

Responding to a Complaint

Civil Self-Help Services

Hall of Justice
813 6th Street
Room 117, First Floor
Sacramento, CA 95814



I've been Sued.

What are my options?

If you were served personally (meaning the documents were handed to you and not another person), you have **30 days from the date of service** to file a responding document with the Court. If you were served by substitute service (someone else in your household was served), you have **40 days** to file a responding document with the Court.

Settlement: At any point, you may contact the attorney or self-represented party to try to settle the case. Parties may write up a stipulation for settlement. The Court encourages settlement at every step of the civil process.

Participating in settlement discussions with plaintiff/counsel DOES NOT stop the clock on the need to file an responding document within 30/40 days of being served.

BE ADVISED even if self-represented parties have little or no legal training, they are required to follow all rules that govern civil litigation. A party representing themselves will be treated like any other party and is entitled to the same, but no greater, consideration than other litigants and attorneys.

Answer: The Answer denies material allegations in the Complaint. The Answer requires you to respond to each allegation of the Complaint. There are Judicial Council forms to Answer Complaints for Breach of Contract (**PLD-C-010**) or Personal Injury/Property Damage/Wrongful Death (**PCD-PI-003**). Any other answer would be drafted in "pleading format."

General Denial: The General Denial (**PLD-050**) contains a statement denying the truth of each and every allegation of the Complaint.

A note about Affirmative Defenses: An affirmative defense gives a reason why you may have done something that was alleged. Affirmative defenses include, but are not limited to, failure to state a cause of action, statute of limitations, unclean hands, etc.

If you do not bring up affirmative defenses in the general denial or answer, the Court cannot consider them at trial.

Cost: If you appear in the action by filing a settlement, general denial, answer, or motion, these are the fees for your "first appearance" in the case. A fee waiver may be available based on your financial situation.

Unlimited (more than \$25k or non-monetary relief)	\$435
Limited (\$10k-25k)	\$370
Limited (less than \$10k)	\$225
Limited (BP 6322.1(c)(1))	\$181

No Response: If you do not file a response (and you have not made any written agreement with the other party(ies) to extend your time to respond), the plaintiff can file a “Request for Entry of Default.” Entry of a default means you are unable to file any documents in the case and the Plaintiff wins. The Plaintiff may also request entry of a “Default Judgment”. Entry of a Default Judgment may result in wage garnishment or a levy on property or bank accounts. Default judgments may also have a negative effect your credit score.

Motion to Pay Judgment in Installments: A judgment debtor in a **limited** civil case (amount demanded is \$25,000 or less) to ask the Court for an order allowing the judgment to be paid in installments. This request is made by a formal noticed motion, and may be granted for good cause at any time after the judgment; even if the judgment was entered by default because the debtor never answered the complaint.

Motion to Quash Service of Summons: If you believe you were not properly served with the summons and complaint, you may file this motion.

Demurrer: A demurrer attacks the legal sufficiency of the Complaint. For example, if you believe the statute of limitations of a cause of action has run or the plaintiff has not plead sufficient facts, you may file a demurrer.

Motions may also available to stay the action or to strike portions of the complaint.

Where can I get more information?

The Sacramento County Public Law Library is an excellent resource for self-represented litigants. Knowledgeable librarians can direct litigants to reference material, and legal staff may assist with the drafting of motions and pleadings in some cases.

609 9th Street
 Sacramento, CA 95814
 Phone: (916) 874-6012
 Web: SacLaw.org
 Self-Help Appointment Screening:
 (916) 476-2731

“Limited Scope Representation”

Attorneys can draft responsive pleadings for you under “Limited Scope Representation.” If you do not want or cannot afford full representation, some attorneys will prepare certain documents on your behalf.

California Bar Association Referral Services Directory

Find legal assistance in the Sacramento Area and Northern California.

tinyurl.com/25us82d5



Hours				
Mon	Tue	Wed	Thu	Fri
8:30-12:00	8:30-12:00	8:30-12:00	8:30-12:00	8:30-12:00
1:30-4:00	1:30-4:00	1:30-4:00	CLOSED	1:30-4:00

Hours are subject to change based on staff availability.

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