

ANSWERING A CIVIL SUMMONS AND COMPLAINT CHECKLIST

This is a basic checklist for answering a civil summons and complaint in North Dakota State District Court. There may be additional documents and procedures for your particular type of civil action. If you are unsure how to proceed, you should consult a lawyer licensed to practice in North Dakota.

An answer is a written response by a Defendant to a complaint. THE “DISTRICT COURT CIVIL” SECTION of the [ND Legal Self Help Center website](#) has additional information and resources.

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

Carefully Review the Summons and Complaint:

Carefully read the summons, complaint, and all papers you received. The summons will provide information about who to serve and the deadline to serve the answer. The complaint will list the claims being made against you.

Calculate the Deadline to Answer a Civil Summons and Complaint:

The Defendant has twenty-one (21) days after service of the summons and copy of the complaint to respond or “answer” the complaint. The answer must be in writing.

See [Rule 12 of the North Dakota Rules of Civil Procedure](#) for more information about timeframes for serving an answer. See [Rule 6 of the North Dakota Rules of Civil Procedure](#) for more information about computing time.

- Date the summons and complaint were served on you, the Defendant: _____
- Using calendar days, calculate the date your written answer must be served on the Plaintiff(s): _____

Make a Copy of the Complaint to Mark-Up:

Make at least one copy of the complaint. Using the checklists on pages 2-4 go through your working copy of the complaint with a pencil and make notes. You should note any points you want to make in your answer.

Use your marked-up copy of the complaint, and pages 2-4, to help you organize and prepare your written answer.

Jurisdiction:

For a Plaintiff to start a civil action, they must show that North Dakota State District Courts have subject matter jurisdiction and personal jurisdiction. (See the “Jurisdiction” section of the [Guide to a Civil Action](#) for additional information.)

Research the [laws and/or rules](#) the Plaintiff included in the complaint.

Do you agree that North Dakota State District Courts have subject matter jurisdiction?

If you **do not** agree, explain why the laws and/or rules in the complaint **do not** give subject matter jurisdiction to North Dakota State District Courts: _____

Do you agree that North Dakota State District Courts have personal jurisdiction over each of the parties in the civil action?

If you **do not** agree, explain why North Dakota State District Courts **do not** have authority over each of the parties. ([Rule 4 of the North Dakota Rules of Civil Procedure](#) gives the definition of a “person” and the requirements for exercising personal jurisdiction over a person.): _____

Venue (Location of Civil Action):

The Plaintiff(s) must determine the proper county in North Dakota for the North Dakota State District Court to hear and decide the subject matter of the civil action. (See the [laws and/or rules](#) related to the subject matter and/or [North Dakota Century Code Chapter 28-04](#).)

Do you agree that the North Dakota State District Court in _____ County is the proper county in North Dakota to hear and decide the subject matter of the action?

If you **do not** agree, what is the proper North Dakota county? _____

Explain why: _____

Admit, Deny, or Insufficient Knowledge:

For every claim in the Plaintiff’s complaint, your answer must either admit (agree), deny, or state you do not have enough knowledge or information to admit or deny the claim. (See [Rule 8\(b\) of the North Dakota Rules of Civil Procedure](#) for additional information.)

Do you admit (agree with) any of the allegations (claims) listed in the complaint?

List the specific paragraph numbers of the claims with which you **completely agree**: _____

- Do you deny any of the allegations (claims) in the complaint?

List the specific paragraph numbers of the claims with which you **completely deny**:

- Do you admit (agree) in part and deny in part any of the allegations (claims) in the complaint?

List the specific paragraph number of the claims you **admit in part and deny in part**. For each, explain the part of the claim you admit and the part of the claim you deny:

- Do you have insufficient knowledge or information to either admit or deny any of the allegations (claims) in the complaint?

List the specific paragraph number of the claims you cannot admit **or** deny:

Affirmative Defenses:

An affirmative defense is a legal reason why the Plaintiff should lose, even if the Plaintiff's claims are true. Affirmative defenses must be listed in the answer. You may not have any affirmative defenses.

- Research [Rule 8](#), [Rule 9](#) and [Rule 12](#) of the North Dakota Rules of Civil Procedure for affirmative defense requirements.

- Do you have any affirmative defenses?

List the affirmative defense in short, simple, and plain sentences describing the affirmative defense and demand for relief: _____

Answer Requests:

The Defendant must state what the Defendant wants the court to do, based on the responses in the answer, and fully explain each request.

