

UNDERSTANDING THE LITIGATION PROCESS

A practical California employment-lawsuit roadmap: what happens, how long major stages often take, and what each stage means for the employee-plaintiff.

THE ONE-SENTENCE RULE Employment litigation is a sequence of pleadings, discovery, depositions, motions, settlement efforts, and potentially trial; most employee-plaintiffs spend far more time gathering evidence and preparing for testimony than appearing in a courtroom.

THE EMPLOYMENT LAWSUIT ROADMAP

Stage	Typical practical timing*	What happens	What it means for plaintiff
Pre-suit / filing	Days to weeks; FEHA claims require CRD process first.	Investigation, evidence review, CRD filing/right-to-sue as needed, complaint drafted and served.	You help build chronology, damages, documents, and defendant list.
Pleadings / case setup	Often first 1-3 months.	Employer responds; court sets case-management schedule; early motions may occur.	Usually little or no court appearance by plaintiff.
Discovery	Often 12-36 months in employment cases; schedules vary.	Written questions, document exchange, subpoenas, depositions, expert work.	This is where plaintiff is most directly involved and evidence gets tested.
Motions / mediation	Often during or after key discovery.	Summary judgment may test whether claims reach trial; mediation may test settlement value.	Preparation matters; mediation can end the case, but settlement is voluntary.
Trial / appeal	Trial often 12-36 months after filing; appeal can add substantial time.	Witnesses testify, evidence is admitted, judge/jury decides disputed issues.	Plaintiff attends, testifies, and may face cross-examination; patience becomes part of strategy.

FIVE THINGS PLAINTIFFS SHOULD UNDERSTAND ABOUT THE PROCESS

1. FEHA claims generally require administrative exhaustion before suit. California FEHA employment claims use the Civil Rights Department process before a civil action; filing and right-to-sue rules matter. Gov. Code sections 12960 and 12965 2. Discovery is where the factual case is built and tested. California discovery includes written discovery, document production, subpoenas, and depositions. It is designed to expose facts before trial rather than preserve surprise.	3. Summary judgment can end all or part of a case before trial. Under Code of Civil Procedure section 437c, a court may grant summary judgment when there is no triable issue of material fact and the moving party is entitled to judgment as a matter of law. CCP section 437c 4. Most cases can resolve before trial, but timing is unpredictable. Ruggles Law Firm's published FAQ notes that prompt cases may resolve in roughly 6-18 months, while 2-3 years is a practical average and trial may be set 12-36 months after filing. Ruggles Law Firm FAQs 5. The plaintiff usually participates heavily without living at the courthouse. Expect document collection, written discovery, deposition preparation and testimony, mediation preparation, and trial preparation. Routine case-management appearances are usually handled by counsel.
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WHAT THE LAWYERS ARE DOING - AND WHAT THE PLAINTIFF IS DOING

Lawyer activity	Plaintiff activity	What it means strategically
• Draft pleadings and discovery • Take and defend depositions • Review employer records • Brief major motions • Prepare mediation / trial	• Preserve documents • Answer discovery accurately • Prepare for deposition • Update damages and job search • Make settlement decisions	• Credibility is cumulative • Timing affects leverage • Discovery changes case value • Motions can narrow claims • Patience and preparation matter

THE PLAINTIFF LITIGATION FILE

- ☐ Complaint and operative pleadings
- ☐ CRD complaint and right-to-sue notice where applicable
- ☐ Master chronology of employment events
- ☐ Discovery requests and your verified responses
- ☐ Document-production index and key exhibits
- ☐ Deposition notices, prep materials, and transcript
- ☐ Damages / mitigation records and job-search log

WHAT THE EMPLOYER WILL TEST	WHAT THE EMPLOYEE SHOULD SHOW
Most lawsuits contain fewer surprise witnesses than television suggests and substantially more PDFs. Ask what document, witness, analysis, or contemporaneous explanation should exist if the company's position is genuine.	You help build chronology, damages, documents, and defendant list. • Usually little or no court appearance by plaintiff. • This is where plaintiff is most directly involved and evidence gets tested.
EMPLOYEE RESPONSE: Organize the case by elements, proof, chronology, deadlines, damages, and what the next neutral decisionmaker will need.	

RELATED RUGGLES LAW FIRM READING

- FAQs: Employment Lawsuits and Timing
- 42 Common Employment Lawsuit Terms
- Employment Lawsuit Deposition: A Guide for Employees
- Twelve Elements That Make a Strong Employment Lawsuit

CALIFORNIA STATUTES / REGULATIONS • Code of Civil Procedure section 425.10 • Code of Civil Procedure section 437c	PUBLISHED CALIFORNIA CASES • Aguilar v. Atlantic Richfield Co., 25 Cal.4th 826 (2001) • Greyhound Corp. v. Superior Court, 56 Cal.2d 355 (1961)
 SCAN TO READ FAQs: Employment Lawsuits and Timing RugglesLawFirm.com	OFFICIAL RESOURCES Gov. Code 12960 Gov. Code 12965 CCP 437c California CRD

"The purpose of the law of summary judgment is to provide courts with a mechanism to cut through the parties' pleadings..."
— Aguilar v. Atlantic Richfield Co., 25 Cal.4th 826 (2001)

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