

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____,
Plaintiff

vs

_____,
Defendant

)
)
)
)
)
)
)
)

Case No. _____

ANSWER AND COUNTERCLAIM

ANSWER

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

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

2. I admit to the allegations in the following paragraphs in the Plaintiff's Complaint:

_____.

3. I admit part and deny part of the allegations in the following paragraph of the Plaintiff's Complaint: Paragraph No. ____ (Explain below)

_____.

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

_____.

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

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

AFFIRMATIVE DEFENSES Pursuant to Rule 8 of the North Dakota Rules of Civil Procedure

7. _____

_____.

8. _____

_____.

COUNTERCLAIM

COMES NOW, the Defendant, who in support of the claim for relief on the Counterclaim, shows to the court as follows:

1. The Defendant incorporates the paragraphs admitted to in the Answer into this Counterclaim and in this Counterclaim states the following:

2. _____

_____.

3. _____

_____.

4. _____

_____.

5. _____

_____.

6. _____

_____.

7. _____

_____.

8. _____

_____.

THEREFORE, I request the following relief on the Answer and Counterclaim:

9. _____

_____.

10. _____

_____.

11. _____

_____.

12. _____

_____.

13. I also ask for any other relief the Court may determine to be just and equitable.
(Choose if applicable.)

Dated this _____ day of _____, 20____

_____, Defendant
(Signature of Defendant)

(Printed Name of Defendant)

(Address)

(City, State, Zip Code)

(Telephone Number)

INSTRUCTIONS FOR ANSWER AND COUNTERCLAIM – CIVIL ACTION

*****Refer to the “Answering a Civil Summons and Complaint” Checklist at www.ndcourts.gov/legal-self-help, “District Court Civil” section.*****

If you have any doubts about whether it is proper for the Plaintiff to sue you in North Dakota, consult a lawyer **IMMEDIATELY**, and **BEFORE** you serve or file any written response, answer, counterclaim or any other court paper.

You must serve a copy of your answer and counterclaim on each Plaintiff **within 21 days of service** of the summons and complaint.

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, 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 A SUMMONS AND COMPLAINT” LINK OF THE [DISTRICT COURT CIVIL](#) section the ND Legal Self Help Center website has additional information and resources.

Answer:

An answer is a written response by a Defendant to a complaint. The answer must also state defenses to each of the claims in short, plain statements.

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

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 Defendant has any affirmative defenses, state the defenses in Paragraphs 7 through 8. Each defense is a separately numbered paragraph.
- See the [Appendix of Forms](#) for an example of presenting defenses in an answer.

Counterclaim:

A counterclaim is a written demand or request to the court for judgment granting the relief the Defendant is seeking. A counterclaim allows the Defendant to bring claims against the Plaintiff.

Compulsory counterclaims are claims that arise out of the same transaction or occurrence as the claims in the Plaintiff's complaint; and do not require adding another party over whom the court does not have jurisdiction. A Defendant might not have any compulsory counterclaims.

Permissive counterclaims are claims against the Plaintiff that do not arise out of the same transaction or occurrence as the claims in the Plaintiff's complaint. A Defendant might not have any permissive counterclaims.

- Type or print each claim in short, plain statements that show the Defendant is entitled to relief.

Answer and Counterclaim Requests:

The Defendant must state what the Defendant wants the court to do, based on the Defendant's Answer and based on the claims in the Defendant's Counterclaim.

- Explain the requests fully.

Sign and Date the Answer and Counterclaim:

- The Defendant must sign and date the Answer.

Service:

You must serve a copy of your answer and counterclaim on each Plaintiff within twenty-one (21) days of service of the summons and complaint. If you do not, the Plaintiff may ask the court for a default judgment against you.

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. An affidavit of service completed by the individual who served the copies of documents on the Plaintiff is proof that service occurred. 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. Review the information and instructions in the “Service After a Civil Action Has Been Started” section.

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 state courts. The information provided by the Center is not intended for legal advice but only a general guide to the civil 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. Use at your own risk.****