- List each request for relief, based on your responses in your answer:

Counterclaim:

A counterclaim is a written demand or request to the court for judgment granting the relief the Defendant is seeking and allows the Defendant to bring claims against the Plaintiff. You may not have any counterclaims.

Research [Rule 13 of the North Dakota Rules of Civil Procedure](#) for counterclaim requirements. (A counterclaim must meet all the requirements of a complaint.)

Do you have any counterclaims?

If yes, list the counterclaim(s) and the specific [law or laws](#) that support each counterclaim:

Do North Dakota State District Courts have subject matter jurisdiction over the counterclaim?

List the specific [law or laws](#) that give North Dakota State District Courts authority to hear and determine and counterclaim: _____

Do North Dakota State District Courts have personal jurisdiction?

Explain how the North Dakota State District Court has authority over each of the parties in the civil action. ([Rule 4 of the North Dakota Rules of Civil Procedure](#) gives the definition of a “person” and requirements for exercising personal jurisdiction over a person.):

Counterclaim Requests:

The Defendant must state what the Defendant wants the court to do, based on the claims in the Defendant’s counterclaim.

List each request for relief, based on your counterclaims:

Create Your Documents to Answer a Civil Summons and Complaint:

Answer (Used when you **do not** have counterclaims)

Fill in the top of the Answer exactly as it appears on the top of the summons

List the paragraphs from the complaint that you admit

List the paragraphs from the complaint that you deny

List the paragraphs from the complaint that you admit and deny. Explain the part of the claim you admit and the part you deny

List the paragraphs from the complaint that you do not have sufficient knowledge to either admit or deny

List the affirmative defenses, if any, in short plain sentences

List your requests for relief, based on your answer responses

- Do not include** confidential information as required by [Rule 3.4 of the North Dakota Rules of Court](#)
- Signed and dated by the Defendant, or by lawyer, if Defendant is represented
- Make a copy for each Plaintiff, plus one copy to keep as a record. The original will be filed with the Court

OR

- Answer and Counterclaim (Used when you **do** have counterclaims)
 - Fill in the top of the Answer and Counterclaim exactly as it appears on the summons
 Answer:
 - List the paragraphs from the complaint that you admit
 - List the paragraphs from the complaint that you deny
 - List the paragraphs from the complaint that you admit and deny. Explain the part of the claim you admit and the part you deny
 - List the paragraphs from the complaint that you do not have sufficient knowledge to either admit or deny
 - List the affirmative defenses, if any, in short plain sentences
 - List your requests for relief, based on your answer responses
 Counterclaim:
 - Explain how the court has subject matter jurisdiction and personal jurisdiction
 - Explain how the county is the proper venue for the civil action
 - Describe the counterclaim(s) in short, plain statements showing the you are entitled to relief
 - List your demands for relief, based on your counterclaim
 - Do not include** confidential information as required by [Rule 3.4 of the North Dakota Rules of Court](#)
 - Signed and dated by the Defendant, or by lawyer, if Defendant is represented
 - Make a copy for each Plaintiff, plus one copy to keep as a record. The original will be filed with the Court

AND

- Confidential Information Form
 - Fill in the top of the [Confidential Information Form](#) exactly as it appears on the top of the summons
 - Fill in the full information that cannot be included in documents filed with the Court ([See Rule 3.4 of the North Dakota Rules of Court](#))
 - Make a copy to keep as a record, the original will be filed with the Court

Service of Answer *OR* Answer and Counterclaim:

You must serve a copy of your answer (or answer and counterclaim) on each Plaintiff within twenty-one (21) days of service of the summons and complaint. A signed and notarized affidavit of service is proof that service occurred.

- Review service requirements in [Rule 5 of the North Dakota Rules of Civil Procedure](#). For more information about service requirements after a civil action has been started, go to the [Service](#) link on the ND Legal Self Help Center website.
- Obtain the address for each Plaintiff, or, the Plaintiff's lawyer, if the Plaintiff is represented.
- Arrange for service of a copy of your answer on each Plaintiff.
- For each Plaintiff, get the signed and notarized affidavit of service of the answer.

Filing the Answer and Confidential Information Form with the North Dakota State District Court:

(See the "Filing Documents with the District Court" section of the [Guide to a Civil Action](#) for additional information, including when a Defendant can file the summons and complaint.)

*** Filing a document is not the same as serving a document. Filing does not meet the requirements for service. ***

You must file your original answer, confidential information form and proof of service of the answer on each Plaintiff within a reasonable amount of time after being served the notice of filing the summons and complaint.

You will be required to pay a filing fee. **The filing fee for an answer is \$50.00.**

You must serve notice of filing the answer on the Plaintiff.

****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.****