

HOW TO FILE YOUR OWN “ANSWER”

IN DEFENSE OF A MIAMI-DADE COUNTY FLORIDA COURT CASE

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 entered. This means you will lose the case.

II. WHEN TO FILE

Depending on which court the lawsuit has been filed with, the Summons will instruct you to file your Answer within 20 or 30 days after you receive your copy of the Summons. In eviction lawsuits the Answer deadline is only 5 days. If the deadline falls on a weekend day or legal holiday, the Answer is due the following business day. You file your Answer at the Clerk's office at the courthouse indicated on the Summons. There is no charge for filing 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 “Plaintiff is the person or corporation that is suing you).

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 fill-in-the-blank "Answer" that you can use if a case is filed against you..

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

CIRCUIT COURT:

- Miami Dade County Courthouse
73 West Flagler Street
Miami, FL

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

- **(05)** Miami 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. **IN A SMALL CLAIMS COURT CASE YOU DO NOT HAVE TO FILE A WRITTEN ANSWER, BUT YOU MUST ATTEND 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. The charge is \$25 for the initial half-hour office consultation. You and the lawyer are under no obligation to go beyond the first consultation. The fee for any additional service should be arranged between you and the attorney.

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