



 **THE HARMONIE GROUP[®]**

**LITIGATION PRACTICES
INDUSTRY COUNCIL**

**SAMPLE
120 DAY FILE EVALUATION REPORT***

CLAIM NO: _____

DOL: _____

CASE CAPTION: _____

INSURED: _____

HANDLING ATTY/FIRM: _____

TRIAL DATE: _____

1. CASE OVERVIEW: LIABILITY

- A. Brief summary of the allegations made in the Complaint and the plaintiff's theory of liability.
- B. Brief summary of the evidence plaintiff has to support the claims made in the complaint (with reference to the source, e.g. fact witnesses, expert witnesses, documents).
- C. Brief summary of the defenses to the case, both legal and factual.
- D. Options for apportionment, contribution or indemnity from codefendants and/or potential third party claims.

2. CASE OVERVIEW: DAMAGES

- A. Brief statement of the economic damages sought by the plaintiff, including any medical expenses, lost wages, other special damages, punitive or exemplary damages, and any ability to obtain interest or attorney's fees of any kind. Please include a statement of the basis for the damages claimed (e.g. the injuries alleged or the property damage claimed).
- B. Brief statement of the defense(s), at this time, to the damage claims by the plaintiff, including any necessary discussion of collateral source payments, lien paybacks, strategies for avoiding interest or attorney's fees.
- C. Brief description of the non-economic damages (pain and suffering) sought by the plaintiff and how such damages are determined (jury charge) in this jurisdiction.
- D. Provide an estimate of the pure exposure faced by the insured.
 - 1. Pure exposure:
 - 2. Estimated settlement range:

3. DIRECTION OF THE CASE

- A. Brief description of why the case is in suit or the impediment to resolution.
- B. Provide a brief description of the discovery you propose to conduct and the purpose behind the discovery. Please note any special considerations such as E-discovery issues, expert discovery issues, and any other discovery that may significantly impact the cost to defend the case.
- C. Provide your opinion on experts that should be consulted, both medical and non-medical (accident reconstructionists, economists, etc).
- D. Provide your opinion on a resolution strategy at this time (should the case be prepared for trial, is ADR through mediation or arbitration a viable option, should/can settlement negotiations begin or continue at this time, status of any demand/offers).

4. SPECIFIC CASE CONSIDERATIONS

- A. Provide a brief discussion of the venue, judge, jury pool, plaintiff's counsel and any other issue you believe will impact on the settlement or trial value of the case.

*This is a suggested best practice reporting format. Changes, modifications or additional information may be necessary depending on the facts, circumstances and nature of the particular claim, insurance policy, and/or venue. Please also see the disclaimer below.

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