



## Checklist: Responding to Debt Collection Lawsuit

If you are sued for a debt, the company suing you has to tell you they are suing you. They can sue you in Conciliation Court (sometimes called “Small Claims Court”) or in District Court. This Action Plan helps you figure out what steps to take if you get papers saying you are being sued for a debt.

For each section, check off the items as you finish them. Depending on your situation, you may not need to do each step.

### 1. Learn about Debt Collection

- ☐ Look at your papers to figure out if you were sued in Conciliation Court or District Court.
- **Conciliation Court:** If your papers say something like “**Plaintiff’s Statement of Claim**,” you are probably being sued in Conciliation Court. Here are two examples of what your papers might look like:
  - [Statement of Claim example](#)
  - [Notice of Hearing example](#)

You get the papers in the mail. If you are being sued for \$2,500 or less, the papers come from the court. If you are being sued for more than \$2,500, the company suing you sends the papers by certified mail. The court papers say the time and date of your hearing.

- **District Court:** If your papers say something like, “**Summons and Complaint**,” you are probably being sued in District Court. Here are two examples of what your papers might look like:
  - [Summons and Complaint Example 1](#)
  - [Summons and Complaint Example 2](#)

You usually get the papers in person from a “process server,” like a sheriff’s deputy or a lawyer. Sometimes you get them in the mail if you sign a waiver of personal service. The court papers do **not** say the time and date of your hearing.

- **Other Kinds of Paper:**
  - **Default Judgment:** If your case went to court but you did not go, you get a Notice of Hearing for Default Judgment. These papers might look like:
    - [District Court Default Judgment](#)

- [Conciliation Court Default Judgment](#)

If you got papers for a Default Judgment, complete the Default Judgment Checklist.

**Garnishment:** If the company already won its case against you, they usually collect the money by freezing the money in your bank account or your paycheck. This Action Plan can't help with Garnishment. Read our fact sheet, [Garnishment and Your Rights](#).

- ☐ Learn about the difference between Conciliation Court and District Court. See our fact sheet [What to Do If You Are Sued](#).
- ☐ If you have a Default Judgment because you didn't Answer the Complaint or didn't go to your hearing, complete the [Default Judgment Checklist](#).
- ☐ Add any dates or deadlines from your papers to your calendar.

## 2. Get Ready for your Conciliation Court Case

Complete this step if you got a *Statement of Claim for Conciliation Court*.

- ☐ If the company or person suing you owes you money, file a “Counterclaim.” Download [the form](#) and fill it out. Bring it to court at least **5 business days** before the court date.

If you don't think they owe you money, you don't need to file anything.

- ☐ Figure out if your hearing is in person or online.

Skip to Step 4 if it is **in person**.

Skip to Step 5 if it is **online**.

## 3. Get Ready for Your District Court Case

Complete this step if you got a *Summons and Complaint for District Court*.

- ☐ **File an Answer within 21 days!**  
If you don't file an Answer, you lose your case.

You can create [an Answer](#) online. The online form is a step-by-step interview that lets you print out a completed Answer.

- ☐ Respond to any other papers you get.

You might be served with “Interrogatories,” “Requests for Documents,” and/or “Requests for Admission.” **Do not ignore these!**

This is called "Discovery". You can learn more about Discovery on the [MN Courts website](#).

#### 4. Prepare for in-person court

- ☐ Put the court date on your calendar!
- ☐ You can try to settle your case with the other party.

You can send your proposal to the other party or go to mediation.

To find mediators:

- Check Community Mediation Minnesota at <https://communitymediationmn.org/>
- Call 2-1-1 statewide. You can also send a text message with your zip code to 898-211 or chat online at [www.211unitedway.org](http://www.211unitedway.org).
- The state court website also has info and a list of mediators: <http://www.mncourts.gov/Help-Topics/AlternativeDisputeResolution.aspx>.

**Put any agreement in writing!** Both parties must sign and date it. Take the agreement to court on your hearing date, and have the court make it into an order. This helps protect you in case there is a disagreement later.

- ☐ Watch the video: [6 Tips for Going to Court](#)
- ☐ **Do you need an interpreter?** If you need an interpreter for a scheduled hearing or trial, ask for one from court administration at [the court](#) where your hearing or trial is.
- ☐ Write a list of everything you need to say.
- ☐ Practice explaining what happened to a friend like you are in court.
- ☐ Talk to witnesses and ask them to come to the hearing.

Testimony in court is much better than a written statement from them.

If an important witness won't come, ask the court administrator for a

“[subpoena](#).” A subpoena is an order to come to court or bring evidence to court. Check your notice for the number to call. If you can't find it, look it up on the [court's website](#).

☐ **If your case is in District Court:**

If you know the company suing you has papers or evidence they don't want to show you before court, send them your own Interrogatories and Requests for Admissions and Documents.

**If your case is in Conciliation Court:**

If you know the company suing you has papers or evidence they don't want to give you before court, ask the court clerk about a subpoena for evidence. For more information: [Minnesota Court Info on Subpoenas](#).

