

B. Presenting Defenses to the Claims for Relief

Write a short and plain statement identifying the defenses to the claims, using one or more of the following alternatives that apply.

1. The court does not have subject–matter jurisdiction over the claims because *(briefly explain why there is no federal–question jurisdiction or diversity–of–citizenship jurisdiction; see the complaint form for more information)*

2. The court does not have personal jurisdiction over the defendant because *(briefly explain)*

3. The venue where the court is located is improper for this case because *(briefly explain)*

4. The defendant was served but the process–the form of the summons–was insufficient because *(briefly explain)*

5. The manner of serving the defendant with the summons and complaint was insufficient because *(briefly explain)*

6. The complaint fails to state a claim upon which relief can be granted because *(briefly explain why the facts alleged, even if true, are not enough to show the plaintiff's right to recover)*

7. Another party *(name)* _____ needs to be joined (added) in the case. The reason is *(briefly explain why joining another party is required)*

- a. If the basis for subject–matter jurisdiction is diversity of citizenship, state the effect of adding the other party:
The other party is a citizen of the State of *(name)* _____ .
Or is a citizen of *(foreign nation)* _____. The amount of damages sought from this other party is *(specify the amount)* _____ .
- b. If the claim by this other party is based on an alleged violation of a federal constitutional or statutory right, state the basis:
- _____

C. Asserting Affirmative Defenses to the Claims for Relief

Identify an affirmative defense or avoidance that provides a basis for the defendant to avoid liability for one or more of the plaintiff's claims even if the basis for the claim is met. Any affirmative defense or avoidance must be identified in the answer. Include any of the following that apply, as well as any others that may apply.

The plaintiff's claim for *(specify the claim)*

is barred by *(identify one or more of the following that apply)*:

1. Accord and satisfaction *(briefly explain)*
- _____

2. Arbitration and award *(briefly explain)*
- _____

3. Assumption of risk *(briefly explain)*
- _____

4. Contributory or comparative negligence of the plaintiff *(briefly explain)*
- _____

5. Duress *(briefly explain)*

6. Estoppel *(briefly explain)*

7. Failure of consideration *(briefly explain)*

8. Fraud *(briefly explain)*

9. Illegality *(briefly explain)*

10. Injury by fellow employee *(briefly explain)*

11. Laches (Delay) *(briefly explain)*

12. License *(briefly explain)*

13. Payment *(briefly explain)*

14. Release *(briefly explain)*

15. Res judicata *(briefly explain)*

16. Statute of frauds *(briefly explain)*

17. Statute of limitations *(briefly explain)*

18. Waiver *(briefly explain)*

19. Other *(briefly explain)*

D. Asserting Claims Against the Plaintiff (Counterclaim) or Against Another Defendant (Cross-Claim)

For either a counterclaim against the plaintiff or a cross-claim against another defendant, state briefly the facts showing why the defendant asserting the counterclaim or cross-claim is entitled to the damages or other relief sought. Do not make legal arguments. State how each opposing party was involved and what each did that caused the defendant harm or violated the defendant's rights, including the dates and places of that involvement or conduct. If more than one counterclaim or cross-claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. The defendant has the following claim against the plaintiff *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

2. The defendant has the following claim against one or more of the other defendants *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

3. State briefly and precisely what damages or other relief the party asserting a counterclaim or cross-claim asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons that are alleged to entitle the party to actual or punitive money damages.

a. The defendant asserting the counterclaim or cross-claim against (*specify who the claim is against*) _____ alleges that the following injury or damages resulted (*specify*):

b. The defendant seeks the following damages or other relief (*specify*):

III. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this answer: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the answer otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Defendant _____

Printed Name of Defendant _____

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number

E-mail Address
