



Neighborhood Legal Services
of Los Angeles County

SIMPLE GUIDE TO A CREDIT CARD LAWSUIT

Pro Per Guide



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of Los Angeles County

A Simple Guide to a Credit Card Lawsuit

This guide was made by Neighborhood Legal Services of Los Angeles County (NLSLA) to help you understand your options before responding to a credit card lawsuit. **It is not a substitute for a lawyer, nor is it legal advice**, but the information it provides can help you decide what to do with your case.

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I. What Happens when You Are Sued for Credit Card Debt?

What You Might Have Received:

- **A Summons** (Form SUM-100)
- **A Complaint** (Form PLD-C-001) or a written Complaint
- Other court forms that say “Cause of Action.” These forms are meant to provide more specifics for the Court and must be addressed in you Answer.
 - Examples include PLD-C-001(1) for “breach of contract” and PLD-C-001(2) for “common counts”
- Exhibits attached to the Complaint

What Does It Mean To Be Sued for Consumer Debt?

Consumer debt is money owed for debt relating to goods and/or services that were primarily for personal, family, or household purposes.

If you are being sued by a credit card company, you are the Defendant. The company suing you is the Plaintiff. The Plaintiff may be an original creditor that you recognize or a debt buyer.

Being sued for a consumer debt means that if you lose, you might have to pay the money the Plaintiff is seeking. If the Plaintiff wins the lawsuit, they may be able to take money from your bank account or paycheck.

This is not a criminal case. **You will not go to jail because you cannot pay it back.**

Disclaimer: This guide is intended to assist you in understanding and completing the forms related to your case. It is not meant to offer legal advice or strategies for handling your case. The information provided in this guide presents general options and examples but does not replace the advice of a licensed attorney. For legal advice specific to your situation, it is important to consult with a lawyer.



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2. Should You File an Answer?

If you choose to **file an Answer**, you have a chance to win the case. You can't win without filing one.

If you choose to Answer, you have **30 days** from the date you were personally served, that is personally handed the court documents, to file a response with the Court. (If the documents were left at your home and copies were mailed to you, then you have 40 days from the day they were mailed to file a response.) Some people choose not to respond, but responding could help you explain to the judge if you don't owe the money. This guide will explain some factors to consider when deciding if and how you want to respond to the lawsuit.

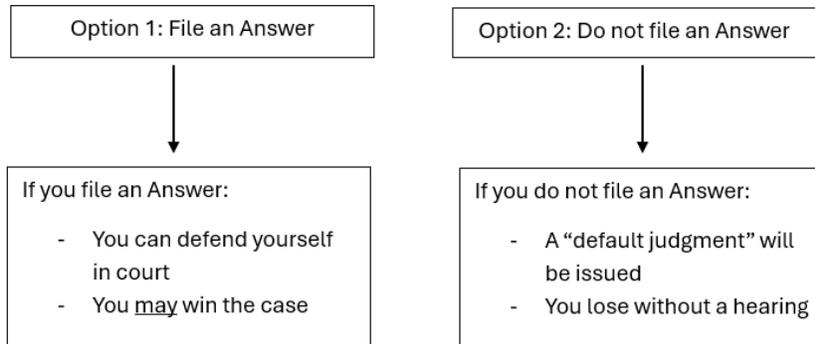
If you decide to Answer, the case will continue into the discovery phase (more on that below) and eventually may go to trial. At any point you can contact the Plaintiff's attorney to try to negotiate a settlement.

In your Answer, the judge will only look at **legal defenses**. This means personal reasons like losing your job or getting sick won't help, even if you explain them to the judge.

Here are some **legal defenses** that might help:

- The debt isn't yours (mistaken identity)
- Someone stole your identity
- You were just an authorized user on someone else's account
- You made payments, but they weren't recorded correctly
- The creditor waited too long to sue you (statute of limitations)
- You filed for bankruptcy and the debt was discharged
- Standing, which is a defense in lawsuits from debt buyers

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Here are some things to help you decide if filing an Answer is right for you:

Factors in favor of filing an Answer:	Factors against filing an Answer:
<ul style="list-style-type: none"> • You do not recognize the debt • You already paid part or all of the debt • You are being sued by a debt buyer/debt collector • The debt is old (more than 3-4 years old) • You have other strong legal defenses 	<ul style="list-style-type: none"> • You recognize the debt • You agree you owe the debt • You are being sued by the original creditor • You are collection proof • You do NOT have strong legal defenses

3. If You File an Answer

Filing an Answer is the first step to having a hearing where you can show the judge why you don't owe the debt.

- At a court hearing, you will need to represent yourself or hire a lawyer.
- If you want to hire a private lawyer, here are some options:
 - **Los Angeles County Bar Referral & Information Service**
Phone: 213-243-1525 (Free consultations)
 - **San Fernando Valley Bar Association**
Phone: 818-340-4529
Email: referrals@sfvba.org (Free consultations)

If you decide to file an Answer, please see our How to Answer Guide available on NLSLA's website [here](#). In your Answer, include **all possible legal defenses**, even if you don't have evidence yet. You can remove a defense later, but it is harder to add them.

Note: Filing an Answer without a legal defense can result in owing more money because the Plaintiff may be able to charge you for their legal fees if they win.

What Happens If You Don't File an Answer?

If you don't file an Answer, you will lose the case. The Plaintiff will ask the Court to enter a default judgment against you without hearing your side.

