

RESPONDING TO A COMPLAINT

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in civil lawsuits in the Northern District Court of California. This template provides guidance only. Using this template does not guarantee any result.

★ HOW TO GET LEGAL INFORMATION & ADVICE

This packet provides general guidance and does not tell you everything you need to know about responding to a Complaint. You can make an appointment for free legal information and advice at one of the Legal Help Centers listed below.

APPOINTMENTS – Based on the courthouse where complaint was filed

- 📍 San Francisco, Oakland, or Eureka-McKinleyville
Federal Pro Bono Project | fedpro@sfbar.org | (415) 782-8982
NOTE: Contact for scheduling only – no legal advice is given when scheduling.

- 📍 San Jose
Federal Pro Se Program | (408) 297-1480
Drop-in hours Tuesday and Thursday from 9:00 a.m. to 4:00 p.m.
280 South 1st Street, 2nd Floor, Room 2070, San Jose

★ UNDERSTANDING LAWS & RULES

The Legal Help Centers (see above) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants** – The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk’s Office or on the Court’s website at: <https://www.cand.uscourts.gov/pro-se-handbook/>.
2. **Legal Research Guide for Pro Se Litigants** – The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at: <https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.
3. **Federal Rules of Civil Procedure** – These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country, and are available at: <https://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
4. **Civil Local Rules** – The Civil Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only, and are available at: <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

★ DECIDING HOW TO RESPOND TO THE COMPLAINT

There are two options for responding to a Complaint: filing an Answer or filing a Motion to Dismiss. This template provides instructions for answering the Complaint. If the Plaintiff did not follow the rules when serving you with the Complaint, the Complaint is missing certain information, or the Complaint shows that the Plaintiff cannot win, it may be possible to file a Motion to Dismiss the Complaint instead. If you are considering filing a Motion to Dismiss, contact the Legal Help Center (see page 1). Please note that you have **limited time** to file a response to the Complaint.

★ HOW TO COMPLETE THE ANSWER TEMPLATE

1. **Read the Pro Se Handbook** – Chapter 10, “How Do I Respond to a Complaint?” explains more fully the process for responding to a complaint.
2. **Know your deadline** – You have only 21 days after being served with the Summons and Complaint to file a response. If you need additional time or have missed the deadline for responding to the Complaint, contact the Legal Help Centers (see page 1) for advice on how to proceed.
3. **Fill in the case information** – On the top of the first page, write your name, address, and check the box for the division to which the case has been assigned. Write in the plaintiff’s and defendant’s names in the middle of the page. Then, write in the case number and the judge’s name.
4. **Respond to each paragraph in the Complaint** – Read each sentence of the Complaint. Each paragraph should be numbered.
 - a. If everything in the paragraph is false, do not write that paragraph number anywhere. The first part of this Answer denies everything unless you affirmatively admit to it.
 - b. If everything in the paragraph is **true**, write that paragraph number in Section B of this Answer form.
 - c. If you **don’t know** whether the paragraph is true or not, write that paragraph number in Section C.
 - d. If the paragraph is **partly true and partly false**, write that paragraph number in Section D and explain which specific parts of the paragraph are true.

EXAMPLE

1. Responses to the Claims in the Complaint
A. Defendant denies each and every allegation in the Complaint except those specifically admitted in this Answer.
B. Defendant admits all the allegations in the following paragraphs: 1, 3, 4, 10, 12
C. Defendant does not know or have enough information to form a belief as to whether the allegations in the following paragraphs are true: 5, 6, 7, 13, 14, 15, 16
D. Defendant admits only the following parts of each paragraph listed below, and denies or does not know enough to say whether the rest of the paragraph is true: Paragraph <u> 2 </u> : I admit only that <u>I am a citizen of the state of California.</u> Paragraph <u> 11 </u> : I admit only that <u>I visited the Plaintiff at her house on May 3, 2024.</u>

5. **List your Affirmative Defenses** – An affirmative defense is an argument that Plaintiff’s claim should fail for some procedural or legal reason. The purpose of an affirmative defense is to give enough notice of your defenses so that Plaintiff and the Court understand your argument. In Section 2 of your Answer, **INCLUDE ALL AFFIRMATIVE DEFENSES** that you may have. If you leave something out, the Court may not let you argue that the defense applies later in the case. If you don’t know the correct legal terms for your defenses, just explain your reasons clearly in your own words. If you are not sure about your defenses, contact the Legal Help Center (see page 1).

