

HOW TO PREPARE AN ANSWER TO AN ADVERSARY PROCEEDING COMPLAINT



Debtor Assistance Project
610 S. Ardmore Ave.
Los Angeles, CA 90005
(213) 385-2977, ext. 704
www.publiccounsel.org

I. What is an Answer?

You have been sued in bankruptcy court by one or more of your creditors, and you must now prepare an answer. The answer is your opportunity to respond to the case against you. If you do not file an answer, the bankruptcy court may enter a default judgment against you. This means that you will lose the case.

It is important that you speak to an attorney as soon as possible about your case. If you cannot afford an attorney, you may prepare an answer on your own by following these answer instructions. Please note, however, that the answer instructions are merely a guide to assist you through the process and are NOT intended to be legal advice.

II. Completing the Answer

Each page has numbers on the left side of the page. The instructions below refer to the lines and blank spaces opposite those numbers. You will find most of the information you need in the plaintiff's complaint.

Step 1: Name and Address

- Page 1, Line 1:** Write your name.
- Page 1, Lines 2-3:** Write your mailing address, city, state and zip code.
- Page 1, Line 4:** Write your telephone number.

Step 2: Filling in the Case Caption

Fill in the blank spaces in the case caption found on Page 1, Lines 11-22 as follows:

- Page 1, Line 11:** After the words, "**BK Case No.**," write your bankruptcy case number (this is on your bankruptcy petition and probably also in the case caption of the complaint).
- Page 1, Line 12:** After the words, "**AP Case No.**," write the adversary proceeding case number (this is in the case caption of the complaint).
- Page 1, Line 13:** Below the words, "**In re**," write your name.

- Page 1, Line 13:** After the word, "**Chapter**," write the chapter of bankruptcy you filed (this is on your bankruptcy petition and probably also in the case caption of the complaint).
- Page 1, Line 17:** On the line above the word "**Plaintiff(s)**," write the plaintiff's name. This will also be listed in the case caption of the complaint.
- Page 1, Line 21:** In the space above the word "**Defendant(s)**," write your name.
- Page 1, Line 18:** After the word "**Date**," write the date of the status conference (or hearing) in the case. This will be listed in the case caption of the complaint.
- Page 1, Line 19:** After the word "**Time**," write the time of the status conference (or hearing) in the case. This will be listed in the case caption of the complaint.
- Page 1, Lines 20-22:** After the word "**Place**," write the location of the status conference in the case. This will be listed in the case caption of the complaint.

Step 3: Responding to Plaintiff's Allegations

Read plaintiff's complaint carefully. Each paragraph should be numbered. You can respond to each paragraph in one of three ways:

- If the information in the paragraph is **TRUE**, check the box next to "**Admit.**"
- If **ANY** information in the paragraph is **NOT TRUE**, check the box next to "**Deny.**"
- If you do not yet have enough information to determine whether the information in the paragraph is true or not true, check the box next to, "**I do not have enough information to answer, and therefore deny.**"

Example: If Paragraph 1 of plaintiff's complaint states that you reside in Los Angeles County, and this is true, then check the box next to "**Admit.**"

You must respond to each paragraph. If there are more than 43 paragraphs, you may include another sheet.

Step 4: Signing and Dating the Answer

Page 5, Line 9: Write today's date.

Page 5, Line 9: Sign your name.

Your answer is complete! Now make three (3) copies of the answer and keep one for yourself.

III. Proof of Service

Refer to the instructions on completing a proof of service. Remember to attach the proof of service to your answer when you file it with the bankruptcy court.

IV. How to File

You can file your answer and proof of service in person or by mail at one of the address below:

For Los Angeles cases:

U.S. Bankruptcy Court
Attention: Clerk's Office
255 East Temple Street, Room 940
Los Angeles, CA 90012

For Woodland Hills cases:

U.S. Bankruptcy Court
Attention: Clerk's Office
21041 Burbank Boulevard
Woodland Hills, CA 91367

If you file by **mail**, you should include an extra copy of your answer and proof of service, along with a self-addressed, stamped envelope, so you can get a stamped copy returned to you for your records.

If you file **in person**, bring an extra copy of your answer and proof of service so you can get a stamped copy for your records.

It is important that you file the answer on time so the bankruptcy court does not enter a default judgment against you. Make sure you know when the deadline is for filing your answer.