

Filing an Answer in response to a Summons

Breach of Lease

Instructions

1. If you received the summons by hand delivery, you have **20 days** from the date of receipt to file an answer. If you received a summons by any other method you have **30 days** from the date of receipt to file an answer.
2. Go to the Clerk's Office at your borough Civil Courthouse. Give your name, or the index number in the to the clerk. Please see right column for index number and courthouse address and phone number.

A. Request to File an Answer in Person.

1. The clerk may review the Answer or give you a form to fill out the Answer yourself. Fill out the form, including the applicable defenses checked on the back of this sheet. If you have a counterclaim, it must be made at the same time.
2. The clerk will give you a return date. Write this down in the next column. You will also receive instructions on how to properly serve it upon the plaintiff. NOTE: It is very important to follow the clerk's instructions *exactly*.
3. Serve all the documents as directed by the clerk, and bring the mailing receipts to court on your return date.

B. Pull up your file*

1. Ask the clerk to pull your file by giving her the index number and filling out the request card with the information listed in the next column.
2. Copy important documents. As this is not a free service, bring PLENTY OF QUARTERS. Alternatively, you may download the app Genius Scan and take pictures of the documents and save them as a pdf file. Be sure to copy the following:
 - Affidavit of Service
 - Summons & Complaint
 - Any supporting documents
 - contract
 - Affidavit of Merit
 - any papers with upcoming court date

*If your case is more than 3 years old, it will be in archives. The wait for archived files is long, often 2-3 months. The court will notify you when it is available. You will have 30 days to review the file before it returns to archives.

CASE INFORMATION

CIVIL COURT OF THE STATE OF NEW YORK

COUNTY OF _____

INDEX: _____

_____ (PLAINTIFF)

-AGAINST-

_____ (DEFENDANT)

COURTHOUSE INFORMATION:

(NAME)

(ADDRESS)

(HOURS OF OPERATION)

(PHONE NUMBER)

RETURN DATE:

Updated 10/2016

**URBAN
JUSTICE
CENTER**



COMMUNITY DEVELOPMENT PROJECT

123 William St. 16th
floor
New York, NY 10038
Tel: 646-602-5200

Answer (check all that apply)

SERVICE

- I did not receive a copy of the Summons and Complaint.
- I received the Summons and Complaint, but service was not correct as required by law. Explain on lines provided.*

DEFENSES

- I do not owe this debt.
 - I paid all of the alleged debt.
 - I was constructively evicted to leave because of harassment by the landlord.
 - I am a victim of identity theft.
- I dispute the amount of debt.
 - I paid part of the alleged debt.
 - Plaintiff sued for an incorrect amount.
 - Plaintiff failed to return or credit me for my security deposit.
 - Plaintiff allowed an abatement because the landlord breached the warranty of habitability based on conditions dangerous to the occupants' health and safety. (See the questions below).*
 - Plaintiff allowed an abatement because I paid to make repairs that were the landlord's responsibility.
 - Plaintiff re-let the premises during the period for which he/she has sued me.
- Plaintiff failed to mitigate (or "lessen") damages by trying to re-let the premises.
- I am a senior citizen who stopped making payments pursuant to Real Property Law §227-a.
- I am a domestic violence survivor who stopped making payments pursuant to Real Property Law §227-c.
- This debt was incurred under circumstance of duress.
- Plaintiff lack standing. (I do not have a business relationship with Plaintiff).
- Statute of Limitations. (The time has passed to sue on this debt: more than 6 years).
- This debt has been discharged in bankruptcy.

- Laches. (Plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).
- Violation of the duty of good faith and fair dealing.
- Unconscionability. (The contract is unfair).
- Defendant is in the military.
- Other: _____

and/ credit my security deposit of _____ interest.

_____ payments that I made in the

Plaintiff owes me damages that have occurred as a result of my _____ obligation(s) and _____ damages total \$_____

Plaintiff owes me _____ defending this action and/or a part of _____

Other counterclaim(s): _____

Notes: _____

