



Neighborhood Legal Services
of Los Angeles County

HOW TO ANSWER A CREDIT CARD COLLECTION LAWSUIT

Pro Per Guide



Neighborhood Legal Services
of Los Angeles County

HOW TO ANSWER A CREDIT CARD COLLECTION LAWSUIT

Introduction

The instructions below are here to help you fill out your Answer to a lawsuit for collection of a credit card debt. Remember, filing an Answer is not your only choice. For more information, read NLSLA's Guide "A Simple Guide to a Credit Card Lawsuit."

The Answer is a package of documents that you file with the Court that responds to the lawsuit filed by the Plaintiff/Creditor. The Answer raises legal defenses which explain to the Court why you think you do not owe the debt. You may have a legal defense if you believe the debt is a result of identity theft or you already paid the debt. Inability to pay the debt is unfortunately not a legal defense.

To file an Answer, you need to fill out these forms:

- 1. Answer (Court Form PLD-C-010)**
- 2. Attachment 4 (Affirmative Defenses)**
- 3. Proof of Service (Court Form POS-030)**
- 4. OPTIONAL - Request to Waive Court Fees (FW-001)**

This packet will:

Part 1: Provide an overview of the process to file an Answer

Part 2: Explain how to fill out Answer forms and serve them on the Plaintiff. Copies of the Answer forms are included in this packet.



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BLANK COPIES OF ANSWER FORMS	Error! Bookmark not defined.

PART ONE – OVERVIEW OF THE ANSWER PROCESS

How much time do I have to file an answer?

How long you have to file your Answer depends on how you received the Summons & Complaint. There are strict rules for how a lawsuit must be “served” or delivered to you. The two types of service in debt collection cases are:

- **Personal Service:** If someone handed you the Summons & Complaint, you have **30 days** from the day you got the documents.
- **Substituted Service:** If the papers were not handed to you directly (for example, they were left with another adult in your household and mailed to you), you have **40 days** from the day they were mailed.

If the final day (30th or 40th) falls on a weekend or a Court holiday, you get until the end of the next business day to file.

For example, if you were personally served (someone handed the documents to you) and the 30th day falls on a Sunday, you have until the Court closes on Monday afternoon to file.

If you don't file by the deadline, the other side can ask the Court for a judgment.

What are the documents I received?

The **Summons & Complaint** are the documents that are served on a Defendant at the beginning of the lawsuit. The Summons & Complaint give you notice about the lawsuit and the legal claims the Plaintiff is making in the lawsuit.

Often the packet you are given will contain many different documents and the documents are often out of order. The Summons & Complaint are the most important documents to locate.

[Continued on next page]



The **Summons** is a single page document that will tell you who is suing you. The Summons is a required court form. An example of the Summons is below:

SUM-100
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.
 You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.
 There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
¡AVISO! *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*
*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.
 Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpca.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE: _____ Clerk, by _____ Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of *(specify)*: _____
- on behalf of *(specify)*: _____
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify)*: _____
- by personal delivery on *(date)*: _____

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. July 1, 2005) **SUMMONS** Code of Civil Procedure §§ 412.20, 465
www.courtinfo.ca.gov

The top of the Summons will state who is being sued (the defendant). The next line will identify the entity who is suing the defendant (the plaintiff). The case number can be found in a box in the middle of the document on the right side.

[Continued on next page]

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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There are two types of **Complaint** formats. The complaint will either be a court form (Form PLD-C-010) or written document on pleading paper. Examples of both types of Complaints are included below. The Complaint will identify the account you are being sued on, how much money the Plaintiff claims you owe, and may also include attachments with account statements or a bill of sale if you are being sued by a debt buyer.

