

Information or instructions: Demand letter prior to filing a lawsuit

1. Demand letters should be sent to the adverse party prior to the commencement of litigation.
2. Depending upon the cause of action, a demand letter may be required by statute.
3. Demand letters should be sent by certified mail with return receipt requested.

Form; Information or instructions: Demand letter prior to filing a lawsuit

[Date]

[Defendant's name]

[Address]

Regarding: [Plaintiff's Name] Claim Against [Defendant's Name]

Dear :[Defendant's Salutation]

Please be advised that the undersigned law firm has been retained by [Plaintiff's name] to pursue [his/her/their] cause of action against you concerning the following claim: [Describe the claim]. Please direct any communications, be they written or oral, about this matter to my attention.

Based on the following facts which have been brought to my attention, it is clear that my client can prevail at trial on the above described claim. The facts which support my client's position are as follows:

1. FACTUAL BACKGROUND

[Insert the facts]

2. DAMAGES

As a direct result and proximate cause of your actions, my client has suffered damages in the amount of \$[Amount]. I have, for your convenience, enclosed a copy of which supports and substantiates my client's damages.

This is a legally simple and indisputable matter. The above stated claim is a rare case of clear liability. You are therefore responsible for any and all damages which have occurred.

3. RESOLUTION

In order to resolve this dispute, please send a Cashier's Check made payable to [Client's name] in the amount of \$ [Amount] within thirty (30) days from the date of this letter.

It is the intention of [Client's name] and this firm that no binding settlement exists until any proposal and acceptance are both (i) reduced to a written settlement agreement approved by all parties to the settlement, and (ii) signed by all parties for which the settlement agreement contemplates signature.

Until all conditions or events required by the settlement agreement are fully satisfied. Pursuant to Tex. R. Civ. P. 4.8, neither this compromise settlement proposal nor the accompanying facts and analysis contained in this document shall be construed as an admission or be admissible at trial.

If this firm has not received said payment referred to above within the above stated time period, my client has instructed me to institute a lawsuit against you in order to recover the moneys owed unto my client.

[If applicable]

I have also taken the liberty of sending a copy of this letter to your insurance company, since your policy may require your insurance carrier to handle this matter.

Thank you in advance for your attention to my request. I trust that we may resolve this matter, so that both parties will not be required to expend further moneys or time.

Sincerely,

[Attorney's name]