

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

**DEFENDING LAWSUITS  
FOR  
BREACH OF CONTRACT  
OR  
COLLECTION OF MONEY  
(COMMON COUNT)**

**2**

**Completing the Answer**  
Judicial Council Form No. 982.1(35)

# HOW TO COMPLETE YOUR ANSWER FORM

Complete the Answer form by typing the information requested. If you cannot type the forms, make sure you print neatly using black ink.

## Completing the Caption

The top part of the form is called the **caption** and it looks like this:

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>name and Address</i> ): TELEPHONE NO.:  (Your name) (Your Telephone Number) (Your address)  ATTORNEY FOR ( <i>Name</i> ): Defendant, In Pro Per	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR AND MUNICIPAL COURTS OF CALIFORNIA, COUNTY OF VENTURA</b> STREET ADDRESS: 800 South Victoria Avenue <u>or</u> 3855-F Alamo St. MAILING ADDRESS: CITY AND ZIP CODE: Ventura, CA 93009 <u>or</u> Simi Valley, CA 93063 BRANCH NAME: Ventura <u>or</u> East County	
Plaintiff: (Name of plaintiff as shown on the Complaint)  Defendant: (Name of defendant as shown on the Complaint)	
<p style="text-align: center;"><b>ANSWER – Contract</b></p> <input type="checkbox"/> <b>TO COMPLAINT OF (<i>name</i>):</b> <input type="checkbox"/> <b>TO CROSS-COMPLAINT OF (<i>name</i>):</b>	CASE NUMBER: (CIV 000000)

- a. In the top box put your name, address and telephone number, just like the example above. Where it says “attorney for” put “Defendant, In Pro Per.” This means you represent yourself.
- b. In the next box down, put the name and address of the court. You can find the name and address of the court on the Complaint that was given to you. The example above shows both court addresses. Cases filed in Ventura should use the Ventura address and cases filed in the East County should use the Simi Valley address.
- c. Complete the rest of the caption box with the names of the **parties** (plaintiff and defendants) and the case number just as they appear on the Complaint.
- d. If you are being sued with a **complaint** check the first box under “Answer-Contract” and put the name of the plaintiff who is suing you. If you are being sued with a **cross-complaint** check the second box and put the name of the person who is suing you.

## 1. Page Numbers

Each page of your answer must be numbered in order, including any exhibits you may choose to attach. The answer form is two pages, so if you are adding any attachments you will start the page numbering of the attachment with page 3. If you are attaching exhibits, they will continue in order starting at the page number where your complaint and attachments ended. Put the total number of pages when you know how many there are going to be in the blank space after the word “pages:” Do not include the **certificate of service by mail** in counting. That will be added to the back of the entire answer packet.

## 2. Identify Yourself

If there is more than one defendant listed in the **complaint** each must respond, or default may be entered against the defendants who do not file an answer. Two defendants can share one answer form, but each must sign the answer and pay a separate filing fee. If you are filing the answer only for yourself, put your name in line 1 of the Answer form. If you are filing the answer for yourself and another defendant named in the Complaint, put both your names in line 1.

### 3. Responding to the Statements in the Complaint

First you need to know if the complaint is **verified**. A **verified** complaint has a statement at the very end of the complaint, after the attorney's signature (or the plaintiff's signature if there is no attorney), that is signed under penalty of perjury stating that the statements in the complaint are true. Look at the last page of the **complaint** where it is signed by the attorney or the plaintiff if there is no attorney. If there is no verification you can generally deny all the statements in the complaint by checking box 3(a). If there is a separate verification following the signed complaint, you must check box 3(b) and respond to each paragraph of the complaint by either:

A. Admitting the statements in the complaint are true. If you do this, you do not need to mark anything other than the box next to the letter (b).

B. Denying the statements in the complaint which are false. To do this, you need to put the number of the paragraphs in the complaint which are false under the "(1)" section.

C. If you do not know whether a statement in the complaint is true or false, you can put the paragraph number of that statement under the "(2)" section.

**If you have defenses to the lawsuit, go to the next section. If you have no defenses, skip to number 6.**

## IF YOU HAVE DEFENSES TO THE CASE

### 4. Stating Your Defenses

If you have defenses to the complaint, you must state them in your answer if you want the court to consider them at trial. Not all reasons for not paying money are legally recognized defenses. Legal defenses stated in the answer are called *affirmative defenses*.

Section 4 of the answer form has space to state your defenses. Many common affirmative defenses can be found on the lists in the “Answer Notebook.” Explanations of the different affirmative defenses can be found in booklet **2a** entitled “*Legal Reasons Why I Should Not Have to Pay the Money.*”

If you choose to attach one of the affirmative defense lists, mark the letters of the affirmative defenses that apply to your case, and place the attachment behind the answer form, but in front of the **certificate of service by mail**.

### 5. Other Defenses or Issues

If you have any other defenses or issues you want to bring to the court’s attention, you can include them in section 5.

## FOR ALL ANSWERS

### 6. Telling the Court What You Want

If you believe you do not owe the plaintiff any money at all, and that you should not have been sued, you can ask the court to order the plaintiff to pay you back the costs you paid to the court to file your answer. You do this by checking the box next to (b).

If you want the court to order something else, you can mark (c) and explain what you want. **WARNING:** If you believe the plaintiff owes you money over and above what the plaintiff is suing you for, you must file a **cross-complaint** if you want the court to order the plaintiff to pay you the additional money. The court cannot order the plaintiff to pay you money, other than your costs of suit, based on your answer alone.

## 7. Completing the Short Caption and Signing

At the top of page 2 of the Answer form there is a small caption box like this:

SHORT TITLE:	CASE NUMBER:
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Put the plaintiff's last name, (or the name of the business if the plaintiff is not a person), followed by a "v." and the last name of the first defendant listed in the complaint. This is called the "short title" of the case. Put the case number in the box on the right side.

At the bottom of page 2 of the answer form, type or print your name on the left side, and sign your name on the right side. If more than one defendant is answering on the same form, add additional signature lines above the printed lines and make sure each defendant listed in section 2 on page one of the answer signs the answer. **REMEMBER** each defendant named in the answer must pay a filing fee or separately qualify for a fee waiver.