

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____,
Plaintiff

Case No. _____

vs

ANSWER TO COUNTERCLAIM

_____,
Defendant

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

- 1. Plaintiff denies each and every allegation in the Defendant's Counterclaim unless specifically admitted to below.
- 2. Plaintiff admits to the allegations in the following paragraphs in the Defendant's Counterclaim:

_____.

- 3. Plaintiff admits part and denies part of the allegations in the following paragraph of the Defendant's Counterclaim: Paragraph No. ____ (Explain below)

_____.

- 4. Plaintiff admits part and denies part of the allegations in the following paragraph of the Defendant's Counterclaim: Paragraph No. ____ (Explain below)

_____.

- 5. Plaintiff admits part and denies part of the allegations in the following paragraph of the Defendant's Counterclaim: Paragraph No. ____ (Explain below)

_____.

6. Plaintiff does 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:

10. _____

11. _____

12. _____

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

Dated this _____ day of _____, 20____

_____, Plaintiff
(Signature of Plaintiff)

(Printed Name of Plaintiff)

(Address)

(City, State, Zip Code)

(Telephone Number)

INSTRUCTIONS FOR ANSWER TO COUNTERCLAIM – CIVIL ACTION

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

Do not include these instruction sheets when you serve or file the completed form.

THE “ANSWERING THE COMPLAINT” SECTION OF THE [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

Answer to Counterclaim:

An answer to a counterclaim is a written response by a Plaintiff to a Defendant’s counterclaim. The answer to counterclaim must also state defenses to each of the counterclaims in short, plain statements.

- Complete the top of the Answer to Counterclaim exactly as it appears in the complaint.
- Paragraph 1 states that the Plaintiff disagrees with every paragraph of the Defendant’s counterclaim, except as stated in Paragraphs 2 through 6 of the Answer.
- If the Plaintiff agrees with a paragraph of the Defendant’s counterclaim, type or print the paragraph number in Paragraph 2 of the Answer.
- If the Plaintiff both agrees and disagrees 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 the Plaintiff does not 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 Plaintiff should lose, even if the Plaintiff’s claims are true. For example, expiration of the time allowed by law to bring a civil action, or statute of limitations, is an affirmative defense.

Affirmative defenses must be stated in the answer. A Defendant may not have any affirmative defenses.

- If the Plaintiff has 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.

Requests:

The Plaintiff must state what the Plaintiff wants the court to do, based on the responses in the Defendant's counterclaim.

- Explain the requests fully.

Sign and Date the Answer:

- The Plaintiff must sign and date the Answer to Counterclaim.

Service:

- A copy of the Answer to Counterclaim must be served on the Defendant(s).

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

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 action has been started.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

Do not include these instruction sheets when you serve or file the completed form.

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center is not intended for legal advice but only a general guide to the court process. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state.