

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

DEFENDANT’S ANSWER TO THE COMPLAINT

(Write the full name of each Plaintiff who filed the complaint. If the names of all the Plaintiffs cannot fit in the space above, please write “see attached” in the space and attach an additional page with the full list of names.)

v.

Case No.: _____

Jury Trial Requested?
 YES **NO**

(Write the full name of each Defendant who is being sued. If the names of all the Defendants cannot fit in the space above, please write “see attached” in the space and attach an additional page with the full list of names.)

_____ /

I. PARTIES TO THIS COMPLAINT

A. Plaintiff

Plaintiff's name: _____

Address: _____

City, state, and zip code: _____

Telephone: _____ (Home) _____ (Cell)

(Provide this information for any additional Plaintiffs in this case by attaching additional pages, as needed.)

B. Answering Defendant

Defendant's name: _____

Address: _____

City, state, and zip code: _____

Telephone: _____ (Home) _____ (Cell)

Email address: _____

(Provide this information for each Defendant filing an answer to the allegations in the complaint by attaching additional pages, as needed.)

II. ANSWER AND DEFENSES TO THE COMPLAINT

A. Answer

On a separate page, write a short and plain statement in answer to the allegations of the complaint. Each answer must correspond to the paragraph number in the complaint. For example, paragraph one of the answer must respond to the allegation stated in paragraph one of the complaint. For each paragraph, state whether the Defendant: admits the allegation; denies the allegation; lacks sufficient knowledge to either admit or deny the allegation; admits some of the allegations (*be specific*), but denies or lacks sufficient information to deny the rest of the allegations; or states no answer is required because the allegation pertains to someone else.

B. Defenses

Write a short and plain statement identifying your defenses to the allegations of the complaint using any defense listed below which you believe is applicable.

1. This Court does not have jurisdiction over the claims because:

(check all that apply)

No federal question

No diversity of citizenship

Please explain your answer: _____

2. This Court does not have personal jurisdiction over the Defendant

because: _____

3. Venue where this Court is located is improper for this case because:

4. Defendant was served, but the form of the process (*the summons*) was

insufficient because: _____

5. The manner of serving the Defendant with the summons and complaint

was insufficient because: _____

6. The complaint fails to state a claim upon which relief can be granted to

Plaintiff because (*please explain why the facts alleged, even if true, are*

not enough to show that Plaintiff is entitled to recover): _____

7. Defendant believes another party (*name*) _____

needs to be joined (*added as a party*) in this case because: _____

a. If the basis for subject matter jurisdiction is diversity of citizenship,

the other party is a citizen of the State of _____

or nation of _____

b. If the basis of the claim against the other party is an alleged

violation of a federal constitutional or statutory right, explain the

factual basis: _____

C. Affirmative Defenses

Identify any affirmative defense that provides a basis for Defendant to avoid liability for one or more of Plaintiff's claims. Any affirmative defense or avoidance must be identified in the answer. Explain any of the following

defenses that apply, as well as any other defense you believe is applicable.

Plaintiff's claim (*specify which claim if necessary*) is barred by:

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 affirmative defense (*briefly explain*): _____

D. Counterclaim or Cross-Claim

A Defendant may assert either a counterclaim against the Plaintiff or a cross-claim against another Defendant. If you believe there is a basis to do so, state briefly the facts showing why you are entitled to damages or other relief from the Plaintiff (*counterclaim*) or another Defendant (*cross-claim*). Do not make legal arguments or quote case law. State how the opposing party was involved and what that party did, or failed to do, which caused you harm or violated your rights.

Identify the dates and place where the events occurred. If more than one counterclaim or cross-claim is asserted, number each claim and include the facts which support each claim.

1. Defendant has the following counterclaim against the Plaintiff(s)

(specify and explain the claim): _____

2. Defendant has the following cross-claim against one or more of the

other Defendants *(specify and explain the claim):* _____

3. What damages or other relief do you request? *(Include any amount of actual damages claimed and the basis for the amount. Include any punitive or exemplary damages claimed, the amount, and the reason you believe you are entitled to such damages.)*

a. Defendant asserts the counterclaim against *(specify the party)*

_____ and alleges the following injury or damages: _____

b. Defendant asserts the cross-claim against *(specify the party)*

_____ and alleges the following injury or damages: _____

III. CERTIFICATION

As required by Federal Rule of Civil Procedure 11, I certify by signing below that to the best of my knowledge, information, and belief, this complaint: (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 non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to timely notify the Clerk's Office if there is any change to my mailing address. 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: _____ Defendant's Signature: _____

Printed Name of Defendant: _____

Address: _____

E-Mail Address: _____

Telephone Number: _____

As required by Local Rule 5.1(F), I certify that this document has been served on this date by _____ (specify first-class mail or other manner of service) _____ on these parties (include address used): _____

Date: _____ Defendant's Signature: _____