Note: Even if there is a default judgment against you, you can still negotiate.

4. Discovery: What Is It?

If you file an Answer, the creditor (Plaintiff) may send you something called **Discovery**. This is a set of questions and requests to learn more about you and your case. The purpose of discovery is allow the parties to discover facts. You have **30 days** to respond.

Here are the types of **Discovery** questions:

- **Interrogatories** – Questions about your debt, income, job, etc.
- **Requests for Production** – Asking for documents like bank statements and paychecks.
- **Requests for Admission** – Statements with which you have to agree with, deny or say you don't know enough to say. (e.g., "Do you owe \$5,000?")

Tips for answering Discovery:

- **Answer all questions** honestly, even if it's not good for your case.
- If you don't know or understand a question, say so.
- Don't give extra information. Just answer what's asked.
- **Respond on time!** If you don't, you could lose the case.
- **Do not** file your discovery responses with the Court.
- Guides to help you respond are available online at the Sacramento Law Library:
 - [Requests for Admission](#)
 - [Interrogatories](#)
 - [Requests for Production of Documents](#)

Note: You can send Discovery to the other side as well. You can ask for things like account statements and records of fraud investigations.

Resources for Discovery:

You may find additional information about the court process and how to handle **Discovery** at these websites:

- **California Courts Self Help:** <https://www.courts.ca.gov/selfhelp.htm>
This site has helpful guides and FAQs on how to respond to legal forms like Discovery.
- **The Sacramento County Law Library:** <https://saclaw.org/law-101/being-sued-topic/>
This website provides helpful resources, including guides to understanding the court process and responding to lawsuits.

5. The Trial

Trial is where you will present your case to the judge. The trial is your opportunity to explain your legal defenses. Bring evidence (documents, receipts, statements, etc.) to support what you say. In some cases, you may want to bring a witness. Trial tips:

- Make sure to **get to Court early**. If you are not present when your case is called, you will lose.
- Bring copies of ALL documents from the Court case including the Summons & Complaint, Answer, and any other documents you received from the Court.
- Bring copies of ALL evidence you want to show to the judge.

6. What Does It Mean to Have a Judgment Against You?

A **Judgment** is a court document stating that you owe the creditor a certain amount of money. If you win, it means you don't have to pay. If the other side wins, the judgment means the creditor can collect the money you owe to them. The judgment is valid for **10 years** and can be renewed. **Interest** is also added to the debt at **10% per year**.

Note: While many Judgments can be renewed repeatedly, a Judgment for personal debt of less than \$50,000 can only be renewed one time and only for 5 years, Interest on such a renewed Judgment is added at 5% per year. After this, the Judgment expires.

Debt Collection: What Can and Cannot Be Done

The creditor **may be able to:**

- Take up to **20%** of your paycheck through a wage garnishment
- Take money from any bank account in your name through a bank levy
- Put a lien on any property you may own

The creditor **cannot:**

- Take your wages if you make very little money (less than minimum wage)
- Take certain kinds of income from government programs (Social Security, disability, unemployment insurance, workers compensation, etc.)
- Take your bank account down to \$0. The law currently protects the first \$2,170 in your accounts.¹
- There are strong limits on when a creditor can force the sale of a home.

After the Judgment:

If the creditor tries to take money from your paycheck or bank account, you can file a Claim of Exemption. This is a way to ask the judge to stop them from taking money you need for yourself and your family.

- **You must act quickly if you receive a notice of bank levy (taking money out of bank account) or wage garnishment (taking percentage of your wages).**
- In some cases, you may have as little as 10 days to file a Claim of Exemption before the creditor can start taking money from you.

If you need help with the Claim of Exemption forms, visit NLSLA's Consumer Debt & Bankruptcy [webpage](#) and fill out our Self-Help Questionnaire to get started.

¹ See EJ-156. (The protected amount changes regularly and was last reviewed on April 23, 2025)

7. Other Options – Negotiation and Bankruptcy

Negotiating With the Plaintiff:

You can try to work out a deal with the creditor at any time:

- Before filing an Answer
- After filing an Answer
- Even after a Judgment

If you negotiate, make sure you have a copy of the agreement is in **writing** before making any payments. Don't agree to payments you can't afford. If you do, you might get into more debt.

Considering Bankruptcy

If you have too much debt and can't pay it, you might want to consider **bankruptcy**. You can talk to a bankruptcy lawyer for free at **NLSLA's Bankruptcy Self-Help Center** located in the Woodland Hills Bankruptcy Courthouse at 21401 Burbank Blvd., Woodland Hills, CA 91367. The Center is open on Tuesdays and Thursdays from 9:00am-12:00pm and 1:00pm-4:00pm. If you cannot visit at those times, you can go to NLSLA's Consumer Debt & Bankruptcy [webpage](#) and fill out our Self-Help Questionnaire.

8. Helpful Resources

- **California Courts Self Help** - <https://www.courts.ca.gov/selfhelp.htm>
- **Sacramento County Law Library** - <https://saclaw.org/law-101/being-sued-topic/>
- **Loyola Law School Center for Conflict Resolution – Mediation Assistance** - <https://www.lls.edu/academics/centers/loyolacenterforconflictresolution/forthecommunity/>
- **Los Angeles County Department of Business and Consumer Affairs (DCBA)** - <https://dcba.lacounty.gov/>