

Instructions for Answer to Counterclaim – Civil Action, or Civil Case

If you have any doubts about whether it's proper for the Defendant to bring a Counterclaim against you in North Dakota, consult a lawyer **Immediately**, and **Before** you serve or file any written Answer to the Counterclaim or any other court paper.

You must serve a copy of your Answer on each Defendant **within 21 days after the date you were served** the Answer and Counterclaim.

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, [consult a lawyer](#).

ND Legal Self Help Forms aren't official forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include this instruction sheet when you serve or file the completed form.

All Forms Must be Filled out Completely!! Don't leave any of the paragraphs within a form unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable."

If a form isn't completely filled out, it could result in the clerk not accepting your form for filing, or the court may send the form back to you to complete.

Follow and Carefully Read All Instructions! There are boxes () before each step. Check each box as you finish the step. Don't go on to the next step **until** the previous step is completed.

Caution!

A self-represented individual may only represent themselves in a North Dakota state district court civil action, or civil case.

If a Plaintiff/Petitioner or Defendant/Respondent **is an artificial person, such as a business, corporation or limited liability company, a non-attorney can't** represent the artificial person in a North Dakota state district court civil case. [Consult a lawyer!](#)

Answer to Counterclaim Court Rules:

[Rule 8\(b\) of the North Dakota Rules of Civil Procedure](#) requires that an Answer admit or deny each of the claims in the Counterclaim.

[Rule 8\(c\) of the North Dakota Rules of Civil Procedure](#) includes a list of affirmative defenses. The list doesn't include all possible affirmative defenses.

[Rule 12 of the North Dakota Rules of Civil Procedure](#) gives the deadline for serving the Answer to a Counterclaim.

Answer to Counterclaim:

An Answer to a Counterclaim is a written response by you, the Plaintiff, to the Defendant's Counterclaim. The Answer to Counterclaim must also state defenses to each of the Defendant's counterclaims in short, plain statements.

- Complete the top of the Answer to Counterclaim exactly as it appears in your, the Plaintiff's, Complaint.
- Paragraph 1 states that you disagree with every paragraph of the Defendant's Counterclaim, except as specifically stated in Paragraphs 2 through 6 of the Answer to Counterclaim.
- If you agree completely with a paragraph of the Defendant's Counterclaim, type or print the paragraph number in Paragraph 2 of the Answer to Counterclaim.
- If you both agree and disagree with a paragraph of the Defendant's Counterclaim, use Paragraphs 3 through 5 of the Answer to Counterclaim to respond. For each paragraph of the Defendant's Counterclaim that falls into this category, explain what part of the paragraph is admitted and what part is denied.
- If you don't have enough information to agree or disagree with a paragraph of the Defendant's Counterclaim, type or print the paragraph number in Paragraph 6 of the Answer to Counterclaim.

Affirmative Defenses:

An affirmative defense is a legal reason the Defendant should lose, even if the Defendant's Counterclaims are true.

For example, expiration of the time allowed by law to bring a civil case, or statute of limitations, is an affirmative defense.

Affirmative defenses must be stated in the Answer to Counterclaim. You, the Plaintiff, may not have any affirmative defenses.

- If you have any affirmative defenses, state the defenses in Paragraphs 7 through 9. Each defense is a separately numbered paragraph.
- See the [Appendix of Forms](#) for an example of presenting defenses in an Answer.

Answer Requests:

You, the Plaintiff, must state what you want the court to do, based on your Answer to the Counterclaim.

- Using Paragraphs 10 through 13, explain each request fully.
- Checkmark (✓) the box if you want to ask for any other relief the Court may decide to be just and equitable.

Sign and Date the Answer:

- You, the Plaintiff, must sign and date the Answer.

Service:

In general, copies of documents filed, or intended to be filed, with the court must be provided to the other parties in the civil case. This is called service.

- For information about service and proof of service in a civil case, go to the [Service](#) link on the ND Legal Self Help Center website in the “District Court Civil” section.
 - Review the information and instructions in the “Service After a Civil Action Has Been Started” section.

Reminder: You must serve a copy of your Answer to Counterclaim on each Defendant within twenty-one (21) days after you were served the Answer and Counterclaim.

There are specific requirements for serving documents.

- [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil case has been started.

Proof of service is an important step in the legal process.

- An Affidavit of Service or Declaration of Service completed by the individual who served the copies of documents on the Defendant is proof that service occurred.
 - Affidavit of Service or Declaration of Service forms are available at the [Service](#) link. See the information and instructions in the “Service After a Civil Action Has Been Started” section.
- The court **won't** act on papers filed with the court until proof of service is filed.

****Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

State of North Dakota

District Court

County of _____

_____ Judicial District

_____,)

Case No. _____

_____,)

Plaintiff)

Answer to Counterclaim

vs)

_____.)

Defendant)

_____, the Plaintiff in this case, submits this Answer to the allegations in the Defendant's Counterclaim:

1. I deny each and every allegation in the Defendant's Counterclaim unless specifically admitted to below.

2. I admit to the allegations in the following paragraphs in the Defendant's Counterclaim:

_____.

3. I admit part and deny part of the allegations in the following paragraph of the

Defendant's Counterclaim: Paragraph No. ____ (Explain below)

_____.

4. I admit part and deny part of the allegations in the following paragraph of the Defendant's Counterclaim: Paragraph No. ____ (*Explain below*)

5. I admit part and deny part of the allegations in the following paragraph of the Defendant's Counterclaim: Paragraph No. ____ (*Explain below*)

6. I do not have sufficient knowledge to either admit or deny the allegations in the following paragraphs in the Defendant's Counterclaim:

Affirmative Defenses Pursuant to Rule 8 of the North Dakota Rules of Civil Procedure

7. _____

_____.

8. _____

_____.

9. _____

_____.

Therefore, I request the following relief:

10. _____

_____.

11. _____

_____.

12. _____

_____.

13. _____

_____.

14. I also ask for any other relief the Court may determine to be just and equitable.

(Choose if applicable.)

Dated _____.

_____, Plaintiff
(Signature of Plaintiff)

(Printed Name of Plaintiff)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)