

INSTRUCTIONS FOR COMPLETING, FILING AND SERVING A CIVIL COUNTERCLAIM

A counterclaim is a claim for relief asserted by a defendant against a plaintiff in a civil case. If you are wishing to file a counterclaim against the plaintiff in your case, you must file the counterclaim with your answer.

Step 1. Enter your information in the top left corner.

Step 2. Enter the judge's name in the caption.

Step 3. Enter the name of the plaintiff on the line designated for "Plaintiff / Counter-Defendant".

Step 4. Enter your name on the line designated for "Defendant / Counter-Plaintiff".

Step 5. Enter the case number in the designated line.

Step 6. Paragraph 1: Describe what incidents or events led up to the filing of your counterclaim. Describe what the plaintiff(s) did and what they failed to do the correct the issue. Be sure to include dates and locations.

Step 7. Paragraph 2: Enter the relief that you are asking the court to award you.

Step 8. Enter the date that you are signing the counterclaim.

Step 9. Sign on the signature line over "Defendant / Counter-Plaintiff". Print your mailing address and phone number on the designated lines.

Step 10. Complete the "Certificate of Service" portion at the bottom of the form on the same date that you will mail your counterclaim to the defendant (or their attorney, if represented). Provide the address that you are mailing your counterclaim to on the line provided. By dating and signing the Certificate of Service, you are telling the court that you have served a copy of your counterclaim to the plaintiff or their attorney, if represented.

Step 11. Make copies of the counterclaim. You must provide the clerk with the original and *at least* two copies of the counterclaim. (Original counterclaim for court file, one copy for each plaintiff and one copy for your records.) If the clerk has to make copies for you, you will be charged a copy fee.

Step 12. Take your originals and copies of the counterclaim to the Justice Court Civil Clerk with your answer and \$30.00 filing fee (\$30.00 per defendant). The clerk will file-stamp your paperwork. The clerk will keep the original for the court file and return the copies to you.

This document has been prepared as a courtesy to assist you with completing your counterclaim. It is not to be construed as providing legal advice or representation on how to prepare your case.

Step 13. Place a copy of your answer and counterclaim in the U.S. mail, postage pre-paid, addressed to the plaintiff, or the plaintiff's attorney, if represented.

A response to your counterclaim must be filed within 20 business days of service (add three days if served via mail). If a response is not filed by the close of business on the 20th day, you may motion for judgment by default on your counterclaim. If a response is filed and you are not satisfied, you may motion the court for further hearings.

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION, OR A MODIFICATION OF POLICIES OR PROCEDURES TO PARTICIPATE IN A COUNTY PROGRAM, SERVICE OR ACTIVITY, SHOULD CONTACT JUSTICE COURT AT 258-3474, AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT

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