

Helpful information about the Civil Answer

What is a civil case? Court cases that involve disputes between people or businesses over money or some injury to personal rights are called “civil” cases. A civil case usually begins when one person or business (called the "Plaintiff") claims to be harmed by the actions of another person or business (called the "Defendant"). The plaintiff starts the court case by filing and serving a "complaint."

What is a civil complaint? A civil “Complaint” is a document in a civil case that outlines the Plaintiff’s facts, legal theories and requests relief from the Court.

What is a civil answer? A civil “Answer” is your response to the civil Complaint that briefly describes the facts and the legal matters that are in dispute in the lawsuit. The Answer generally contains the following parts:

- Admissions: What you agree is a true statement in the other party’s Complaint;
- Denials: What you think is an untrue statement in the other party’s Complaint;
- Defenses: Facts or arguments that show why Plaintiff does not have a right to the relief requested.

If you were recently served a Civil Complaint, Summons and Certificate of Compulsory Arbitration by the Plaintiff who started the lawsuit in Maricopa County Superior Court - and you want to respond to the Plaintiff’s lawsuit, this packet may help you.

Generally, an Answer replies to each numerically listed claim in the Complaint with a response of “admit,” “deny,” or “without knowledge or information sufficient to form a belief as to the truth of the allegation.” You can learn more about how to write an Answer by reading the chapter on “Responding to the Claim,” in “Arizona Civil Trial Practice;” and Rule 8, in “Arizona Legal Forms, Civil Procedure,” available at the Law Library Resource Center.

Can you represent a legal entity (Corporation, Limited Liability Company, Partnership, etc.) in the Maricopa County Superior Court if you are not an attorney? No. Arizona law states that only an attorney can represent a legal entity in Superior Court. The Law Library Resource Center has copies of the Arizona Rules of the Supreme Court and case law for your research on this topic.

What is an admission? In a civil case, an admission is saying that certain facts are true.

What is a defense? In a civil case, a defense is the fact or argument presented by the Defendant to show why the plaintiff doesn’t have a right to the relief requested. More information about defenses may be found in “Arizona Rules of Civil Procedure” and “Arizona Legal Forms, Civil Procedure” available at the Law Library Resource Center.

What is an affirmative defense? A Defendant’s statement of facts and arguments that, if true, will defeat the Plaintiff’s claim, even if all the allegations on the complaint are true. The Arizona Rules of Civil Procedure are available online or at the Law Library Resource Center for your research on this topic.

When must you file your Answer? IF you decide to file the Answer, you have a limited time to file it. A calendar is helpful for you to find the last day you may respond.

- Look at the time table below. The first column, "Service by" shows the ways you may be served the court papers. In this column, find how you were served the Complaint and Summons.
- Look to the next column called "Count" (across from the way you were served). Find the number of days. This is the amount of time you have to respond.
- Look at the last column, titled "Event." On a calendar, begin counting on the day after the date of the Event. End your calendar count using the number of days to answer. The calendar day you end on will be the date, which is your last day to answer. If the last day to answer falls on a Saturday, Sunday, or legal holiday, you do not count that day. Your last day to answer would be the next day.
- Include weekends and holidays in your count -- until you reach the number of days in the Timetable below. If a written Answer is filed with the court on time, the Plaintiff cannot proceed by default.

Time to respond

<u>Service by</u>	<u>Count</u>	<u>Event</u>
Acceptance	20 days	after Defendant signs the Acceptance
Acceptance out-of-state	30 days	after Defendant signs the Acceptance
Process Server	20 days	after Defendant receives papers from Server
Process Server out-of-state	30 days	after Defendant receives papers from Server
Sheriff in Arizona	20 days	after Defendant receives papers from Sheriff
Sheriff out-of-state	30 days	after Defendant receives papers from Sheriff
Publication in Arizona	50 days	after the 1st date of publication
Publication out-of-state	60 days	after the 1 st date of publication
Waiver in U.S.	60 days	after request and notice sent
Waiver outside of U.S.	90 days	after Request and notice sent