

# Loan Agreement

PRE-TRIAL PRACTICE

Example:

## LOAN AGREEMENT

Plaintiff \_\_\_\_\_ and Defendant \_\_\_\_\_  
enter into the following agreement:

Plaintiff \_\_\_\_\_ has filed suit against Defendant \_\_\_\_\_  
\_\_\_\_\_ and other Defendants. This suit, civil action no. \_\_\_\_\_, is pending in the  
United States District Court. Defendant \_\_\_\_\_ and other Defendants  
have denied the claims.

Plaintiff's pending suit is based on a collision that occurred on or about  
\_\_\_\_\_ (date) \_\_\_\_\_ at \_\_\_\_\_ (location) \_\_\_\_\_ in which Plaintiff  
claims to have suffered injuries as a result of a collision between an automobile in which  
Plaintiff was a passenger and other automobiles. Defendant \_\_\_\_\_ was the  
driver of the automobile in which Plaintiff was a passenger. Defendant \_\_\_\_\_ has  
denied liability for Plaintiff's claimed injuries.

Plaintiff wishes to dispose of her claim against Defendant \_\_\_\_\_  
and continued her claims against the other Defendants in the pending suit. Defendant \_\_\_\_\_  
\_\_\_\_\_ wishes to dispose of Plaintiff's claim against him. Plaintiff \_\_\_\_\_  
and Defendant \_\_\_\_\_ agree to the following:

Plaintiff \_\_\_\_\_ agrees to dismiss the complaint only against  
Defendant \_\_\_\_\_ in the above action, with prejudice, and continue her  
action against the remaining defendants until her action is terminated by settlement or judgment.

Defendant \_\_\_\_\_ agrees to loan Plaintiff the sum of  
\$ \_\_\_\_\_. This loan is without interest. Plaintiff promises to repay the loan from any  
judgment or settlement Plaintiff actually receives and collects from any of the remaining  
Defendants in the above action. Plaintiff will be obligated to repay the loan only to the extent  
of any recovery actually collected from any of the remaining Defendants, and in any event  
Plaintiff shall have no obligation to pay Defendant \_\_\_\_\_ any sum  
exceeding \$ \_\_\_\_ (loan amount) \_\_\_\_\_.

Date: \_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant