

SUMMARY JUDGMENT, TRIAL & APPEALS

The major litigation events that decide whether a case reaches a jury, what trial actually requires, and what an appeal can - and cannot - do.

WHAT THE EMPLOYER WILL TEST
THE ONE-SENTENCE RULE A lawsuit is not one continuous trial. Most of the work happens before trial, and summary judgment is often the employer’s biggest attempt to end the case without one.
WHEN PROMPT LEGAL REVIEW MAY MATTER An administrative, arbitration, or court deadline is approaching. • You receive discovery, deposition, mediation, motion, or trial papers. • Evidence must be preserved or a witness, document, account, or device may disappear.

THE 60-SECOND ISSUE MAP

Issue	What to ask	Risk / signal	Employee focus
Summary judgment	Can the employer show no triable issue on a required element or establish a complete defense?	CRITICAL	Evidence must be admissible and tied to legal elements.
Motions in limine	What evidence will the judge allow the jury to hear?	HIGH	Pretrial rulings can reshape the story.
Trial	Can witnesses and exhibits prove the elements under jury instructions?	CRITICAL	Credibility, chronology, documents, and damages become concrete.
Verdict / judgment	What did the factfinder decide and what post-trial motions follow?	HIGH	The case may continue after verdict.
Appeal	Is there a legal or preserved procedural error worth appellate review?	VARIES	Appeals usually review the record; they do not retry facts.

FIVE RULES THAT MATTER

1. Summary judgment asks whether the evidence presents a genuine dispute requiring trial; it is not merely a preview of which side has the better story. 2. Employment defendants frequently challenge causation, pretext, damages, exhaustion, limitations, and legal sufficiency through dispositive motions.	3. Trial preparation includes witness sequencing, exhibit foundations, jury instructions, motions in limine, damages proof, and cross-examination - not just opening and closing statements. 4. A jury decides disputed facts and credibility subject to the court’s legal instructions; the judge decides legal and evidentiary questions. 5. Appeals focus on legal error and the existing record. Preserving objections and building a clean record at the trial level matters long before any notice of appeal.
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THE PRACTICAL ACTION PLAN

1 VERIFY	2 PRESERVE	3 RESPOND
Can the employer show no triable issue on a required element or establish a complete defense?	Key deposition transcripts; Core exhibits and authenticated records	Evidence must be admissible and tied to legal elements.

THE CASE HAS TO SURVIVE ON PAPER BEFORE IT CAN WIN IN A COURTROOM

Summary judgment	Trial	Appeal
Declarations / deposition / exhibits / law	Witnesses / exhibits / instructions / verdict	Record / standard of review / preserved error

DOCUMENTS / ACTIONS TO SAVE NOW

- ☐ Key deposition transcripts
- ☐ Core exhibits and authenticated records
- ☐ Expert reports if any
- ☐ Damages summary
- ☐ Trial witness list
- ☐ Jury instructions / verdict form drafts
- ☐ Important rulings and objections

FROM THE EMPLOYER'S SIDE: corporate defendants often treat summary judgment as the first real trial. If the plaintiff cannot connect each legal element to admissible evidence, the jury may never see the case. Build the record with that motion in mind from day one.
EMPLOYEE RESPONSE: Organize the case by elements, proof, chronology, deadlines, damages, and what the next neutral decisionmaker will need.
PRACTICAL POINT: Litigation rewards sequence and preparation. Preserve evidence early, meet every deadline, and prepare for the next procedural event.

RELATED RUGGLES LAW FIRM READING

- [How an Employment Lawsuit Works](#)
- [Depositions Explained](#)
- [Read Matt's Law Blog](#)

CALIFORNIA STATUTES / REGULATIONS • Code of Civil Procedure section 437c	PUBLISHED CALIFORNIA CASES • Aguilar v. Atlantic Richfield Co., 25 Cal.4th 826 (2001) • Nazir v. United Airlines, Inc., 178 Cal.App.4th 243 (2009)
 SCAN TO READ How an Employment Lawsuit Works RugglesLawFirm.com	OFFICIAL RESOURCES California Courts - Civil Lawsuits California Courts - Appellate Courts

Summary judgment exists to “cut through the parties’ pleadings” and determine whether trial is necessary.
— Aguilar v. Atlantic Richfield Co., 25 Cal.4th 826 (2001)

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