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	PLD-C-001
NAME:			FOR COURT USE ONLY
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
PLAINTIFF:			
DEFENDANT:			
<input type="checkbox"/> DOES 1 TO			
<input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): <input type="checkbox"/> CROSS-COMPLAINT <input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number):			
Jurisdiction (check all that apply):			CASE NUMBER:
<input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE (does not exceed \$35,000) Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000			
<input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$35,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited			
1. Plaintiff (name or names):			
alleges causes of action against defendant (name or names):			
2. This pleading, including attachments and exhibits, consists of the following number of pages:			
3. a. Each plaintiff named above is a competent adult			
<input type="checkbox"/> except plaintiff (name): (1) <input type="checkbox"/> a corporation qualified to do business in California. (2) <input type="checkbox"/> an unincorporated entity (describe): (3) <input type="checkbox"/> other (specify):			
b. <input type="checkbox"/> Plaintiff (name):			
(1) <input type="checkbox"/> has complied with the fictitious business name laws and is doing business under the fictitious name (specify):			
(2) <input type="checkbox"/> has complied with all licensing requirements as a licensed (specify):			
c. <input type="checkbox"/> Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.			
4. a. Each defendant named above is a natural person			
<input type="checkbox"/> except defendant (name): <input type="checkbox"/> except defendant (name): (1) <input type="checkbox"/> a business organization, form unknown. (1) <input type="checkbox"/> a business organization, form unknown. (2) <input type="checkbox"/> a corporation. (2) <input type="checkbox"/> a corporation. (3) <input type="checkbox"/> an unincorporated entity (describe): (3) <input type="checkbox"/> an unincorporated entity (describe): (4) <input type="checkbox"/> a public entity (describe): (4) <input type="checkbox"/> a public entity (describe): (5) <input type="checkbox"/> other (specify): (5) <input type="checkbox"/> other (specify):			
* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.			
Form Approved for Optional Use Judicial Council of California PLD-C-001 (Rev. January 1, 2016)		Page 1 of 2 City of Civil Procedure, § 425.12 www.courts.ca.gov	

1 PLAINTIFF NAME
2 Street Address
3 City, State Zip
4 Phone Number (with area code)
5 Fax Number (If applicable)
6 Email Address (If applicable)

7 Attorneys for Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CHATSWORTH COURTHOUSE

NAME OF PLAINTIFF,) Case No.: 25CHLC987654
Plaintiff,) COMPLAINT FOR:
vs.) 1) Breach of Contract
NAME OF DEFENDANT(s)) 2) Account Stated
and Does 1-10, inclusive) Prayer Amount: \$5,000
Defendant(s)

1. Plaintiff is a limited liability company authorized to do business in the state of California.
2. This court is proper because Plaintiff is informed and believes that Defendant is a resident of Los Angeles County
3. Plaintiff is unaware of the true names and capacities of Defendants sued by the fictitious names Does 1-10. Plaintiff will seek leave of court to amend this complaint as and when the true names and capacities of defendants named herein as Does have been ascertained.
4. All at times herein mentioned, Defendants, and each of them, were the principles, agents, employers, employees, masters, or servants of each defendant, in doing the things alleged, were acting in the course and scope of said authority of such agents, servants, and employees.
5. Pursuant to California Civil Code Section §1788.58(a)(1) Plaintiff is a debt buyer as defined by California Civil Code §1788.50(a)

COMPLAINT - 1

The packet you received may include several other pages of Court documents, but the most important documents to find are the Summons & Complaint.

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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What is the purpose of the Answer?

Your Answer does two main things:

1. Replies to the statements made by the Plaintiff (the person or company suing you) in the Complaint.
2. Raises legal reasons, called **Affirmative Defenses**, for why you should not have to pay the debt.

How do I complete the Answer forms?

The Answer Forms are included at the end of this packet. You can also get copies of the Answer Forms from the Court in person or online.

Before you fill out the forms, read the Summons & Complaint from the Plaintiff carefully. The Summons & Complaint is the document that explains a) who is suing you; b) why they are suing you (credit card account information, balance, etc.); and c) the legal remedy they are requesting from the Court. Have the Summons & Complaint with you while you are completing the Answer forms.

The second part of this guide ([starting at p. 7](#)) will explain how to fill out the forms in more detail.

How many copies do I need of my Answer?

When you have filled out all the forms, be sure to date and sign in all relevant places. Then, make copies:

- Make two copies of each form: Answer Form (PLD-C-010), Attachment 4, Proof of Service, and Fee Waiver.
 - You will take the original and one copy to file with you to the Court Clerk
 - The remaining copy will be served on the Plaintiff's attorney (See Section "How do I Serve the Answer?" below)



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How do I serve the Answer?

You must “serve” your Answer by having someone who is not part of the lawsuit mail a copy of the Answer and Attachment 4 to the Plaintiff’s attorney.

NOTE - You DO NOT need to mail a copy of the Request to Waive Court Fees to the Plaintiff. You only need to bring it to Court when you file your Answer.

Any person, like a family member, friend, or partner, who is at least 18 years old can serve the documents. You cannot serve the papers yourself because you are a party to the lawsuit.

You can find the name and address for the Plaintiff’s attorney at the top of the first page of the Complaint.

After mailing the documents, the person who sent the papers must fill out a **Proof of Service** form. File the Proof of Service with the court along with your Answer. Keep a copy for your records.

