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1600 NW 6th Court
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LIBERTY CITY OFFICE MIAMI WORKERS CENTER

6127 NW 7th Avenue
Miami, FL 33127
Phone (305) 759-8717
2nd and 4th Tuesday of each month



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



THIS HANDOUT WAS PREPARED BY
LEGAL SERVICES OF GREATER MIAMI, INC.

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 delivered to you with the lawsuit. If you don't file a response to the lawsuit, then a Default can be entered against you, and later a Default Final Judgment. 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. She 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 until 5:00 p.m., 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 everything 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 at the very top of the summons and lawsuit. If the lawsuit was filed in the Miami-Dade 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:

COURTS LOCATIONS

The numbers in parentheses are the branch court number:

- (5) Dade County Courthouse
(Central District)
73 West Flagler Street
Miami, Florida 33130
- (20) Caleb Center
(North Central District)
5400 NW 22 Avenue
Miami, Florida 33142
- (23) North Dade Justice Center
(North District)
15555 Biscayne Boulevard
Miami, Florida 33160
- (24) Miami Beach Branch
(East District)
1130 Washington Avenue
Miami Beach, Florida 33139
- (25) Coral Gables Branch
(South Central District)
3100 Ponce De Leon Blvd.
Coral Gables, Florida 33134
- (26) South Dade Justice Center
(South District)
10710 SW 211 Street
Miami, Florida 33169
- (21) Hialeah Courthouse
(Hialeah District)
11 East 6th Street
Hialeah, Florida 33010

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.

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. MIAMI-DADE LAWYER REFERRAL SERVICE

You can contact the Miami-Dade Lawyer Referral Service at (305) 350-5297 and can ask for a referral to an attorney who is on the Low Cost Panel. You must pay \$50.00 in advance to obtain a referral to an attorney. Please call their phone number for more information about this service.

