



What to Do If You Are Sued

Are you being sued in District Court or Conciliation Court?

If it is **District Court**, the papers usually come in person from a process server. This could be a sheriff's deputy or a lawyer. The papers need to be "served." Most often this means that the papers are handed to you or someone in your household. That person needs to be "of suitable age and discretion." There are no set rules about age but it generally means someone over the 14 who doesn't have any disabilities that would keep them from understanding or getting the papers to you. Sometimes you get the papers in the mail and need to sign a waiver of personal service. The waiver of personal service comes with the papers. The papers don't have a court date on them.

If it is **Conciliation Court**, the papers come in the mail from the court if the claim is under \$2,500. If it is over \$2,500, the papers come by certified mail from the person suing you. The court papers tell you the time and date of the hearing and have a statement about why you are being sued.

District Court

District Court is much more complicated than Conciliation Court. If possible, see a lawyer right away. If you don't have much income, call your legal aid office. If you are being sued in District Court, you will get papers called a "Summons and Complaint".

If you have a defense to the allegations in the Complaint, you must "Answer" the Complaint within 20 days of the day you got the papers.

An Answer is your legal response to the court papers you get. If you disagree with the Complaint, it is **very** important that you send a **written** Answer. It can be in the form of a letter. Mail or deliver the Answer to the party who is serving you or their lawyer. Make sure you put identifying information from the Complaint into your Answer. Like the names of the parties or a case number if there is one.

Your Answer must respond truthfully to each claim in the Complaint. There are 3 possible responses to each fact:

- 1) I admit this claim is true.
- 2) This claim is not true.
- 3) I don't know if this claim is true or false.

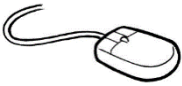


It is NOT a defense to say you can't afford to pay a debt you are being sued for.

If you think the other side owes you money, write why as part of your Answer and label it a Counterclaim.

A phone call to the other party or lawyer is **not** a legal Answer, even if you truthfully tell them something like: “You delivered your Complaint to the wrong Mary Smith.”

You can [create an Answer online](#). Go to: www.LawHelpMN.org/resource/form-helper.



→ Click on “Debts, Fees and Deposits”

→ Click on “Answer a "Summons and Complaint" - Debt Lawsuits”

This is a step-by-step interview that lets you print out a completed Answer.

Mail or deliver a copy of your Answer to the other side or to their lawyer. Write down the date you mailed or delivered it. Keep the original copy of the Answer, you might need to file it in court.

If you do not Answer the Complaint you will lose the case by default and a judgment will be entered against you. Even if 20 days has passed, you should still send an Answer as soon as you can.

If you were sued and lost because you did not respond on time, and you have a defense to the lawsuit, see a lawyer right away. Sometimes you can get the case re-opened.

What happens after I send an Answer?

After you answer, you may get other papers. Respond to ALL papers even if you answered the Complaint. These papers can be called “Interrogatories,” “Requests for Documents,” and/or “Requests for Admission.” **Do not ignore these papers. You must answer them.** Make sure your answers to questions are true and complete. Keep the originals for yourself and mail copies to the other side.

You can settle your case. For example, you can agree to pay the other side some money, but not as much as they asked for. You might set up a payment plan. Call or write the other side with your proposal. Keep copies of anything you send. Do not make a deal you can’t follow through with.



If both sides agree to it, the parties can all meet with a mediator before the court date. Mediators are trained to help settle disputes. Call First Call for Help statewide at 211 (or (651) 291-0211 from a cell phone). There might be a fee. If you need help finding a mediator go to www.mncourts.gov/Help-Topics/AlternativeDisputeResolution.

Put any agreement in writing! Both parties must sign and date it. Even though you agree to a deal you need to get the agreement to the court so the court can make it into an order. This helps protect you in case there are problems later.

GO TO COURT ON TIME. If you don't, you will lose automatically. If you can't go to the hearing or trial, call the court right away and ask for a different date. They might give you a different date.

If you miss court because you had an emergency or never got the papers you can ask for another hearing by going to the court. You have to show why you were not at the hearing. Bring proof of the reason you did not make it.

For example, if you missed the hearing because you were in the hospital, bring your hospital record. If you never got the papers and found out about the case later, tell the Court. Often you will need a lawyer to reopen a case.