What if I cannot afford to pay the filing fee?

The Court filing fee varies depending on how much money the Plaintiff is asking for in the lawsuit. At a minimum, the filing fee is \$225. If you cannot afford the court fees, you can ask the Court to waive them. To do this, fill out the form: **Request to Waive Court Fees (FW-001)**

Where do I get the court forms?

Copies of all these forms are included with this packet. The forms are also available on Judicial Counsel of California’s website: <https://courts.ca.gov/rules-forms/find-your-court-forms>

How do I file my Answer with the Court?

After you have filled out all the forms and had someone else mail (“serve”) a copy of the Answer and Attachment 4 to the Plaintiff’s attorney, take all the documents to the courthouse to file with the clerk. The documents you will need to file are:

- Answer (PLD-C-010)
- Attachment 4
- Proof of Services (POS-030)
- OPTIONAL: Request to Waive Court Fees (FW-001)

Take the original signed documents and at least one set of copies to the courthouse. You will file the documents at the clerk’s office. If you are not asking to waive the Court filing fees, you will need to pay the filing fee to the clerk at the time you file the Answer.

Can I make an appointment to file my Answer?

Yes, you can set an appointment to file your Answer by calling the general information number at the courthouse handling your case. To find the correct courthouse in Los Angeles County, visit: <https://www.lacourt.org/courthouse>.

Click on the courthouse for your case to find its phone number.

What happens after I file the Answer?

The clerk will set a trial date for your case. This is the date that you will go to court and explain the legal reasons why you think you do not owe this debt. Prior to the trial date, you can attempt to negotiate with the creditor and/exchange evidence through the discovery process.

See (cross ref to other guide general overview of court process) for more information.

PART TWO – HOW TO COMPLETE THE ANSWER PACKET

This section will walk you through how to complete each of the documents required to respond to the collections lawsuit. The forms covered are:

1. Answer (Form PLD-C-010), below
2. Attachment 4 starting at [Pg. 14](#)
3. Proof of Service by First Class Mail (Form POS-030) starting at [Pg. 20](#)
4. Request to Waive Court Fees (Form FW-001) starting at [Pg. 23](#)

Tips for completing the Answer Forms:

- Have the Summons & Complaint with you while you are completing the Answer Forms. You will need to reference Summons & Complaint documents to complete the Answer Forms.
- You can identify each court form by its form number and form name. The number for each court form is on the top right corner of each page. The form name is located at the bottom of each page.
- Write as neatly as possible on the forms. If you make a mistake, cross it out or use white out.
- It can help to complete a “draft” of the forms. You can:
 - Write in pencil and trace over in pen after you are sure you have completed everything correctly.
 - Complete a practice copy and then copy your final version onto a clean set of documents



Filling Out the Answer Form (Court Form PLD-C-010)

Begin by completing the Answer (Court Form PLD-C-010). This form is designed to help you respond to Summons and Complaint.

A. Complete the Caption Sections

Top of Page I, Caption Section:

The box at the top of the first page of a legal document is called the Caption. The Caption shows the names of the parties, the court, and the case number.

		PLD-C-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): TELEPHONE: John Doe 123 Main St. Apt. 4 Los Angeles, CA 90001		<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (NAME): Self Represented		
Insert name of court, judicial district or branch court, if any, and post office and street address:		
Chatsworth Courthouse - North Valley District 9425 Penfield Avenue Chatsworth, CA 91311		
PLAINTIFF: Citibank, N.A.		
DEFENDANT: John Doe		
ANSWER—Contract		
<input checked="" type="checkbox"/> TO COMPLAINT OF (name): Citibank, N.A.		CASE NUMBER: 25CHLC98765
<input type="checkbox"/> TO CROSS-COMPLAINT (name):		

To complete the caption section:

- Write your name and address in the box under “ATTORNEY OR PARTY WITHOUT ATTORNEY.” If you want to keep your phone number private, leave that box blank.
- In the “ATTORNEY FOR (NAME)” box, write “Self-represented.”
- Add the case information from the Summons & Complaint, including the case number (stamped on the Summons), the court’s name and address, and the name of the Plaintiff. Write your name next to Defendant.
- At the bottom where it says “ANSWER-Contract,” check the box next to “TO THE COMPLAINT OF” and write the name of the Plaintiff again.

 **Who is the Plaintiff?**

Plaintiff is the legal term for the entity that is suing you. In consumer debt collection cases the Plaintiff is typically a credit card company, bank, lender, or third-party debt buyer.

