SELFLAW | THEM v. YOU | DEFENDANT SURVIVAL GUIDE

How to defend yourself in court.

A plain-English 8-page guide to reading a summons, protecting your response deadline, filing an Answer, and defending yourself in court.

FREE PLAIN-ENGLISH GUIDE | 8 PAGES | SELFLAW.ORG

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Reading the papers: who is suing you, where, and for what

Take a breath and look at Page 1 of the Summons and Complaint. Find four anchors: (1) exact Court & County at the top, (2) Case Number on the right, (3) Plaintiff name (original creditor/landlord vs. third-party debt buyer), and (4) the response window printed on the Summons.

Never assume a lawsuit is a scam without verifying the Case Number on the official court website or calling the civil clerk.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Keep the envelope (with postmark) and write down the exact date, time, and way you received the papers.
- [ ] Check whether the Plaintiff is someone you dealt with directly or an unfamiliar debt-buyer LLC.
- [ ] Look for any attached Notice of Case Management Conference or hearing date.

Procedural Reference Examples: Fed. R. Civ. P. 4, 10 | State Summons Notice Statutes

Your real deadline-and what happens if you ignore a summons

Ignoring a lawsuit lets the plaintiff request a Default Judgment-meaning they can win wage garnishments or bank levies without a judge ever hearing your side. Response deadlines vary sharply: Summary Evictions can be as short as 3-to-10 court days, while Civil Debt/Contract suits are typically 14-to-30 days.

Pay close attention to whether your court counts calendar days or court (business) days, and whether substituted or mail service adds extra statutory days.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Count from the delivery date using your specific forum rule-never guess 30 days on an eviction.
- [ ] Check court holidays if your final day lands on a weekend or holiday.
- [ ] If a default was already entered because you were never served ("sewer service"), ask immediately about a Motion to Vacate Default.

Your procedural rights: to respond, see their proof, and seek a $0 fee waiver

The plaintiff bears the burden of proving every element of their claim with admissible evidence-including standing/chain of title if they bought a debt, accurate accounting, and timely filing. You have the right to appear without a lawyer, inspect their evidence in discovery, and request an interpreter or ADA accommodation.

If your court charges a "First Appearance" fee to file an Answer, apply for a Court Fee Waiver (IFP) at the same time so finances never block your response.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Prepare a Fee Waiver request if household income is tight or you receive public benefits.
- [ ] Demand complete contract and assignment records rather than accepting bare balance summaries.
- [ ] File an ADA/interpreter request early if needed for your hearing.

Procedural Reference Examples: 28 U.S.C. Sec.Sec. 1654, 1915 | U.S. Const. amend. XIV (Due Process)

Writing, serving, and filing your Answer on time

An Answer responds to each numbered paragraph of the Complaint in one of three ways: (1) Admit what is completely true, (2) Deny what is false or overstated, or (3) State that you lack sufficient knowledge or information to form a belief-which operates as a denial under court rules.

Remember the two-step filing sequence: have a non-party adult age 18+ serve a copy of your Answer on Plaintiff (or Plaintiff counsel) and sign Proof of Service, then file your Answer + Proof of Service with the court clerk before the deadline.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Respond to every numbered paragraph (or use an authorized General Denial form where permitted).
- [ ] Never mail your Answer only to the opposing lawyer-it MUST be filed with the court clerk!
- [ ] Have someone 18+ who is NOT named in the case mail the service copy and sign Proof of Service.

Procedural Reference Examples: Fed. R. Civ. P. 8(b), 5 | Cal. CCP Sec. 431.30

Affirmative defenses people do not realize they have

Affirmative defenses are legal shields that must generally be listed in your Answer so they are not waived. Common examples include Statute of Limitations (time-barred debt), Lack of Standing / Chain of Title (debt buyer lacks bill of sale linking your specific account), Improper Notice or Habitability Breach (in housing cases), Payment/Offset, and Identity Theft or Mistaken Account.

Only assert defenses that have a good-faith factual or legal basis in your situation.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Check the date of last payment against your state statute of limitations (often 3-6 years; avoid accidental revival payments).
- [ ] Check whether any eviction notice improperly included late fees or counted weekends/holidays.
- [ ] List applicable affirmative defenses in separate numbered headings inside your Answer.

Procedural Reference Examples: Fed. R. Civ. P. 8(c) | Cal. Civ. Code Sec. 1788.58 | NY CPLR Sec. 214-i

Settlement offers and hallway stipulations: check traps before signing

Opposing lawyers frequently offer courthouse-hallway "Stipulated Judgments." Read every line carefully: many hallway stipulations waive all defenses and allow an immediate judgment for the FULL original amount plus fees-without a hearing-if a single monthly payment arrives one day late.

Ask for 5-to-10-day written cure notice on any payment plan, mutual release language upon completion, dismissal rather than entry of judgment until uncured default, and verify whether canceled debt over $600 triggers IRS Form 1099-C.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Never sign a hallway stipulation you have not read line-by-line.
- [ ] Ensure the court retains jurisdiction to enforce settlement terms (Kokkonen rule).
- [ ] Protect exempt income (Social Security, SSI, VA benefits, statutory wage caps) before agreeing to payment amounts.

Discovery traps (30-Day RFAs) and your day in court

After you Answer, watch your mail daily for "Requests for Admission" (RFAs). Under FRCP 36 and state equivalents, failing to serve written responses within 30 days can cause the court to deem every request AUTOMATICALLY ADMITTED-often handing the plaintiff summary judgment.

At hearing or trial, stay calm, address the judge ("Your Honor"), ask opposing debt buyers to produce authenticated original-creditor records rather than hearsay affidavits, and bring 3 copies of every payment receipt, lease notice, or photo.

PLAIN-ENGLISH ACTION CHECKLIST

- [ ] Respond to any Requests for Admission (RFAs) before the 30-day clock expires.
- [ ] Object to unauthenticated hearsay spreadsheets or robo-signed affidavits lacking personal knowledge.
- [ ] Bring printed cue cards and 3 organized exhibit sets to the courtroom.

Procedural Reference Examples: Fed. R. Civ. P. 36(a)(3), 56 | Fed. R. Evid. 802, 803(6)