

HOW TO FILE AN ANSWER TO A COMPLAINT WITHOUT AN ATTORNEY

This information explains how to answer the complaint filed against you so that you will have an opportunity to tell your side in Court.

You may have legal claims of your own against the person who filed the complaint against you, and you may wish to include these in your Answer. Such claims are called “counterclaims.” Writing down your counterclaims is probably something that you would need the help of an attorney to do properly. If you have any claims against the person who sued you, you should contact an attorney **immediately**. If you are low income, legal services may be able to help you. Call 1-866-LAW-OHIO (1-866-529-6446) or go to www.ohiolegalservices.org. If you are low income but do not qualify for your local legal aid program, the Equal Justice Foundation at 1-800-898-0545 may be able to help you, or you can call your local bar association for a referral.

FAILURE TO ANSWER IS ADMITTING THE COMPLAINT

If you look at the **SUMMONS**, which often is the first page of the papers that you received from the Court, you will notice that it demands that you Answer the complaint within **28 days after you are served with the Summons. YOU MUST SERVE YOUR ANSWER WITHIN 28 DAYS.** Serving your answer means that after you have prepared your answer, you mail a copy of it to the person who sued you. You must also file the original with the court.

The page immediately after the Summons should be the first page of the complaint against you. Read the complaint carefully. Failure to answer the complaint **in writing within 28 days** after you receive it is an admission that what the complaint says is true and the other person should win whatever they have asked for from the Court. If you do not answer the complaint in writing the law says you therefore agree that what the complaint says is **true** and that the other side should win. This means that the other side may be able to make you pay money to them or take your house in foreclosure. If this is the case, there is no reason for the Court to have a trial, other than possibly a short hearing to determine the amount of the money you owe.

If there is no trial, then you will not get your day in Court. Also, if you do not serve and file an Answer to the complaint, you may not receive any further notice from the Court about what is happening in your case until the person who has sued you tries to collect his judgment by selling your house at a sheriff's auction, garnishing your wages, seeking to attach your personal property, or all of these options.

HOW TO PREPARE YOUR WRITTEN ANSWER

Preparing a written Answer to the complaint is easy. It can be nothing more than a letter to the Judge. Certain information must be included in your letter so that your Answer will be properly recorded when it is received. This information can be found on the Summons and from the top part of the complaint. You must include:

1. Name of the Court
2. Name of person who sued you (Plaintiff)
3. Your name (Defendant)
4. Case Number and Name of Judge

You can write the information the same way as it appears on the complaint.

You should address the Judge as "Your Honor." Then tell the Judge you are writing about a lawsuit filed against you in the Judge's court. You should then admit whatever it is in the complaint that is true, and deny whatever is not true. If the complaint filed against you has numbered paragraphs, as most of them do, then go through the complaint paragraph by paragraph, admitting what is true and denying what is not true.

Whenever you deny something in the complaint, you should also state briefly your reason why you are denying it or any part of it. For example, if the complaint says that you owe money but you know that you already paid the money, then you should deny that you owe the money and say that you already paid it. If you are not sure whether something is true, you should write that you do not know. Do not guess, and do not assume that the person suing you must be right. It is better to say you do not know whether something is true than to agree with something you are not sure about.

At the end of the letter, ask the Judge to dismiss the complaint. Then print your name, address, and phone number legibly. In the lower left-hand corner of the letter write or type “cc:” and write the name of the attorney or person who filed the complaint against you.

If possible, you should type your answer. It is important for the Judge and the plaintiff to be able to read what you have written.

HOW TO SERVE AND TO FILE YOUR ANSWER

After you have prepared your Answer, you need to immediately make 2 photocopies of it. (Handwritten copies will not do.) MAIL one of these photocopies to the attorney or person who filed the complaint against you. Mailing is serving your answer. Although you do not have to mail the answer by certified mail, you may want to ask the post office to provide you with a Certificate of Mailing, which proves you mailed the answer on the date it was mailed, to the person to whom it was addressed.

Within three days of mailing one copy to the attorney (or the other person who filed the complaint against you), take the original of your Answer and your remaining photocopy to the clerk of the court that served the papers on you. Be sure that you go to the right court. Take the complaint with you to the clerk’s office and show it to the clerk to confirm that you are in the right office. Then give the clerk both your original Answer and your photocopy. Ask the clerk to file-stamp the original and the copy and to give you your copy back.

The clerk will then keep the original, which will go into the Judge’s file so that the Judge can read it. The file-stamped photocopy will be returned to you. Keep your file-stamped copy in a safe place because it is your proof that you filed your Answer in the place and on the date indicated in the file stamp. It is like a receipt.

After you are done with all of this, the Judge will have your Answer, the person who filed the complaint against you will have a copy of your Answer, and you will have a copy of your Answer with proof that you have filed the original with the Court. Everyone will know where you stand and that you are fighting the complaint. The Court will then keep you updated on

what happens in your case, and the person who filed the complaint against you will know where to send any additional papers that he or she may file.

You must keep the Court and the other side up-to-date on what your current address is and what your telephone number is, if you have a phone number. This is so that the Court and the other side can continue to communicate with you. If you move, they will not look for you. If any of the information you gave the Court in your answer changes, send another letter with the new information to the Clerk with the case number and parties' names; make sure you include what was your address.

Once you have filed your answer, you may get other papers from the person who is suing you and notices from the court. If you do not understand these papers, or what will happen in court, you may want to contact an attorney as previously suggested. If you are not able to get legal help, the reference librarian at your local public library may be able to help you find useful legal self help information.

GOOD LUCK!

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