To find the name of the Plaintiff, look at the Summons. The Plaintiff's name is found at the top of the Summons. Copy the name of the Plaintiff exactly as it appears in the Summons.

<p>SUMMONS <i>(CITACION JUDICIAL)</i></p> <p>NOTICE TO DEFENDANT: <i>(AVISO AL DEMANDADO):</i></p> <p>YOU ARE BEING SUED BY PLAINTIFF: <i>(LO ESTÁ DEMANDANDO EL DEMANDANTE):</i></p> <p><small>NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below. You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default and your wages, money, and property may</small></p>	<p>SUM-100 <small>FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)</small></p>
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Top of Page 2, Short Title Section:

- This is on the top of the second page.
- Use short names for both sides to write the “short title” for the case. The case title is formatted [Plaintiff short name] v. [Defendant short name]. For example, if you are being sued by “Flintstone Debt Collections LLC,” write “Flintstone” for the Plaintiff and your last name is Johnson write “Flintstone v. Johnson” as the short title for the case.
- Write the case number in the box on the right

PLD-C-010	
<p>SHORT TITLE: Citibank v. Doe</p>	<p>CASE NUMBER: 25CHLC98765</p>

B. Complete the Numbered Sections of the Answer Form:

Return to the first page and begin filling in the numbered sections below the caption:

- **Section 1:** Write the total number of pages in your Answer (including Attachment 4). Usually, there are 6 pages, unless you add more.
- **Section 2:** Write your full name as the Defendant. This should match how it’s written on the Summons & Complaint.
- **Section 3:** This section is your response to the allegations (statements made against you) in the Complaint. You can either check box “a” or box “b.” Which box you check depends on if the Plaintiff’s Complaint is verified or not.

 - **How do I know if the Complaint is verified?**

If the Complaint is verified, there will be an additional document at the end of the Complaint swearing that the statements in the Complaint are true and correct. The verification will be signed by the Plaintiff’s attorney. The verification typically looks something like this:

VERIFICATION
FORM No. 2

Verification of Pleading (Code Civ. Proc., § 446)
Declaration under Penalty of Perjury Form (Code Civ. Proc., §§ 446, 2015.5)

by Party

CASE TITLE _____

I, _____, declare:
(Name)

I am the _____ in the above-entitled matter.

I have read the foregoing
(pleading, e.g., complaint) and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

Executed on _____, 20____, at _____
County, California.

I declare (or certify) under penalty of perjury that the foregoing is true and correct.

(Signature of Party)

A verification will clearly state “Verification” at the top of the page. The document will typically explain that the attorney attests to the truth/accuracy of the information contained in the Complaint to the best of their knowledge.

Debt collection complaints are not typically verified. It’s possible that there is no such document in your Summons & Complaint packet. It is still very important to check for a verification. Do not assume the Complaint is unverified without looking.

Once you determine if the complaint is verified or not verified you can complete Section 3:

Select box “a” IF the Plaintiff’s Complaint is NOT verified. This means that the Summons & Complaint packet you received does not include a verification like the example above. After you check Box a, leave the rest of the first page blank. Continue to Section 4 on the next page.

Select box “b” IF Plaintiff’s Complaint is verified. This means that the packet does contain a verification like the example above.

If you select this box, then you must respond to each allegation in the complaint. Contact an NLSLA advocate for self-help regarding how to respond to the allegations in a verified complaint.

1. This pleading, including attachments and exhibits, consists of the following number of pages: 6

2. DEFENDANT (name): John Doe
answers the complaint or cross-complaint as follows:

3. Check ONLY ONE of the next two boxes:

a. Defendant generally denies each statement of the complaint or cross-complaint. (Do not check this box if the verified complaint or cross-complaint demands more than \$1,000.)

b. Defendant admits that all of the statements of the complaint or cross-complaint are true EXCEPT:

- **Section 4:** This section is for your **Affirmative Defenses**. Affirmative defenses are the legal reasons you believe you do not owe the debt.
 - Check the top box next to “AFFIRMATIVE DEFENSES”
 - Do not write anything in the blank space
 - Check the box at the bottom of Section 4 that states “Continued on Attachment 4.”



You will use an additional document called **Attachment 4** to list your defenses. Check the box at the bottom of Section 4 that states “Continued on Attachment 4” and leave the rest blank. The next section of this guide will review how to complete Attachment 4 in more detail.

ANSWER—Contract

4. **AFFIRMATIVE DEFENSES** Defendant alleges the following additional reasons that plaintiff is not entitled to recover anything:

Continued on Attachment 4.