Getting ready for court:

- Give yourself plenty of time before your court date to get ready.
- Be sure you know what any court hearing is about – read the papers that were sent to you about the hearing. You may have to go to court for a hearing before the actual trial when witnesses will testify.
- Watch a court hearing and trial to see how they work.
- Write down a list of everything you need to say.
- Talk to witnesses and ask them to come to the trial. A witness coming to court is much better than a written statement from them. The judge may not even look at a written statement. If an important witness does not want to come to the trial, ask the court clerk for a “subpoena.” A subpoena is a court order that says the witness has to go or bring evidence to court.
- If you know the person suing you has papers or evidence they do not want to show you before court, you can send them your own Interrogatories and Requests for Admissions and Documents.
- Practice stating your case to a friend as if you are in court.
- Make sure you bring your copies of your answer and any other papers you have responded to. Organize all your papers in labeled folders.
- Bring all your evidence to court: photos, letters, receipts, estimates, leases. You need to prove your case and show evidence to support your case.
- Call the court administrator before a hearing if you or a witness needs an interpreter.



At the hearing, be **very** polite to the court and the other side. **Don't interrupt** when others are talking. Don't get mad. Talk directly to the judge. **Your case can depend on the impression you make!**

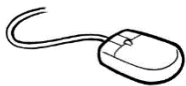
If you are not using a lawyer, go to your county law library to get more information about the court process and about the laws involved in your case. If you have a trusted friend, relative, or adviser, ask them to help you through the process.

Conciliation Court

Conciliation Court is a small claims court for cases up to \$15,000. Consumer credit cases, like credit card debt, are limited to \$4,000. You don't need a lawyer in Conciliation Court.

You do not need to file a written Answer in Conciliation Court to the claim against you. But, if you think the person suing you actually owes money to you, you need to file a "Counterclaim" at least 5 working days before the court date. Go to the court and tell the clerk you need a Counterclaim form to fill out.

You can also [find the forms online](#). Go to www.mncourts.gov and:



- Click on *Get Forms*
- Click on *Conciliation / Small Claims Court*
- Click on *Statement of Counterclaim and Summons*

NOTE: if you are not sure what you need it may be best to click on the *Responding to a Conciliation Court Claim* packet. Make sure you read the instructions.

The way to handle settlements and to prepare for a Court hearing on your case is the same as for District Court. The parties can't use things like Interrogatories, but you can ask the court clerk for a subpoena to make the other side bring documents to the trial. Ask for this well before the trial date.

If you lose in Conciliation Court, you have 20 days from the date of the order to ask for a trial in District Court. Call a lawyer right away for help because District Court can be complicated. You can be ordered to pay the other side's costs if you ask for a new trial and lose.



See our fact sheet [Conciliation Court](#).

If You Lose the Trial

Appeals are usually not successful and a lawyer's help is needed to appeal. If you lose, the other side will get a Judgment. A Judgment is an Order saying that you have to pay them money and/or to do something.

If you do not pay, the other side will probably try to collect it. They can garnish (try to take money out of) your wages or bank account. They can also garnish your wages or bank account if you do not answer the Complaint in the time given or if you do not show up to court and lose. **Do not ignore a lawsuit against you.**

Your money may be protected from collection if you get Social Security, veteran's benefits, a pension, or public benefits. You may have to take steps to protect it. Your wages are protected if your net weekly earnings are less than 40 x the federal minimum wage or about \$1,240 a month. See our fact sheet, [Garnishment and Your Rights](#).

A Judgment will stay on your credit report for at least 7 years. It will show up when you apply for credit. A credit counselor may be able to help get a payment plan with the other side. Look for a nonprofit credit counselor. Be careful about people who charge you money to help you with your debts.

Bankruptcy is also a possible way to deal with debt. You should talk to a bankruptcy lawyer for more information.

Call First Call for Help statewide at 211 or 1-800-543-7709 from a cell phone. They can help you find credit counselors or bankruptcy referrals.



Find more fact sheets at www.lawhelpmn.org/LASMfactsheets

Find your local legal aid office at www.lawhelpmn.org/resource/legal-aid-offices

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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