eliminating the need to send these issues to the jury. In deciding the motion, the court assumes all facts in the light most favorable to the plaintiff, and then decides whether, under these circumstances, the plaintiff has stated a case that is supported by the law. By ruling in your favor, the court has decided that, under the facts asserted by the plaintiff, *there is no case as a matter of law*. The case is then dismissed, either with or without prejudice.

The “prejudice” portion of this order determines whether the lawsuit can be refiled. If the dismissal is “with prejudice,” the lawsuit cannot be refiled or brought against you again. If the dismissal is “without prejudice,” the plaintiff may file the same lawsuit again or a lawsuit based on the same incident or facts.

A dismissal *with* prejudice may be entered by the court for many reasons, including (but not limited to) the following situations:

- when a settlement agreement has been reached between the parties
- when a plaintiff decides voluntarily to dismiss his or her case and is precluded by law (by the statute of limitations, for example) from refileing the lawsuit or agrees not to refile it
- as a judicial sanction or penalty to the plaintiff for failure to conform with a law or a previous court order
- after a full hearing by the court on the merits of the lawsuit with the result favoring the defendant

A dismissal *without* prejudice may occur

- when a plaintiff voluntarily dismisses the lawsuit but is allowed the option of refileing the lawsuit in the future

- when a court dismisses the lawsuit but provides the plaintiff the option of refiling the lawsuit (e.g., when there are technical defects to a lawsuit which may be corrected by refiling the lawsuit at a later date)
- if the plaintiff fails to be diligent in his or her pursuit of the lawsuit

Consult with your attorney to determine the type of dismissal entered in your case and whether the matter has been closed on your behalf.

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