- **Section 5:** This section is for any extra information that might help the Court. You do not have to write anything here/can leave it blank.
 - Do not use this section to tell the Court you cannot pay the debt. The Court only looks at legal defenses.

5. Other

- **Section 6:** This section tells the Court what you want it to do.
 - Option “a” (that the Plaintiff “take nothing”) is automatically checked. This box means you are saying to the Court you think the Plaintiff should not win a judgment against you for any money.
 - Check box “b” if you want to ask the Court to order the Plaintiff to pay any costs you had because of this lawsuit (like copying or mailing documents, filing fees, etc.). It does not matter if you have not spent money yet. Keep records or receipts of any costs you incur to show to the Court later if necessary.
 - Check box “c,” if you want to ask the Plaintiff to pay some or all of your attorney’s fees. Even if you do not have an attorney now, checking this box is a good idea in case you hire one later.

6. DEFENDANT PRAYS

a. that plaintiff take nothing.

b. for costs of suit.

c. other (specify):
Attorneys' fees, if retained

John Doe _____
(Type or print name)

_____  _____
(Signature of party or attorney)



Filling out Attachment 4 (Affirmative Defenses)

Attachment 4 is a list of legal defenses that you may use to show you do not owe some or all the debt. Its purpose is to include every possible defense that might help you. You can include any defense that you believe applies to your situation in good faith. However, you should not simply check each and every defense on this list without thought. If you are unsure if a defense applies, choose the defense to save your right to use it later.

REMEMBER: Financial hardship or inability to pay the debt is not a legal defense. Attachment 4 will help you select possible legal defenses that could apply to your case.

Review the list of defenses on Attachment 4 carefully along with the brief explanation provided on the document.

- Put a check mark or “X” on the line next to each defense that applies to you.
- Leave the line next to the defense blank if you do not want to use it.

Case No: 25CHLC98765

ATTACHMENT 4
AFFIRMATIVE DEFENSES-CONTRACT

1	
2	
3	<input checked="" type="checkbox"/> Statute of Limitations. The other person has waited too long to take me to
4	court.
5	<input checked="" type="checkbox"/> Cal. Code of Civ. Proc. § 337 subd. 1; subd. 2 (1),(2),(3) – An action
6	based on a written contract (subd. 1); or an open book account or account
7	stated (subd. 2 (1),(2),(3)) must be filed within 4 years from the date of the
8	last item, which is the date the last payment became due, but was not paid,
9	Plaintiff stopped extending credit and there was no more activity.
10	<input type="checkbox"/> Cal. Code of Civ. Proc. § 339 – An action based on an oral contract must
11	be filed within 2 years of when the cause of action accrued (when the amount
12	became due and not paid).
13	<input checked="" type="checkbox"/> Delaware Code Ann. Tit.10, § 8106 - An action based on a written
14	contract must be filed within 3 years of when the claim accrued (when the
15	amount became due and was not paid) because the original creditor of the
16	account is incorporated in Delaware and the credit card agreement between
17	Defendant and the original creditor stated that Delaware law applied.
18	(<i>Resurgence Financial, LLC v. Chambers</i> (2009) 173 Cal.App.4th Supp. 1)



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Here is a more detailed explanation of the defenses listed on **Attachment 4**:

1. Statute of Limitations:

This defense says the Plaintiff waited too long to sue you. Creditors have a certain amount of time to file a lawsuit before their claim is “expired.” For credit card debt in California, creditors typically need to file a lawsuit within 4 years of your missed payment. In other states (like Delaware), it can be 3 years.

If you are not sure when you missed a payment or which state’s law applies, include this defense.

2. Ambiguity:

If a word or statement in the Complaint can be understood in more than one way or is confusing, choose this defense.

3. Standing/Privity:

Standing means the Plaintiff has the right to sue because they were harmed by you.

Privity means there is a recognized legal relationship (like a contract) between you and the Plaintiff.

If the Plaintiff is a third-party debt buyer (someone who bought your debt), they may have trouble proving they have the right to sue you. If you do not recognize the Plaintiff suing you as the entity you originally had the account with, choose this defense.

Examples of common third-party debt buyers: Cavalry SPV LLC, LVNV Funding, Midland Credit Management, Portfolio Recovery Services, and Resurgence Capital.

Note: The Fair Debt Collection Practices Act (FDCPA) and the Rosenthal Fair Debt Collection Practices Act (RFDCPA) can be used to stop unfair or harassing behavior by debt collectors. If you feel harassed, talk to a lawyer.

