



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 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 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:"

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Open on most Mondays, Wednesdays, and Fridays. By appointment only.

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 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, due 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.

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 counterclaims, 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.

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 or you can download it from the court’s website: <https://www.cacd.uscourts.gov/sites/default/files/forms/CV-030/CV-30.pdf>. 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 **1 copy** of each document you wish to file.

You can also file your answer electronically using the Court’s Electronic Document Submission System. For more information, please see Public Counsel’s guide to “How to file your documents with the Court.”

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 and 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
255 East Temple St., TS-134
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 District
3470 Twelfth St., Rm. 134
Riverside, CA 92501

THE ANSWER CHECKLIST

Answer:

- 1 Original + 1 Copy for filing with the court
- Additional copies for service on plaintiff(s).

Certificate and Notice of Interested Parties

- 1 Original + 1 Copy 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/file/rules-civil-procedure>
- **Local Rules of the Central District of California:**
<http://www.cacd.uscourts.gov/court-procedures/Local-rules>