

Filing an Answer in response to a Summons

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 Civil Court Clerk's Office in the county in which the case is filed. Give your name, or the index number to the clerk. Please see right column for index number and courthouse address and phone number..
3. Ask to file an answer in person.
4. Fill out the form that the clerk gives you, including the applicable defenses checked on the back of this sheet. If you have a counterclaim, it must be made at the same time.
5. The clerk may review the Answer. 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*.
6. 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 yellow 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

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:

If your case is more than 3 years old, it will be in archives.

Updated 3/2016
The wait for archived files is long, often 2-3 months. The

Answer:

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.

Additional Facts regarding Service*: _____

_____.

*there is no allocated space to add facts about service, instead write these in the blank space under 'SERVICE'.

DEFENSES

_____ I was not properly served.

_____ I do not owe this debt.

_____ I did not incur this debt. I am a victim of identity theft or mistaken identity.

_____ I have paid all or part of the alleged debt.

_____ I dispute the amount of the debt.

_____ I do not have a business relationship w/the plaintiff. (Plaintiff lacks standing).

_____ The NYC Dept. of Consumer Affairs shows no record of plaintiff having a license to collect debt.

_____ Plaintiff does not allege a debt collection license number in the complaint.

_____ Statute of limitations (6 years consumer debt, 2 years cell phone debt).

_____ This debt has been discharged in bankruptcy.

_____ The collateral (property) was not sold at a commercially reasonable price.

_____ Unjust enrichment (the amount demanded is excessive compared w/original debt).

_____ Violation of the duty of good faith and fair dealing.

_____ Unconscionability (the contract is unfair).

_____ Laches (plaintiff has excessively delayed bringing this lawsuit, to my disadvantage).

_____ Defendant is in the military.

_____ Other: _____

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