

**Superior Court, County of
Ventura
Self-Help Legal Access Center**

**DEFENDING A
PERSONAL INJURY
OR PROPERTY
DAMAGE LAWSUIT**

Defendant's Instructions

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Answering, settling or defaulting

If you are being sued for damages you may have caused to someone else arising out of a car accident or other activity you may have been involved in, you are a **party** in a **personal injury action**. The one who is bringing the lawsuit is called the **plaintiff**. The one who is being sued is called the **defendant**. The lawsuit process begins when the **plaintiff** files a **civil complaint** in the court. If you are sued, you have several choices:

1. You can defend yourself by filing an answer, or other legal form of response, with the court. Special forms are used, which you can get from the court. To see if you have a legal defense, read the packet **Common Defenses to Personal Injury Cases**.

2. You can choose not to defend yourself and allow the **plaintiff** to get a **default** judgment against you. A **default** means that you fail to answer the complaint in the time required by law. If you allow a default to be entered against you, you CANNOT defend yourself in the case. A default judgment may be entered against you without your ability to object to the amount. **WARNING:** a judgment against you could cause you to lose your driver's license if the judgment is from a car accident case in which you or your vehicle was not insured, and you do not pay the judgment.

3. You can try to reach an agreement with the plaintiff. If you reach an agreement BE CAREFUL to make sure the plaintiff **dismisses** the lawsuit before the time is up for you to file your answer. Otherwise, a default may still be entered against you. You can check to make sure the case is **dismissed** by calling the court at (805) 662-6620 and follow the instructions to speak with a civil clerk. For cases filed in Simi Valley call (805) 582-8086. You will need to give the case number to the clerk.

If you want to file an answer to the lawsuit, go to the next page.

1. Counting the Time to File Your Answer

Before the case can proceed against you, you must be given a copy of the **summons** and **complaint**. This is called **service** of the summons and complaint. If the summons and were handed to you personally you have **30** days to file your answer in court after you receive a copy of them. If the summons and complaint were handed to someone else in your home or work, and another copy was mailed to you you have 45 days to file your The 30 days includes Saturdays and Sundays. Do not count the day you were given the lawsuit, but begin counting with the next day. If the 30th day falls on a Saturday or Sunday, you can file your answer on Monday.

2. Where to get the Answer Forms

You can get the Answer forms from the court clerk's office or from the Self-Help Legal Access ("SHLA") Center in Room 106 of the Ventura Courthouse. Forms are 10 cents a page plus tax.

3. What does it Cost to File an Answer?

It costs \$86.00 for each person named as a **defendant** to file an answer if the complaint is filed as a **limited case** seeking damages of \$10,000 or less. If you are being sued for more than \$10,000 but not more than \$25,000 (still a **limited case**), the filing fee is \$93.00 for each defendant. If you are being sued for more than \$25,000 the filing fee is \$188.00. If your income is below a certain level, you can apply for a **waiver** of the filing fee. You can get a **fee waiver application** packet from the court clerk's office or from the SHLA Center. The fee waiver application is free.

WARNING:

THE VENTURA COURTS SELF-HELP LEGAL ACCESS CENTER IS NOT REPRESENTING YOU, OR TELLING YOU WHICH CHOICE TO MAKE. IT

HAS ONLY ASSISTED YOU IN REPRESENTING YOURSELF BY PROVIDING LIMITED INFORMATION ABOUT YOUR OPTIONS. NO ATTORNEY FROM THE CENTER WILL APPEAR IN COURT TO REPRESENT YOU AT TRIAL OR ANY OTHER HEARING. YOU ARE REPRESENTING YOURSELF. THE CENTER STRONGLY RECOMMENDS THAT YOU SEEK THE ADVICE OF AN ATTORNEY IN THIS MATTER IF YOU CAN. IF YOU DESIRE FURTHER REFERRAL INFORMATION REGARDING SECURING AN ATTORNEY, YOU MAY CALL THE LAWYER REFERRAL SERVICE OF THE VENTURA COUNTY BAR ASSOCIATION AT (805) 650-7599.