



Federal *Pro Se* Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

▣ How to Answer the Complaint ▣

What is an Answer?

An answer is your written response to the allegations made in the Plaintiff's complaint. An answer is one of several documents you can file with the court to respond to a complaint. Please refer to Public Counsel's guide titled "What Do I Do if I Have Been Sued" for more information about other ways to respond to the complaint.

This guide will help you file an answer by addressing:

- When is your answer due?
- What should you include in your answer?
- How do you file and serve your answer?

When is Your Answer Due?

Generally, if you decide to respond to the complaint by filing an answer, you must file your answer within **21 calendar days after you were served with the summons and the complaint**. Saturdays, Sundays, and federal holidays are counted as part of the 21-day period. If the last day of the 21-day period falls on a Saturday, Sunday, or federal holiday, your answer will be due on the next day that is not a Saturday, Sunday, or federal holiday. Remember, this is only a general rule. Please consult an attorney for help in determining your precise answer deadline.

If you need more time to answer the complaint, you may request an extension of no more than 30 days from the date your response was originally due. Refer to Local Rule 8.3 for more information.

What Should Your Answer Include?

1. A brief introductory statement;
2. A response to each paragraph of the complaint;
3. Any affirmative defenses and counter-claims you wish to raise;
4. A "Request for Relief"; and
5. A "Request for a Jury Trial" if you want a jury trial.

1. Provide a Brief Introductory Statement

Briefly tell the court and the plaintiff you are the person answering the complaint by including a short statement like: "Defendant hereby answers Plaintiff's complaint as follows:"

Federal *Pro Se* Clinic • U.S. Courthouse, Main Street Lobby • 312 N. Spring St., Room G19 • Los Angeles, CA 90012
Open on Mondays, Wednesdays, and Fridays, 9:30 a.m. to 12 noon, and 2:00 p.m. to 4:00 p.m. First come, first served.

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2. Respond to Each Numbered Paragraph

You should begin to write your answer by carefully reading the entire complaint. A complaint is made up of numbered paragraphs. Read each numbered paragraph of the complaint and make a note whether the allegations in the paragraph are true or false. When you are ready to draft your answer, carefully number the paragraphs in your answer exactly as the plaintiff has numbered the paragraphs in his or her complaint.

The following are some possible ways to answer a particular paragraph:

- **If the allegations in the paragraph are true**, write:

Defendant admits each and every allegation contained in paragraph 1 of the complaint.

- **If the allegations in the paragraph are not true**, write:

Defendant denies each and every allegation contained in paragraph 2 of the complaint.

- **If the paragraph contains some allegations that are true and other allegations that are not**, specify in your answer which parts of the paragraph are true and which are not.

For example, assume paragraph 3 of the complaint states: “Defendant is a resident of Los Angeles, California. Defendant sold Plaintiff’s products without a license and obtained direct financial gain from infringing on Plaintiff’s trademark.” If only the first sentence of the paragraph is true, write:

Defendant admits that she is a resident of Los Angeles, California, but denies each and every remaining allegation contained in paragraph 3.

- **If you don’t know whether the allegations in the paragraph are true or false**, write:

Defendant is without knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 4 and therefore denies them.

WARNING! If you do not respond to the allegations contained in the complaint, the court will assume you are admitting they are true. Also, once you admit in your answer that an allegation in the complaint is true, you cannot deny that allegation later in your case.

8.5" 1"

11"

1 John Smith
 2 6342 Sycamore Street
 3 Los Angeles, CA 90017
 4 (213) 000-0000
 5 Defendant in Pro Per
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 7
 8 **United States District Court**
 9 **Central District of California**
 10
 11 AMY DOE,) Case No: CV00-00 (vcx)
 12 Plaintiff,)
 13 vs.) **ANSWER**
 14 JOHN SMITH,)
 15 Defendant.) **JURY TRIAL DEMAND**
 16) **X YES NO**
 17
 18 Defendant hereby answers Plaintiff’s complaint
 19 as follows:
 20
 21 **ANSWER TO COMPLAINT**
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 23 1. Defendant denies each and every allegation
 24 contained in paragraph 1.
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 26 2. Defendant admits she was employed by X
 27 Corporation in 2010, but denies each and every
 28 remaining allegation contained in paragraph 2.

