To Sue or Not to Sue?

It is a sad fact of life that people let us down. This is just as true in our business dealings as in our personal lives. Unfortunately, signing on the dotted line and preparing legally binding contracts does not always guarantee a trouble-free future. It is disappointing to discover that a contract has been breached, but there are ways to recover the loss you have suffered.

There are several pertinent questions to ask if you want to sue somebody:

1. Do I have grounds to sue under the contract?
This is a good place to start. You should seek legal advice on whether you have grounds to sue under the contract.

2. Does the contract need to be terminated?
Terminating a contract has serious consequences. If you do not do it correctly, you can be sued. You should seek legal advice before terminating any contract.

3. Do I need to notify anyone of my claim?
In a case of faulty goods or services, the provider's insurer would need to be notified of the claim. You should check the insurance policy to see how the notification needs to be made.

4. What outcome do I want to achieve?
Are you seeking money, compensation, or to have the faulty works fixed? The desired outcome will depend on your specific circumstances, and your relationship with the other party.

5. What loss have I suffered from the breach?
You need to take notes on the details of the loss you have suffered so that you can discuss them with your lawyer.

6. What costs will I incur if I sue?
Suing can be costly depending on the circumstances, however it may not be as costly as you think. You should always discuss costs with your lawyer before and during legal proceedings.

7. How much of my time will I have to invest?
Preparing a matter for court is time consuming. It is helpful to gather together all relevant documents and prepare a summary setting out the major events which have taken place.

For assistance when deciding how to proceed when suing, contact the Commercial Litigation Team at Watkins Tapsell on (02) 9521 6000. We can step you through the process to ensure you are in the best possible position to protect your interests.

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