

## **ANSWERING A COMPLAINT OR MOTION**

### **Q. I received a small claim notice in the mail. What do I do now?**

**A.** Follow the instructions on the notice and perhaps seek advice from an attorney. Court personnel cannot tell the defendant what words to use in the answer.

### **Q. How do I file a counterclaim?**

**A.** Court personnel cannot suggest what to write or whether a counterclaim should be filed.

### **Q. I was served with this complaint and summons. What do I do now?**

**A.** Follow the instructions in the summons and file an answer to the complaint within 20 calendar days (30 calendar days if out of state). Court personnel can inform the party of the current filing fee, if any.

### **Q. What do I do if I'm served with an amended complaint?**

**A.** The party may file a response or may contact an attorney.

### **Q. What do I write in my answer?**

**A.** The party writes down the response to a complaint. Court personnel cannot advise what to put in an answer. The party may want to consult an attorney.

### **Q. If I did not file my answer in time, and the plaintiff did not file default papers, can I still file my answer?**

**A.** Yes. The court will determine the effect of the late filing.

### **Q. When are my 20 days up (for filing an answer)?**

**A.** Start counting the 20 days on the day after service was completed. If a party doesn't know the date of service, court personnel may advise if proof of service was filed with the court.

### **Q. In what city or county do I file my case?**

**A.** The answer to this question depends on the type of case being filed, where the litigants live, and where events took place. Court personnel sorting out the impact of these factors would constitute legal advice. The party may consult an attorney.

### **Q. How do I file an answer?**

**A.** A party's answer must be in writing and filed within the proper time period after the complaint was served on the party. The party must provide a copy to the opposing party.

### **Q. When do I have to file my opposition papers on this motion?**

**A.** In civil cases, Rule 7.1 of Arizona Rules of Civil Procedure states that the opposing party shall file any answering memorandum within ten (10) days after the motion was filed and served. Rule 6 (e) of Arizona Rules of Civil Procedure allows an additional five (5) calendar days when the motion is served by mail. The judicial

officer may determine there are grounds for an accelerated ruling, in which case the time for filing may be shortened. The time periods may be different when specific times for motions are otherwise provided by statute, Arizona Rules of Civil Procedure, or order of the court. Unless the court orders otherwise, Arizona law requires all papers opposing a motion be filed and served on the opposing party at least ten (10) calendar days before the hearing.

**Q. I figured out that I have to file my papers ten days before the hearing, but that day falls on a holiday when the court is closed. What do I do?**

**A.** This situation is an exception to the ten-day rule. The party must file and serve the papers by the end of court business on the next day that the court is open following the holiday.