

# Breach of Contract Answer

<b>Step 1</b>	<b>Read:</b> Things to Think About Before Filing an Answer (other side of this form)
<b>Step 2</b>	<b>Complete the following forms</b> in blue or black ink: <ul style="list-style-type: none"> <li><input type="checkbox"/> (PLD-C-010) Answer-Contract</li> <li><input type="checkbox"/> Affirmative Defenses Attachment (if applicable)</li> <li><input type="checkbox"/> Verification</li> <li><input type="checkbox"/> Proof of Service</li> </ul>
<b>Step 3</b>	<b>Copies:</b> Make 2 copies, in addition to the original.
<b>Step 4</b>	<b>Service:</b> Have an adult, <b>not you</b> , mail a copy of the Answer on the other party or their attorney (if they have one) by mail.  After the papers are mailed, the <b>server</b> (person who mailed the papers) must complete the <b>Proof of Service</b>
<b>Step 5</b>  There is a filing fee unless the fee is waived.	<b>File:</b> Turn in the original and copies of the <i>Answer</i> , <i>Affirmative Defenses (if applicable)</i> , <i>the Verification</i> and <i>the Proof of Service</i> to the Clerk’s Office located at: <p style="text-align: center;"><b>191 North First Street, San Jose, CA 95113</b></p> The Clerk’s Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-882-2100</b> for current office hours. <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>If you are not asking for a fee waiver</b>, you will pay the filing fee and get filed-stamped copies back when you file.</li> <li><input type="checkbox"/> <b>If you are asking for a fee waiver</b>, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file-stamped forms may be mailed to you. Please check with the clerk who takes your forms.</li> </ul>
<b>Step 6</b>	<b>What happens next:</b> Attend any Case Management Conference or other court dates you are notified about.

## HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on “Find Legal Professionals” to hire or consult with a private attorney. Some lawyer referral services offer a low-cost, 30-minute consultation with an attorney.
- For free legal advice and information, see our “Do-It-Yourself Resources” flyer. Go to [www.scscourt.org](http://www.scscourt.org), click on “Self-Help” then “Self-Help Flyers”.
- The Self-Help Center/Family Law Facilitator – See our information flyer:
  - Contact us: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Contact the Self-Help Center**”.
  - Obtain Forms: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Complete Forms at Home**”
  - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara  
**Self-Help Center/Family Law Facilitator’s Office**  
 201 N. First Street, San Jose, CA 95113  
 408-882-2926

## Did You Get Sued and Are Thinking about Filing an Answer with the Court?

If you have been sued in civil court, there are several things you to think about before you file a legal response called an “Answer.” An Answer is the legal form you file with the court to give your side of the story in the lawsuit.

**If you file an Answer**, you will have a trial. If you win, you will not owe money. If you lose, the opposing party can collect money from your job, bank account, or put a lien on your house. If your case is not a case to collect money from you, you must go to a Case Management Conference before the trial. The date is written on the Civil Lawsuit Notice attached to the legal forms originally served on you. During the Case Management Conference, the judge may set a Settlement Conference date and a trial date. You may be able to talk to the opposing attorney or other party in the case (the “Plaintiff”).

**If you do not file an Answer**, the other side might get a default judgment against you. This means that the other side automatically wins the case. After they win, they can collect money from your job, bank account, or put a lien on your house.

### THINGS TO THINK ABOUT BEFORE YOU FILE AN ANSWER:

#### 1. Do you owe the money?

- If you feel you *do not* owe the money claimed in the Complaint, then filing an Answer is a way to let the Court know you do not agree and explain *why*.
- If you *owe* the money, filing an Answer does not change the fact that you owe the money.
- If you lose the case, you will likely have to pay court costs and attorney fees.

#### 2. Has it been a long time since you paid any money toward the debt (Breach of Contract lawsuits)?

- If you have not paid any money toward the debt in the last four years, you may no longer owe the money due to the “Statute of Limitations.” If this is true, you may want to file an Answer to let the Court know that it has been four years or longer.

#### 3. Can you take time off work to go to court?

- If you file an Answer, you will have to go to court at least one time for the trial, maybe more.
- If you do not file an Answer, you do not need to go to court.

#### 4. Are you low income?

- If you have very low income, you may qualify for a fee waiver.
- If your income is not low, the filing fee is approximately \$225 to \$435 to file your response.

#### 5. Check the interest rates (breach of contract cases)!

- If you file an Answer, you may be charged the interest rate in your contract until your final court date (which could be more than a year away).
- If you *do not* file an Answer and the other party wins the case by default, the interest rate will be 10% per year starting the date a judgment is entered against you.

#### 6. If you file an Answer, you may have to fill out legal papers called “discovery.”

- If you file an Answer, the other side can send you discovery requests. These are legal papers that require you to answer detailed questions about your case and give the other side papers related to your case.
- If you do not file an Answer, you will not have to respond with any more papers. Exception: If you lose and the other party tries to collect the money from you. In that case, you may want to file more papers.

#### 7. Do you think that the lawsuit wasn’t served on you correctly or that there are other legal problems with the papers?

- There may be other “custom-made” pleadings you want to file instead of an Answer, like a Demurrer or Motion to Quash. Talk to a private attorney about these options.