

# Public Counsel

## DO I NEED TO FILE A RESPONSE TO A COMPLAINT?

**NOTE:** This instructional packet is not legal advice. Not all of the information in this packet may be relevant to you and the facts of your case might call for different information. You should carefully consider the facts of your case when using this packet. If you need specific legal advice, you should consult an attorney.

### I'VE RECEIVED NOTICE OF A LAWSUIT AGAINST ME, NOW WHAT?

#### How did you find out about the lawsuit?

A lawsuit being filed does not mean that you are required to respond to it. There are companies and law firms that check public court records to see if lawsuits have been filed against people and then send them letters telling them about it and offering their services. This type of letter does NOT mean that you are required to respond to the complaint in the lawsuit. However, if you have been properly served with the summons and complaint, you may need to respond.

#### Service of a summons and complaint

Service means that you have officially been given notice of the summons and complaint in a lawsuit against you. If you have not been served with the summons and complaint, you do not need to respond to the complaint. Service is typically made in two ways: personal service or substituted service.

### **Personal Service**

Personal service is when someone actually hands the summons and complaint to you. If you are personally served with a summons and complaint, you have 30 days from the date you received the papers to respond to the complaint.

### **Substitute Service**

Substitute service is when someone comes to your home or place of business and hands the complaint and summons to a person over 18 who either lives with you or is in charge of the place of business. The person delivering the documents must be told what the documents are. Then, the person delivering the documents must mail a copy to you at the same address. If you are substitute served with a summons and complaint, you have 40 days from the date the documents were mailed. Be sure to save the envelope that the documents came in to determine the date of mailing.

### **Getting an Extension to Respond**

If you are near the deadline to file a response to a complaint, you can ask for more time to respond. Please see our Guide on Getting More Time to Respond to a Lawsuit or Discovery.

### **Responding After the Due Date**

So long as a “default” has not been entered in your case, you may still be able to file a response to a complaint even if the due date for your response has passed and you have not received an extension to file your response. To check to see if a default has been entered in your case, you can check the court’s website by entering your case number. Here is a link to the relevant page: [Superior Court of Los Angeles County | Civil Case Access](#).

## **You May Choose Not to Respond to the Complaint**

If you fail to respond to the complaint, the person suing may win the case by default. This is called a “default judgment.” If the person suing you has a default judgment against you, they can use that default judgment to try to collect money from you. However, Federal law and California law provide protections against such collection efforts on a consumer debt with respect to your government benefits, wages, your bank account, and certain other assets. Details on these protections are below.

If you are fully protected from collection actions based on these laws, you may not care if a default judgment is entered against you and therefore may choose not to respond to a complaint. If you do need, or want, to respond to a complaint, please see our Guide on Responding to an Unverified Debt Collection Lawsuit.

### **Protections for Government Benefits**

Government benefits are fully protected from collection efforts on a judgment in a consumer debt case. The types of benefits protected include:

- Social Security
- Supplemental Security Income
- Veterans Benefits

- Unemployment Benefits
- Disability or Paid Family Leave Benefits
- CalWORKS Benefits

If your sole source of income is one or more government benefits, then you do not need to worry about the person who sued you taking that money from you. However, as described below, special rules apply to that money once it is in a bank account.

### **Protections for Wages**

In California, a portion of your wages are automatically protected from actions to collect on a judgment in a consumer debt case. If your wages are fully protected, then you do not need to worry about the person who sued you taking money from your paycheck. Generally speaking, if you work part-time or full-time at the minimum wage, your wages will be fully protected.

You can use this online calculator to check how much of your wages are protected:

[California Judicial Council Calculator](#)

### **Protections for Bank Accounts**

California and federal law provide protections from collection actions on consumer debts for certain balances in accounts. Below is a description of those protections. If you are fully-protected, then you do not need to worry about the person suing you taking money from your bank account.

#### *Basic Protection*

In California, as of July 1, 2025, \$2,244 of balances in all of your bank accounts are automatically protected from collection efforts on a judgment for consumer debt. Although this amount is technically for all of your accounts, practically speaking the amount applies per bank as banks do not check with each other before determining how much is protected. The protected amount changes every July 1<sup>st</sup> and typically goes up.

The accounts that are subject to collection efforts are all of the accounts that have your social security number on them. This may include accounts you have opened for children, joint accounts or accounts that you have been added to at the request of a relative.

#### *Special Protections*

If the only money that is your account is from public benefits, such as those described above, then up to 2 months' worth of such payments are automatically protected. This automatic protection only applies if the money is directly deposited to your account from the government and not even 1 penny of other money is in the account.

### **Real Property**

If you own a home, the person who has a judgement against you can get a lien on your home. However, generally they cannot use that lien to force the sale of your home for a lower-dollar consumer debt.

## Cars

If you own a car, the person who has a judgment against you can try to take the car to satisfy the judgment. However, as of April 1, 2025, \$8,625 of equity (the value of the car minus the amount you owe) you have in the car is protected from collection efforts on a consumer debt judgment. Even if you have more equity than that in your car, the creditor may not bother with trying to take the car given the cost of taking and selling the car and satisfying any debt against it.

### Next Step

If you have determined that you are protected from collection actions that may be taken by a creditor who has a judgment against you, you may decide not to file a response to a complaint. If that is the case, you do not need to do anything after receiving a summons and complaint. If you have determined that you would like to respond to a complaint, please see our Guide on Responding to an Unverified Debt Collection Lawsuit.