☐ Gather and organize your papers and evidence for court.

Gather your answer and any other papers you responded to. Evidence could be things like photos, letters, receipts, estimates, and leases.

Make sure you have your original copy. **Print 2 more copies** of each piece of evidence.

☐ Make sure you know how to get to the courthouse

Plan for how you will get there. If you drive, make sure you know where to park.

☐ Make plans for time off from work and child care for the day of the hearing  
Your hearing notice has a time on it, but it might not start at that time. Make plans in case you have to be there all day.

☐ Watch a Conciliation Court or District Court hearing to see how they work.

Call the [court administrator](#) to ask how you can watch a hearing.

## 5. Prepare for online court

☐ Put the court date on your calendar!

☐ Try to settle your case with the other party.

You can send your proposal to the other party or go to mediation.

To find mediators:

- Check Community Mediation Minnesota at <https://communitymediationmn.org/>
- Call 2-1-1 statewide. You can also send a text message with your zip code to 898-211 or chat online at [www.211unitedway.org](http://www.211unitedway.org).
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**Put any agreement in writing!** Both parties must sign and date it. Take the agreement to court on your hearing date, and have the court make it into an order. This helps protect you in case there is a disagreement later.

- ☐ Write a list of everything you need to say.
- ☐ **Do you need an interpreter?** If you need an interpreter for a scheduled hearing or trial, ask for one from court administration at [the court](#) where your hearing or trial is.
- ☐ Practice explaining what happened to a friend like you are in court.
- ☐ Talk to witnesses and ask them to come to the hearing.

Testimony in court is much better than a written statement.

If an important witness won't come, ask the court administrator for a "[subpoena](#)." A subpoena is an order to come to court or bring evidence to court. Check your notice for the number to call. If you can't find it, look it up on the [court's website](#).

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**If your case is in Conciliation Court:**

If you know the company suing you has papers or evidence they don't want to give you before court, ask the court clerk about a subpoena for evidence. For more information: [Minnesota Court Info on Subpoenas](#).

- ☐ Gather and organize your papers and evidence for court. Your notice should tell you how to submit your evidence or who to call for more information.

Gather your answer and any other papers you responded to. Evidence could be things like photos, letters, receipts, estimates, and leases.

You need to prove your case and show evidence about the amount of money you should be paid.

- ☐ Make sure you know how to sign on to the online hearing. Check the hearing notice or call court administration if you have questions about how to join the remote hearing.

If you need to find a computer, find a [Legal Kiosk near you](#). Legal Kiosks are free to use and can let you attend online hearings.

Learn more about online hearings on the [MN Court website](#).

- ☐ Make plans for time off from work and child care for the day of the hearing. Your hearing notice has a time on it, but it could take several hours.

If you can't find child care, make sure your children won't interrupt you while you're online.

- ☐ Watch a Conciliation Court or District Court hearing to see how they work.

Call the [court administrator](#) to ask how you can watch a hearing.

## 6. At the Hearing

The court probably won't decide your case at the hearing. You usually get the decision in the mail after the hearing.

- ☐ **Be early!**  
If you are late or not logged on, you might lose your case.
- ☐ **Try to settle with the other party, even if you already tried.**  
You can even settle right before your trial. Think about a fair compromise and suggest it to the other side.

**Put any agreement in writing!** Both parties must sign and date it. Have the court make it into an order. This helps protect you in case there is a disagreement later.

- ☐ Be **very** polite to the judge and the defendant. **Don't interrupt** when others talk. Don't get mad at what the defendant says. **Your case depends on the impression you make!**

## 7. After Your Case

- ☐ If you won, congratulations!

Remember, the other party might appeal. Watch for any notices in the mail.

- ☐ If you lost:

Decide if you want to appeal:

- If you lost in Conciliation Court, you have 20 days to appeal to District Court.
- If you lost in District Court, you can also file an appeal. Contact a lawyer to help you.

The company that sued you will try to collect:

- You can ask to make a payment plan or pay the full the amount you owe.
- If you don't pay, you may garnish you. That means they can take money out of your paycheck or bank account. For more information about garnishment, read our fact sheets [Garnishment and Your Rights](#) and [Can I Go to Jail If I Don't Pay My Debts?](#)

## 8. If you need more help

Your local legal aid office may be able to help if you qualify. Call 1(877) 696-6529 (877-MY-MN-LAW).

Go to [www.lawhelpmn.org/providers-and-clinics](http://www.lawhelpmn.org/providers-and-clinics) to look for other programs that may help.

If you do not qualify for free or low-cost legal help, you can find private lawyers by contacting the Minnesota State Bar Association's Attorney Referral Service online at [www.mnfindalawyer.com](http://www.mnfindalawyer.com).

For more help, contact the **Minnesota Attorney General**:

- Call 651-296-3353 or 1-800-657-3787  
OR
- Go to the [Attorney General's website](#) and click "Consumer Assistance Request Form"

**Checklists are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this checklist if it is more than 1 year old. Ask us for updates or alternate formats.*

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