Any Attorney or Party

Any Street

Any Town, CA 55555

714-555-5555

Any Attorney or Party

**UNITED STATES DISTRICT COURT**

**\_\_\_\_\_\_\_\_ DISTRICT OF \_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |  |
| --- | --- | --- |
| Any Plaintiff,  Plaintiff,  vs.  Any Defendant, and DOES 1-5  Defendants. | )  )  )  )  )  )  )  )  )  )  )  )  )  ) | Case No.  ANSWER OF DEFENDANT \_\_\_\_\_\_\_\_ TO COMPLAINT OF PLAINTIFF\_\_\_\_\_\_\_\_\_\_\_  **[DEMAND FOR JURY TRIAL]** |
|  | )  ) |  |

Defendant, \_\_\_\_\_\_\_\_\_\_, answers the complaint of Plaintiff, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as follows:

1. Defendant admits the allegations in paragraphs 1, 2, 3, 4, 5, and 6.

2. Defendant denies the allegations in paragraph 7, 8, 9, 10, 11, 12.

3. Defendant has not information or belief that the allegations in paragraph 13 are true so Defendant denies them.

4. Defendant denies the allegations in paragraph 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61.

5. Except as expressly admitted herein, Defendant denies all of the allegations of the complaint.

**If you know that everything in a particular paragraph is false then deny it. If you have no knowledge whether a particular paragraph is true, then deny it on information and belief as shown in paragraph 3 above. Remember that anything that you do not specifically deny will be considered admitted and that you should admit or deny every paragraph.**

FURTHER, AS SEPARATE AFFIRMATIVE DEFENSES to each and every claim for relief of the complaint, this Answering Defendant is informed and believes, and on such information and belief alleges as follows:

**Be sure to include some details in your affirmative defenses, in other words state enough facts so that you state a sufficient defense. Do NOT just use the affirmative defenses here without adding in some details, for example only, a statement such as: “On or about, plaintiff and I agreed that I would pay them the sum of $\_\_\_\_ as full and complete reimbursement. I paid plaintiff that sum on or about\_\_\_\_, which constitutes an accord and satisfaction” but use the facts from your situation.**

**FIRST AFFIRMATIVE DEFENSE**

6. As a First and Separate Affirmative Defense to the complaint and each claim for relief contained therein, this Answering Defendant alleges that the Plaintiff’s complaint and each claim for relief contained therein fails to state facts sufficient to state a claim against this Answering Defendant.

**SECOND AFFIRMATIVE DEFENSE**

7. As a Second and Separate Affirmative Defense to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of accord and satisfaction, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**THIRD AFFIRMATIVE DEFENSE**

8. As a Third and Separate Affirmative Defense to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of assumption of risk, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**FOURTH AFFIRMATIVE DEFENSE**

9. As a Fourth and Separate Affirmative Defense to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of contributory negligence, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant

**FIFTH AFFIRMATIVE DEFENSE**

10. As a Fifth and Separate Affirmative Defense to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of estoppel, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant as a result.

**SIXTH AFFIRMATIVE DEFENSE**

11. As a Sixth and Separate Affirmative Defense, to the complaint and each claim for relief contained therein, this Answering Defendant alleges a failure of consideration, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**SEVENTH AFFIRMATIVE DEFENSE**

12. As a Seventh and Separate Affirmative Defense, to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of laches, that Plaintiff unreasonably delayed asserted filing any claims, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**EIGHTH AFFIRMATIVE DEFENSE**

13. As an Eighth and Separate Affirmative Defense, to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of laches, that Plaintiff unreasonably delayed asserted filing any claims against this Answering Defendant causing this Answering Defendant to suffer prejudice, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**NINTH AFFIRMATIVE DEFENSE**

14. As a Ninth and Separate Affirmative Defense, to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of payment in that this Answering Defendant has paid to Plaintiff all sums owed, if any, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**TENTH AFFIRMATIVE DEFENSE**

15. As a Tenth and Separate Affirmative Defense, to the complaint and each claim for relief contained therein, this Answering Defendant alleges the doctrine of release in that Plaintiff released this Answering Defendant from any and all liability, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**ELEVENTH AFFIRMATIVE DEFENSE**

16. As an Eleventh and Separate Affirmative Defense, to the complaint and each claim for relief contained therein, this Answering Defendant alleges that the complaint and each claim for relief contained therein is barred by the statute of limitations found in **LIST STATUTE OR CODE SECTION WHERE STATUTE OF LIMITATIONS IS FOUND**, and as a result Plaintiff is estopped from raising any claims against this Answering Defendant.

**TWELFTH AFFIRMATIVE DEFENSE**

17. This Answering Defendant presently has insufficient knowledge and information upon which to form a belief as to whether they may have additional, and as yet unstated, affirmative defenses available. As such, this Answering Defendant reserves the right to seek leave of Court to amend their Answer to assert additional affirmative defenses in the event that discovery reveals facts which render them appropriate.

WHEREFORE, Defendant prays that Plaintiff:

1. Take nothing by their complaint;

2. That said complaint be dismissed against this Answering Defendant with prejudice;

3. For the costs of suit incurred herein; and

4. For such other and further relief as the court may deem just and proper.

Dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ANY ATTORNEY OR PARTY

**DEMAND FOR JURY TRIAL**

Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_hereby demands a trial by jury on all issues triable by a

jury in the above-entitled action.

Dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ANY ATTORNEY OR PARTY

**Be sure to modify this to suit your individual situation. Do NOT**

**just use the wording here unless it definitely applies to your particular**

**situation. Remember that you must file and serve your answer by the deadline or a default will be entered against you. You should answer the complaint within 21 days after you are served unless plaintiff agreed to extend the deadline.**

**PROOF OF SERVICE**

I am over the age of 18 and not a party to this action.

I am a resident of or employed in the county where the mailing occurred; my business/residence address is: **ADDRESS OF PERSON SERVING PAPERS.**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I served the foregoing document(s) described as: **ANSWER OF**

**DEFENDANT \_\_\_\_\_\_\_\_\_\_\_\_\_\_TO COMPLAINT OF PLAINTIFF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** to the following parties:

**NAME AND ADDRESS OF ATTORNEY FOR OTHER PARTY OR OTHER PARTY**

[X] (By U.S. Mail) I deposited such envelope in the mail at \_\_\_\_\_\_\_, California with postage thereon fully prepaid. I am readily familiar with the firm’s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at \_\_\_\_\_\_\_\_\_, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] (By Personal Service) I caused such envelope to be delivered by hand via messenger service to the address above;

[ ] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

DATED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME OF PERSON SERVING PAPERS