EXAMPLE 1: STATUTE OF LIMITATIONS

Plaintiff sued Defendant in 2024 for stealing her expensive sports car. The car was stolen in 2004 and Plaintiff has known about the theft since then. California has a three- year statute of limitations on lawsuits alleging theft of personal property, so Plaintiff only had until 2007 (three years after the theft) to file her lawsuit. In his Answer, Defendant will explain that Plaintiff’s lawsuit should be dismissed because the statute of limitations has expired.

EXAMPLE 2: ASSUMPTION OF THE RISK

Defendant teaches surfing lessons. Before allowing Plaintiff to become a student, Defendant required Plaintiff to sign an agreement that stated, “I understand that surfing is a dangerous activity and I voluntarily and knowingly assume the risk of injury during these surfing lessons.” During a lesson, a big wave caused Plaintiff to hit his head on his surfboard. Plaintiff sued Defendant for his injury. In his Answer, Defendant will explain that Plaintiff’s lawsuit should be dismissed because Plaintiff assumed the risk of injury. In other words, Plaintiff knew the risks and took the lessons anyway.

6. **OPTIONAL: Write your own claims** – Although it is not common, sometimes defendants bring their own claims against the plaintiff or another person in response to a lawsuit. If your claims are related to the same events or facts as those stated in the Complaint, then you must include them in your Answer or you could lose your right to make those claims in the future. A Counterclaim is a complaint by the defendant against the plaintiff. A Crossclaim is a complaint by one defendant against another defendant, or against someone who is not yet part of the lawsuit. For example, you may file a crossclaim if another person caused some of the injuries for which Plaintiff is suing you.

If you want to make a Counterclaim or Crossclaim, be sure to check the box for “Counterclaim” or “Crossclaim” on the first page of the Answer. Next, in the Counterclaim or Crossclaim section, identify who you are suing. Then, write in the type of claim you have or the law that was violated. Starting with Paragraph 3, write in the facts supporting your claim. Put each fact into a separate, numbered paragraph. It is usually best to write the facts in the order that they happened. Start with the earliest time and continue until the most recent event. If you are not sure about whether to make a claim in your Answer, contact the Legal Help Center (see page 1). If you make a crossclaim against a party who is not yet part of the lawsuit, make an appointment with the Legal Help Center to ensure you properly serve that new party.

7. **Identify your demands** – Complete the **Demand for Relief** section on the signature page. If you would like the Court to do something for you that is not listed, write that in. If you would like to request a Jury Trial at the end of your case, check the box in the **Demand for Jury Trial** section on the last page, and on the first page. Not all claims can be tried before a jury.
8. **Number the pages** – Remove any pages that you are not using, such as the Counterclaim or Crossclaim pages. Then, count the number of pages in your final Answer. In the bottom corner of each page, write in the page number and the total.
9. **Review and sign your Answer** – Read your Answer, making sure all blanks are filled in, and to

confirm that all the statements are true. Each defendant submitting the Answer must sign it.

10. **Prepare the Certificate of Service** – Each document that you file must be “served” on each other party, usually by sending it in the mail. A Certificate of Service is a paper that lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions on it. If all parties (including you) are registered ECF filers, you do not need to prepare or file a Certificate of Service.

★ FILING & SERVING YOUR ANSWER

1. **Copies** – Make three copies. Once you have completed and signed your Answer and Certificate (if needed), make three copies of each. On one copy of the documents, write “Chambers” on the top in pen. (If there is more than one plaintiff or defendant, you will also need one additional copy for each of them.) ECF users do not need to include a chambers copy. See Civil Local Rule 5-1(d)(7).
2. **Serve the Answer** – Be sure that the Answer and Certificate are served on each other party. If you are filing electronically, your document is considered served when filed. See Civil Local Rule 5-1(h)(1).
3. **File the Answer** – Deliver or mail the original plus two copies of the Answer and Certificate to the Clerk’s Office at the federal courthouse where the Judge hearing case is located. The Clerk will take the original and the copy marked “Chambers” of each document. The other copy is for you to keep after it is stamped by the Clerk.
 - a. **File by mail** – If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.
 - b. **File electronically** – If you are an electronic filer, follow the instructions for electronic filing, which can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/> .
 - c. **Register to become an e-filer** – The registration information to become an e-filer can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/setting-up-my-account/e-filing-self-registration-instructions-for-pro-se-litigants/> .