4. Failure to State a Cause of Action:

This defense means that even if everything in the Complaint is true, the Plaintiff still cannot win the case because they did not state all elements required for a cause of action.

If you choose this, you must also select either “Breach of Contract” (the Defendant did not do what they promised) or “Common Counts” (an old term meaning you owe money). You can choose both.

Note: If you selected Defense No. 3 (Standing/Privity), you may also choose this one.

5. Mistake:

Use this if you believe the Plaintiff made an error. This can be interpreted broadly to mean many things. For example, if you believe a payment wasn’t accounted for, fees/interest were added incorrectly, or the Plaintiff sued the wrong person. Many people select this if they agree they owe something but think the amount is wrong.

6. Identity Theft:

Use this if you believe someone stole your identity to create this debt. Review the account number and charges on any account statements attached to the Summons and Complaint very carefully.

Note: Report identity theft to the Federal Trade Commission (FTC) at <https://www.identitytheft.gov>. If you claim Identity Theft as a defense, the Plaintiff may ask you to provide them with a copy of your FTC Report.

Check your credit reports for other suspicious activity at <https://www.AnnualCreditReport.com> and submit disputes for any accounts you do not recognize.

Contact NLSLA for more information regarding reporting identity theft and next steps.

7. Wrong Party:

If you used the credit card with the cardholder’s permission but are not the one who should pay, choose this defense.

8. Laches:

This means the Plaintiff waited too long to sue you, making it hard for you to defend yourself. For example, if you lost copies of your account statements or got locked out of your online portal, you can use this defense.

Unlike the Statute of Limitations, there is no specific time period for laches.

Note: If you chose Defense No. 1 (Statute of Limitations), you can also choose this one.

9. Fraud, Misrepresentation, Concealment:

Use this if someone lied to you or hid important facts about your account.

Note: If you chose Defense No. 6 (Identity Theft), you can also choose this one.

10. Failure to Mitigate:

This means the Plaintiff did not try to lessen the debt or harm to them after you broke the contract.

Choose this defense if the Plaintiff refused a reasonable offer to settle or waited too long to file the suit.

11. Common Counts Only:

“Common counts” is an old term that means the Plaintiff claims you owe money based on credits/debits to an account. You can dispute the debt or the amount.

There are options provided below this defense to explain why you do not owe the money. Choose the one that fits best or choose “Other reason” if none match.

Note: If you already selected Defense No. 4 (Commons Counts), you can choose this one too.

12. Unconscionable Contract:

Use this if the contract is so unfair that it would be wrong for the Court to make you pay.

13. Rescission:

This means the contract has been canceled. For example, if you got a credit card and then told the company you did not want it and never used it, choose this defense.

14. Lack of Consideration:

Consideration means you received something valuable in exchange for a promise. If the Plaintiff did not give you something of value or if you never agreed to the contract, choose this defense.

For example, if your identity was stolen you did not get to use any of the items purchased on the account under your name. Since you did not get to use the goods or items purchased, you can say there is a lack of consideration.

Note: If you selected Defense Nos. 3 (Standing/Privity), 5 (Mistake), 6 (Identity Theft), 7 (Wrong Party), or 9 (Fraud, Misrepresentation, Concealment), you can also choose this one.

15. Accord and Satisfaction:

Choose this if you and the Plaintiff already agreed on a way to settle the debt and you followed that agreement.

16. Excuse/Breach of Contract:

Use this if the Plaintiff did or said something unfair that should excuse you from paying. There are four options to choose from; pick the one that fits.

17. Capacity:

Capacity means you were old enough and mentally fit to sign a contract.

For example, minors (under 18) cannot sign contracts on their own. If you got the credit card when you were under 18 without a parent or guardian, choose this defense.

This defense may also apply if you had mental health issues at the time.

Note: if you mention mental health, the Court might check your fitness, and your medical information could become public.

18. Waiver:

Choose this if the Plaintiff lost the right to collect money because they allowed you to miss payments or pay late without consequences.

19. Oral Modification:

Use this if you and someone from the Plaintiff's side agreed by phone or in conversation to change the terms of the credit card agreement.

20. Tender of Payment:

Tendering Payment means you offered to pay, but the Plaintiff refused.

21. Violation of Civil Code Section 1632 Regarding Language:

If English is not your first language and the contract was negotiated in another language, yet you never got the contract in that language, choose this defense.

For example, if you negotiated a contract or opened a credit card in Spanish, the contract and all account statements should be provided to you in Spanish. If the documents were exclusively sent to you in English, you can choose this defense.

22. Other:

If there is another legal reason why you believe you do not owe some or all of the debt that isn't already listed, write it down here.