3. Raise Your Affirmative Defenses and Counterclaims

A. Affirmative Defenses

An affirmative defense gives the court a reason why you should not be held liable for the claims made by the plaintiff in the complaint. If you do not include these defenses in your answer, you will lose the opportunity to raise them later in the case. A list of affirmative defenses may be found in Federal Rule of Civil Procedure 8(c).

Example 1

If you believe that the plaintiff has run out of time under the law to bring a claim, state the following affirmative defense:

Plaintiff's claim is barred by the applicable statute of limitations.

Example 2

If you believe that the plaintiff suffered damages but failed to prevent them, state the following affirmative defense:

Plaintiff is barred from recovery because Plaintiff failed to mitigate and lessen damages, if any were sustained.

8.5"
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2	<u>AFFIRMATIVE DEFENSES</u>
3	Defendant hereby asserts the following affirmative defenses:
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5	<u>First Affirmative Defense</u>
6	Plaintiff's complaint is barred by the applicable statute of limitations.
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8	<u>Second Affirmative Defense</u>
9	Plaintiff is barred from recovery because Plaintiff failed to mitigate and lessen damages, if any were sustained.
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13	<u>REQUEST FOR RELIEF</u>
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15	Wherefore, Defendant prays as follows:
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17	1. For dismissal of the Plaintiffs' action with prejudice;
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19	2. For an order that Plaintiff shall take no relief from the complaint;
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21	3. For Costs of the Suit, herein; and
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23	4. For such further relief the Court deems fair.
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25	Dated Month Day, Year _____ (Sign Here)
26	By: <u>John Smith</u>
27	Defendant in Pro Per
28	

Answer
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You may not have any affirmative defenses; however, if you are unsure whether you have any affirmative defenses, you are strongly encouraged to consult with an attorney as this is a complicated area of law.

B. Counterclaims

In addition to answering the complaint, you may have your own claims against the plaintiff. These claims are called “counterclaims.” If your counterclaims arise out of the same events or facts as those stated in the plaintiff’s complaint, then you **must** raise them at the time you file your answer or you could lose your right to ever make those claims.

Because raising counterclaims can be complicated, you are strongly encouraged to consult an attorney and look at Federal Rule of Civil Procedure 13 for more information about counterclaims.

4. Request Relief

Your answer should also include a section titled “Request for Relief.” In this section, write what you would like the court to do about your situation. List each request for relief under a different paragraph with a different number. If you have included any counter-claims, you should ask the court to grant them in this section. See the sample answer included with this guide for an example of what your “Request for Relief” should look like.

5. Tell the Court if You Would Like to Have a Jury Trial

If you do not want a jury trial, skip this part. If you do want a jury trial, you should request it at the end of your answer. *Otherwise, you may give up your right to a jury trial.* If you wish to request a jury trial, write: “Defendant hereby requests a jury trial on all issues raised in the complaint.” You must also include this request in the title caption of your answer. See the sample answer included with this guide for an example of what your request for a jury trial should look like.

The Certificate and Notice of Interested Parties – Form CV-030

In addition to your answer, you must file a certificate and notice of interested parties, Form CV-030. You must file form CV-030 at the same time you file your answer. You can find Form CV-030 in the court’s Civil Intake Division (Room G-19) or you can download it from the court’s website: www.cacd.uscourts.gov/CACD/forms.nsf. On the form, you must list anyone who may have a direct interest in the outcome of your case, including yourself, other parties and any insurance companies that may have to pay all or part of a court judgment.

How Do You File and Serve Your Answer and Certificate of Notice of Interested Parties?