★ WHAT’S NEXT?

This timeline lists the first few things that happen in a Civil Case. The Legal Help Centers (see page 1) can provide guidance about these steps and have many additional templates for documents you may need to file during this time and throughout the case.



★ STAY UP TO DATE

1. **Communications** – Check your mail and tell the Court if you move. You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Tracking** – Keep track of your case. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the Pro Se Handbook Chapter 7 and contact the Legal Help Center to learn to access documents.
3. **Guidance** – Visit the Legal Help Center for more information about what happens next.

1 Your Name: _____
2 Address: _____
3 _____
4 Phone Number: _____
5 Email Address: _____

6 Pro Se

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 Division [check one]: San Francisco Oakland San Jose Eureka-McKinleyville

11 _____
12 _____
13 Plaintiff,
14 v.
15 _____
16 _____
17 _____
18 Defendant.

Case No. _____

ANSWER

[Check only if you include a Counterclaim or
Crossclaim]

AND COUNTERCLAIM

AND CROSSCLAIM

DEMAND FOR JURY TRIAL [check one]

YES NO

Judge: Hon. _____

20 **1. Responses to the Claims in the Complaint**

21 Each paragraph of the Complaint should be numbered. Read each paragraph carefully.

- 22 • If everything in the paragraph is false, do not write that paragraph number anywhere. The first
23 paragraph of this Answer denies everything that is not specifically admitted.
- 24 • If everything in the paragraph is true, write that paragraph number in Section B, below.
- 25 • If you don't know whether or not the paragraph is true, write that paragraph number in Section C,
26 below.
- 27 • If the paragraph is partly true and partly false, write that paragraph number in Section D below and
28 explain which specific parts of the paragraph are true.
- Use more pages if needed.

ANSWER

CASE NO. _____

PAGE ___ OF ___

1 A. Defendant denies each and every allegation in the Complaint except those specifically admitted in
2 this Answer.

3 B. Defendant admits all of the allegations in the following paragraphs:
4 _____
5 _____

6 C. Defendant does not know or have enough information to form a belief as to whether the allegations
7 in the following paragraphs are true:
8 _____
9 _____
10 _____

11 D. Defendant admits only parts of each paragraph below and denies or does not know enough to say
12 whether the rest of the paragraph is true. [Use more pages if needed]:

13 Paragraph ___: I admit only that _____
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17 Paragraph ___: I admit only that _____
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21 Paragraph ___: I admit only that _____
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2. Affirmative Defenses

State any factual or legal reasons that the Plaintiff cannot win all or part of this case. Provide enough detail so the Plaintiff and Court will understand your defense. Look at the instruction sheet of this form for examples. If you are not sure about your defenses, make an appointment at the Legal Help Center. Use more pages as needed.

Affirmative Defense 1. _____

Affirmative Defense 2. _____

Affirmative Defense 3. _____

Affirmative Defense 4. _____

Affirmative Defense 5. _____

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OPTIONAL: Counterclaim against the Plaintiff

A Counterclaim is a claim you may have against the Plaintiff for actions that are related to the same events or facts as those stated in the Complaint. To make a Counterclaim, first write in the name of the Plaintiff against whom you are making a claim. List the type of claim you are making or the law that the Plaintiff violated. Then, starting with paragraph 3, write in the facts of your claim, using more pages as needed. For more information about making a counterclaim, make an appointment at the Legal Help Center.

Counterclaim Against [name] _____ **For** [type of the law the Cross-Defendant violated] _____

3. _____

4. _____

5. _____

6. _____

ANSWER

CASE NO. _____

PAGE ___ OF ___

JDC TEMPLATE, UPDATED 8/2024

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Demand for Relief

WHEREFORE, Defendant demands:

- That the Court enter judgment dismissing the Complaint;
- That Defendant be awarded costs incurred;
- That Defendant be awarded such other and further relief as the Court may deem just;
- [If you filed a Counterclaim or Crossclaim, explain what you would like the Court to do]:

Other [explain]: _____

Demand for Jury Trial

Check one box to show whether you would like a jury to decide your case, if allowed.

- YES NO

If more than one Defendant is included in this Answer, each must sign and date below. Attach another page if you need to.

Respectfully,

Date: _____ Signature: _____

Print Name: _____

Pro Se Defendant

1 If you need more space to write your Answer or claims, use this page.

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