Filling out the Proof of Service (Court Form POS-030)

The Proof of Service form shows that you mailed a copy of your Answer on the Plaintiff's attorney. "Service" is a legal term that about how copies of documents filed with the Court must be delivered to the other side. To "serve" you Answer, you must mail a copy of your completed Answer and Attachment 4 to the Plaintiff's attorney.

You cannot serve the Answer on your own. The rules for service by mail required that somebody not involved in the lawsuit must put the documents in the mail for you. An adult who is not part of the lawsuit like a spouse, friend, or relative must place the documents in the mail for you. The person who mails the documents must then complete the Proof of Service form.

The documents can be sent by standard, U.S. Mail. The envelope typically requires two stamps. You are not required to send certified or with tracking but may choose to do so.

The person serving the documents fill out all the sections of the Proof of Service form, then sign and date at the bottom. Here are step-by-step instructions they can follow:

A. Fill out the caption

- The form includes a Caption (with the same information as on your Answer Form). Fill this out the same way you completed the Caption on the Answer (PLD-C-010 Form) with YOUR name, courthouse address, case number, and case/party names:

		POS-030
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John Doe 123 Main St. Apt. 4 Los Angeles, CA 90001		<i>FOR COURT USE ONLY</i>
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): Self Represented		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 9425 Penfield Ave. MAILING ADDRESS: CITY AND ZIP CODE: Chatsworth, CA 91311 BRANCH NAME: North Valley District		
PETITIONER/PLAINTIFF: Citibank, N.A.		
RESPONDENT/DEFENDANT: John Doe		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 25CHLC98765

B. Complete the five required sections of the form:

- **Section 1:** States that the person serving the documents is not involved in the case and is at least 18 years old.
- **Section 2:** The person who served the documents writes their address.
- **Section 3:** The person who served the documents writes the date the documents were mailed, the city they were mailed from, and what was mailed. You can describe the documents sent as “Answer, Attachment 4”

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.

2. My residence or business address is:

456 Broadway

Los Angeles, CA 90001

3. On (date): April 1, 2025 I mailed from (city and state): Los Angeles, CA
the following documents (specify):

Answer and Attachment 4

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

- **Section 4:** Check box “a” to show the documents were mailed.

4. I served the documents by enclosing them in an envelope and (check one):

a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.

b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

- **Section 5:** Write the name and address of the Plaintiff’s attorney (this information is on the top left of the first page of the Complaint). There are separate boxes for the attorney’s name and the law firm’s mailing address.

5. The envelope was addressed and mailed as follows:

a. **Name of person served:** Larry Lawyer

b. **Address of person served:**
789 Office Ave., Suite 100
Los Angeles, CA 90002

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P))*.

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

Date: April 1, 2025

Friend Doe

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

- Finally, below Section 5, the person serving the documents must print their name, sign, and date the form.
- After the server mails a copy of the Answer to the Plaintiff’s attorney, take the original Proof of Service form to the clerk when you file your Answer. Keep copies for yourself.



How to Ask the Court to Waive Court Fees (Court Form FW-001)

The court charges a filing fee when you file the answer forms. The filing fee amount depends how much money you are being sued for in the lawsuit.¹

- If the suit is for less than \$12,500, the filing fee is \$225
- If the suit is for \$12,500 - \$35,000, the filing fee is \$370
- If the suit is for more than \$35,000 the filing fee is \$435

If you need help paying the fees, you can ask the Court to waive the fee by filling out a Request to Waive Court Fees (Form **FW-001**). Bring the completed fee waiver form with you when you file your Answer with the Court Clerk.

If you plan to pay the filing fee, you do not need to complete a fee waiver

- **Filling out the Request to Waive Court Fees**

This form is your written request for the Court to excuse you from paying the filing fee. The form has eleven sections in total. You may not need to complete every section of the form.

A. Fill out the Caption

Page 1: Fill in the boxes on right side of the first page for your case number and case name,

Page 2: Fill in the box at the top of the second page with your case number and case name.

B. Complete the Required Sections of the form

- **Section 1:** Write your name and mailing address.
- **Section 2:** Write the name and address of your employer. If you are not working, write “n/a” for not applicable.
- **Section 3:** Write “Self-represented” for your lawyer’s name.
- **Section 4:** Check the box to indicate you are asking to waive fees for the Superior Court.

¹ Filing fees as of April 17, 2025.

FW-001 Request to Waive Court Fees

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection cost.

