

HOW TO FILE YOUR OWN “ANSWER” IN DEFENSE OF A COURT CASE

In Miami-Dade County Florida

I. INTRODUCTION

The response to a lawsuit filed against you in court is called an “Answer”. Most of the information you need to file your Answer is contained in the “Summons” that was delivered to you with the lawsuit. If you don’t file an Answer then a “Default” can be entered against you, and later a Default Final Judgment can also be entered. This means you will lose the case.

II. WHEN TO FILE

The Summons says whether you must file an Answer within 20 or 30 days after you receive a copy of the Summons and lawsuit. If the 20th or 30th day is a weekend or legal holiday, your Answer is due the following business day.

If you received a 5 day summons in an eviction case, you must file an Answer within 5 days after you were served. In counting the 5 days don’t count Saturday, Sunday and holidays. Filing simply means going up to the clerk at the counter of the courthouse and telling him or her that you want to file an Answer. The clerk will either take your answer or direct you to a clerk who will. It does not cost anything to file an Answer.

When you file your Answer take the original and two copies. The Clerk will keep the original for the court file. The Clerk's office will stamp the date on your copy so you have that for your records. Mail the other copy to the Plaintiff or the Plaintiff’s attorney.

The Miami-Dade County Clerk’s offices are open at 9:00 a.m. and close at 4:00 p.m., Monday through Friday. The clerk of the U.S. District Court is open Monday through Friday.

III. WHAT TO FILE

Your Answer should contain a response to each paragraph in the Plaintiff’s lawsuit. State whether you agree or disagree with each paragraph contained in the lawsuit. If you do not have enough information to respond to a paragraph of the lawsuit, then you should write that you have no knowledge of the matter or not enough information to respond.

Your Answer should also contain any defense that you have to the lawsuit. You should explain anything which is in your favor and important facts which are not in the Plaintiff’s lawsuit.

At the end of the Answer you must sign your name and include your address and telephone number. Also, you must certify that you have mailed a copy of the Answer to the Plaintiff or to Plaintiff’s attorney and give the date you mailed it to them. You must also sign your name under this certification.

Attached is a form Answer as an example. You may be able to write in the necessary information in the blank spaces on the form and file it in your own case.

IV. WHERE TO FILE ANSWER

To find out where to file your Answer, look first at the very top of the summons and lawsuit. If the lawsuit was filed in the MiamiDade County Circuit Court, then your Answer must be filed with the Clerk of the Circuit Court on the first floor of the Miami-Dade County Courthouse, 73 West Flagler Street, Miami, FL. If the lawsuit was filed in the County Court for Miami-Dade County, then you must next refer to the Case Number, also at the top of the Summons and the lawsuit. If the Case Number includes a "CC" , then your Answer must be filed in the following places:

COURT LOCATIONS The numbers in parentheses are the branch court number:

- **(05)** Dade County Courthouse
73 West Flagler Street
Miami, FL
- **(20)** Caleb Center
(N.W. District)
5400 NW 22 Avenue, Room 205
Miami, FL
- **(23)** North Dade Justice Center
(North Dade District)
15555 Biscayne Blvd.
North Miami Beach, FL
- **(24)** Miami Beach Branch
East District
1130 Washington Avenue
Miami Beach, FL
- **(25)** Coral Gables Branch
(South Central District)
2801 Salzedo Street
Coral Gables, FL
- **(26)** Cutler Ridge Branch
10710 SW 211 Street
Miami, FL

Small Claims Court lawsuits: If your lawsuit was filed in the County Court for Miami-Dade County but the case number is followed by a "SP", then you must carefully read the instructions in the summons. Your case is in the Small Claims Court division. You do not have to file an Answer, but you or your attorney must go to the pretrial hearing on the date and time and at the address listed on the summons. At the pretrial hearing you will find out if there is a chance of settling the case. You will find out what evidence the other side will offer at trial. If no settlement is reached, then you must get a date and time for the trial of your case.

United States District Court: If the lawsuit was filed in the U.S. District Court for the Southern District of Florida, you must file your Answer with the Clerk of the Federal Court on the first floor of the U.S. Courthouse, 301 North Miami Avenue, Miami, FL.

V. FLORIDA BAR LAWYER REFERRAL SERVICE

You may call the Florida Bar Lawyer Referral Service at 1-800-342-8011 and ask for a referral to an attorney on their Low Cost Panel. The clerk will ask you about your income. If you qualify, you will be referred to a private attorney who will charge you a reduced fee. The first half hour of consultation with the attorney will be free. If you do not qualify for the reduced fee attorney, you will be given the name of an attorney who charges regular fees. However, that attorney will only charge you \$25.00 for the first half hour consultation.

LEGAL SERVICES OF GREATER MIAMI

3000 Biscayne Boulevard, Suite 500
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IN THE _____ COURT IN AND FOR _____ COUNTY, FLORIDA

Case No. _____

Plaintiff

vs.

Defendant(s)

_____ /

ANSWER

Signature of Defendant

Address _____

Phone _____

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this Answer to the Plaintiff at _____

_____ on _____ 20__.

Defendant's signature