

How to Turn the Stipulated Liability Case Against the Defendant

Presented by: James L. Mitchell

Payne Mitchell Law Group

Why Do Defendants Stipulate to Liability?

- Minimize “piss off” factor
- Keep out bad evidence
- Lower damage verdict
- Focus attention on “greedy” plaintiff

Two Biggest Mistakes by Defendants:

- They don't challenge gross negligence pleading
- They always wait until the last minute to stipulate

**TURN THE STIPULATED
LIABILITY AGAINST THE
DEFENDANT**

CASE THEME:

Defendant has not taken **FULL** responsibility for the harm it has admitted causing

Jurors Hate Hypocrisy:

Defendant's conduct in stipulating to fault while minimizing damages is the essence of hypocrisy

Demonstrating Hypocrisy:

Defendant didn't stipulate
until week before trial –
nothing but a litigation tactic

Hypocrisy:

Defendant's denial of liability
created more harm upon
harm - why did they put
Plaintiff through so much??

CLOSING POINT:

“Defendant wants you to give it the benefit of the doubt and minimize the harm that it has finally admitted to having caused.”