

Did someone sue you for Breach of Contract? (Unverified)

Step 1	Read: <input checked="" type="checkbox"/> Things to Think About Before Filing an Answer (other side of this form)
Step 2	Complete the following forms in blue or black ink: <input checked="" type="checkbox"/> (PLD-C - 010) Answer-Contract <input checked="" type="checkbox"/> Affirmative Defenses Attachment (please read these and see if they apply to your case). <input checked="" type="checkbox"/> (POS – 030) Proof of Service by First-Class Mail – Civil (only fill out <u>top</u> part)
Step 3	Copies of Answer (with any Affirmative Defense Attachment): Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.
Step 4	Service: <ul style="list-style-type: none"> You must serve a copy of the Answer on the other party in you case or their attorney if they have one. <p><i>“Service” means that someone, NOT YOU, who is at least 18 years old, must mail a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve the papers for you or you can look in the yellow pages and hire a “process server” to mail the papers for you for a fee.</i></p> <ul style="list-style-type: none"> After the papers are mailed, the server (person who mails the papers) must complete the (POS-030) Proof of Service by First-Class Mail - Civil.
Step 5 There is a filing fee unless the fee is waived.	File: Turn in the original and copies of the Answer, Affirmative Defenses, and the Proof of Service to the clerk’s office located at: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> 191 North First Street San Jose, CA 95113 <i>Monday-Friday from 8:30am to 4:00pm.</i> </div> <div style="text-align: center;"> <input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA 95037 </div> </div> <ul style="list-style-type: none"> <input type="checkbox"/> If you are not asking for a fee waiver, you will pay the filing fee and get filed-stamped copies back when you file. <input type="checkbox"/> If you are asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file-stamped forms may be mailed to you. Please check with the clerk who takes your forms.
Step 6	What happens next: <ul style="list-style-type: none"> Attend any Case Management Conference or other Court dates you are notified about.

Self-Help Center/Family Law Facilitator’s Office
 Superior Court, County of Santa Clara
 99 Notre Dame Avenue, San Jose, CA 95113
 (408) 882-2926

www.scscourt.org
 Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
 State of California Courts Self-Help

Please turn over for important information



Did You Get Sued and Did You Get Sued and Are Thinking About Filing an Answer with the Court?

If you have been sued in civil court, there are several things you might want to think about before you file a legal response called an "Answer." An Answer is the legal form you file with the court Clerk's Office to give your side of the story in the lawsuit.

If you do file an Answer, You will have a trial. If you have a trial and win, you will not owe money. If you lose the trial, the opposing party can collect money from your job or bank account or put a lien on your house. If your case is not a case to collect money from you, you must go to a Case Management Conference before the trial. The date is written on the Civil Lawsuit Notice attached to the legal forms originally served on you. During the Case Management Conference the judge may set a Settlement Conference date and a trial date. You may be able to talk to the opposing attorney or other party in the case (the "Plaintiff").

If you do not file an Answer, the other side might get a default judgment against you. This means that the other side automatically wins the case. After they win, they can collect money from your job or bank account or put a lien on your house.

THINGS TO THINK ABOUT BEFORE YOU FILE AN ANSWER:

1. Do you owe the money?

- If you feel you *do not* owe the money claimed in the Complaint, then filing an Answer is a way to let the Court know *why* you think you do not owe the money. Filing an Answer is also a way to let the Court know that you don't agree with the amount you are being sued for.
- If you *do* owe the money, filing an Answer does not change the fact that you owe the money.
- If you lose the case, you will likely have to pay court costs and attorney fees.

2. Has it been a long time since you paid any money toward the debt (Breach of Contract lawsuits)?

- If you have not paid any money toward the debt in the last four years, you may no longer owe the money. This is because of a defense called the "Statute of Limitations." If this is true, you may want to file an Answer to let the Court know that it has been four years or longer.

3. Can you take time off of work to go to court?

- If you file an Answer, you will have to go to court one time for the trial, maybe more.
- If you do not file an Answer, you do not ever need to go to court.

4. Are you low income?

- If you have very low income, you might be able to file your legal response free.
- If your income is not low, you will have to pay approximately \$180 to \$320 to file your legal response.

5. Check the interest rates (breach of contract cases)!

- If you *do* file an Answer, in a breach of contract case you may be charged the interest rate in your contract until your final court date (which could be more than a year away).
- If you *do not* file an Answer and the other party wins the case by default, the interest rate will be 10% per year on the date that a judgment is entered against you.

6. If you file an Answer, you may have to fill out legal papers called "discovery."

- If you file an Answer, the other side can send you papers called discovery requests. These are legal papers that can require you to answer a lot of detailed questions about your case and give the other side papers related to your case.
- If you do not file an Answer you will not have to respond with any more papers. An exception is if you lose and the other party tries to collect the money from you (if there is a judgment for money). In that case you may want to file more papers.

7. Do you think that the lawsuit wasn't served on you correctly or that there are other legal problems with the papers?

- There may be other "custom-made" pleadings you want to file instead of an Answer, like a Demurrer or Motion to Quash. Talk to a private attorney about these options.

*For a low-cost 30 minute consultation with an attorney and representation in Court for a fee based on your income contact the **Lawyer Referral and Modest Means Panel** at 408-971-6822 (www.sccba.com) - (Santa Clara County Bar Association.)*