When you have completed your answer and certificate and notice of interested parties, you must file them with the Civil Intake Division of the courthouse in which the judge assigned to your case is located. The Civil Intake Division requires **1 original** and **2 copies** of each document you wish to file.

In addition, send **1 copy** of each document to the opposing counsel (or unrepresented party) by mail on the same day you file. When you file your answer, you must include a proof of service. In this document, you or someone else will swear to the Court that you have mailed a copy of the answer to the opposing counsel (or unrepresented party).

You may file your answer, certificate and notice of interested parties, and proof of service with the Court in person or by mail. If you mail your answer or certificate and notice of interested parties, be aware the court will mark your document “filed” on the date it is received by the court, not on the date you put it in the mail.

The addresses for the Civil Intake Division for the Central District of California courthouses are as follows:

LOS ANGELES

United States Courthouse
Central District of California
Western Division
312 N. Spring St., Rm. G-19
Los Angeles, CA 90012

SANTA ANA

United States Courthouse
Central District of California
Southern Division
411 West Fourth St., Ste. 1053
Santa Ana, CA 92701-4516

RIVERSIDE

United States Courthouse
Central District of California
Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

THE ANSWER CHECKLIST

- Answer:**
 - 1 Original + 2 Copies for filing with the court
 - Additional copies for service on plaintiff(s).

- Certificate and Notice of Interested Parties**
 - 1 Original + 2 Copies for filing with the court
 - Additional copies for service on plaintiff(s).

- Certificate of Service**

Useful Links

To defend a case in federal court, you must be familiar with the Federal Rules of Civil Procedure and the Local Rules of the court. You may find a copy of each at the following websites:

- **Federal Rules of Civil Procedure:**
<http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/2011%20Rules/Civil%20Procedure.pdf>

- **Local Rules of the Central District of California:**
<http://www.cacd.uscourts.gov/LocalRules>

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Name: _____

Address: _____

Phone: _____

Defendant In Pro Per

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

_____,
PLAINTIFF,

vs.

DEFENDANT(S).

Case No.: _____

DEFENDANT'S ANSWER

JURY TRIAL DEMAND

Yes No

Defendant _____ hereby answers Plaintiff's
complaint as follows:
Defendant's name here

ANSWER TO COMPLAINT

Insert ¶ #

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REQUEST FOR RELIEF

WHEREFORE, the Defendant requests:

1. Dismissal of the Plaintiff's action with prejudice;
2. An order that Plaintiff shall take no relief from the complaint;
3. The costs of suit incurred herein;
4. Other: _____
_____ ; and
5. Such further relief the Court deems fair and just.

Dated: _____

Sign: _____

Print Name: _____

Defendant in Pro Per

1 Name: _____

2 Address: _____

3 _____

4 Phone: _____

5 Defendant in Pro Per

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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12 _____,

Case No.: _____

PLAINTIFF(S)

**CERTIFICATE OF SERVICE BY
MAIL**

vs.

15 _____

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18 _____

19 _____,

DEFENDANT(S)

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22

23

I, _____, declare as follows:
(name of person serving documents)

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My address is _____

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27

_____, which is located in the
county where the mailing described below took place.

28

1 On _____, I served the documents described as:
2 (date of mailing)

3 1. DEFENDANT'S ANSWER

4 2. CERTIFICATE AND NOTICE OF INTERESTED PARTIES

5
6 _____
7 (list the names of any other documents you are mailing)
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11 on all interested parties in this action by placing a true and correct copy thereof in
12 a sealed envelope, with first-class postage prepaid thereon, and deposited said
13 envelope in the United States mail at or in _____,
14 (city and state of mailing)
15 addressed to:

16 _____ (name) _____ (name)
17 _____ (address) _____ (address)
18 _____ (address) _____ (address)
19 _____ (address) _____ (address)
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21 I declare under penalty of perjury that the foregoing is true and correct.

22
23 Executed on _____ at _____.
24 (date) (city and state of signing)

25 _____
26 (sign)

27 _____
28 (print name)