1. Your Information (person asking the court to waive the fees):

Name: John Doe

Street or mailing address: 123 Main St. Apt. 4

City: Los Angeles State: CA Zip: 90001

Phone: 323-123-4567

2. Your Job, if you have one (job title): not working

Name of employer: _____

Employer's address: _____

3. Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

self represented

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4. What court's fees or costs are you asking to be waived?

Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)

Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

CONFIDENTIAL

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of Los Angeles
Chatsworth Courthouse
9425 Penfield Ave.
Chatsworth, CA 91311

Fill in case number and name:

Case Number:
25CHLC98765

Case Name:
Citibank v. Doe

- Section 5 is the most important section!** This is the section of the Fee Waiver where you explain why you qualify to get the filing fee waived. There are three ways to qualify to get your court fees waived:
 - You already receive public benefits for low-income households/individuals;
 - Your household income is low enough you do not have funds to pay the filing fee; or
 - Other reasons/hardship prevent you from paying the filing fee.
 - Section 5a:** Review the programs listed in this section carefully. Check the box next to any program you are enrolled in.

- Note: You must be the direct recipient of the benefit. For example, if your child receives Medi-Cal but you are not, then do not check the Medi-Cal box.
- If you receive any money from the programs listed in Section 5a, you can skip the rest of the form. Just sign and date at the bottom of the first page.
- **Section 5b:** If you do not have income from the programs in Part 5a and your monthly income is below the limit for your household size, check this box and fill out Sections 7, 8, and 9 on the second page. Sign and date at the bottom of the first page.
- **Part 5c:** If you do receive any of the programs in Part 5a and your household income is more than the limit in Part 5b, you can still ask for a fee waiver by explaining why you cannot pay the fees. If you choose this, fill out ALL of the sections on the second page.

5 Why are you asking the court to waive your court fees?

a. I receive (check all that apply; see form FW-001-INFO for definitions):

Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS
 CalWORKS or Tribal TANF CAPI WIC Unemployment

b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$786.67 for each extra person.
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67	
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34	

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):

waive all court fees and costs waive some of the court fees let me make payments over time

- **Section 6:** Check this box if you have already asked the Court to waive fees for this case in the last six months. (Usually, you haven't yet since filing an Answer is one of the first steps.)

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: April 1, 2025

John Doe

Print your name here

Sign here



- If you checked Box 5b, fill out Sections 7–9 on the second page.
- If you checked Box 5c, Fill out ALL of the sections on the second page (Sections 7–11). The court may require you to go to a hearing to explain your financial situation to a judge and provide documents about your finances.

7 Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

		\$
(1)		
(2)		
(3)		
(4)		

b. Your total monthly income: \$ _____

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1)			\$ _____
(2)			\$ _____
(3)			\$ _____
(4)			\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8b plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.
Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash \$ _____

b. All financial accounts (List bank name and amount):

(1)		\$ _____
(2)		\$ _____
(3)		\$ _____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1)	\$ _____	\$ _____
(2)	\$ _____	\$ _____
(3)	\$ _____	\$ _____

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1)	\$ _____	\$ _____
(2)	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1)	\$ _____	\$ _____
(2)	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1)	\$ _____
(2)	\$ _____
(3)	\$ _____
(4)	\$ _____

b. Rent or house payment & maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

Paid to:

(1)	\$ _____
(2)	\$ _____
(3)	\$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below):

Paid to:	How Much?
(1)	\$ _____
(2)	\$ _____
(3)	\$ _____

Total monthly expenses (add 11a – 11n above): \$ _____



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Note: The fee waiver is a confidential document. Only the court has access to this document. You **DO NOT** need to send the fee waiver form to the Plaintiff's attorney when you serve the Answer/Attachment 4.

For a sample fee waiver/additional assistance, see LAFLA's Fee Waiver Self Help Guide: <https://lafla.org/wp-content/uploads/2024/04/Fee-Waiver-How-To-Guide-English-002.pdf>

Conclusion

Congratulations! After you have completed all the steps in this guide you should have all the documents required to file an Answer plus an optional Fee Waiver.

Take your documents to the courthouse where your case is filed. The court documents should indicate the address of the courthouse you need to go to.

After you file, you can check the status of your case online by entering your case number into the Los Angeles Superior Court Case Access tool: <https://www.lacourt.org/casesummary/ui/>

Be sure to check your mail regularly at the address you listed in your Answer. The Court and the Plaintiff will primarily try to communicate with you about this case by mail. The Court will not call or email you with any reminders. It is your responsibility to follow up with the Court about any filing deadlines and make sure you attend any hearings.