



I Have Received Papers Labeled “Summons” and “Complaint”. What are These, and What Should I Do?

HOW DO I KNOW IF WHAT I HAVE RECEIVED ARE REAL COURT PAPERS OR JUST REGULAR MAIL FROM A DEBT COLLECTOR?

If you receive any papers with the words “summons” or “complaint” on them, **do not ignore them**. These are papers starting a lawsuit against you. The papers should also say “CONSUMER CREDIT TRANSACTION” in bold letters at the top.

WHAT SHOULD I DO IF I RECEIVE A SUMMONS OR A SUMMONS AND COMPLAINT?

If you receive these papers, **you must go to court** and file an “Answer.” The law has time limits within which you have to do this. If someone handed you the papers in person, you usually have 20 days from the day you got them. If they were given to another person in your house, if they came by mail, or if they were attached to your door, you usually have 30 days to respond.

WHAT IS AN ANSWER?

An “Answer” is your official response to the complaint filed against you. In the complaint, the company suing you makes claims that you did or did not do certain things. In a case where you are being sued to repay a debt, the company suing you (“the plaintiff”) will make claims in the complaint that you owe a certain amount of money. Your Answer responds to those claims and raises certain “defenses” to the action. You can also list any legal claim you want to make against the plaintiff, which are called “counterclaims.” You should consult our fact sheet, *“I Am Being Sued For A Debt: What Should I Put In My Answer?”* for assistance in determining your available defenses.

WHAT IF MORE THAN 20 OR 30 DAYS HAVE PASSED SINCE I GOT THE PAPERS?

If more than 20 or 30 days have passed, **go to the courthouse anyway** and bring the papers you received. It is very common for a clerk to accept your Answer, even if it is late. Follow the directions in the next question for how to file an Answer.

HOW DO I FILE AN ANSWER?

You must go to the **clerk's office** in the courthouse listed on the summons and ask to file an Answer in response to the lawsuit. You can use the interactive form at: www.lawhelpny.org/consumer to fill out and print your Answer before you go to the clerk's office. Or, you can go to the clerk's office and the clerk will provide an answer form for you. The clerk's office will give you one copy, will mail the plaintiff's attorney one copy, and will keep a copy for the court. See below for where you can file your answer if you're sued in New York City Civil Court.

WHAT HAPPENS AFTER I FILE MY ANSWER?

The clerk will give you a date to come back to court or will tell you that you will get a date in the mail. Typically, your first court appearance will be a conference before the court about the possibility of settling your case. **You must go to court on this date.** If you don't go, the plaintiff will get a default judgment against you, which means they will win.

A video explaining the process in a consumer debt collection case can be found at www.lawhelpny.org/consumer.

WHAT HAPPENS IF I DON'T FILE AN ANSWER?

If you do not file an Answer or you don't go to court when you are supposed to, the plaintiff can (and usually will) get a default judgment against you, meaning that they will win.

WHAT IS A JUDGMENT?

A judgment in a debt case is a court decision and order stating that you owe the company that sued you a certain sum of money. The judgment may show up on your credit report. Also, it allows the plaintiff to freeze your bank account and forcibly take your money in your account. It also gives the judgment creditor the right to garnish your wages.

WHERE CAN I FILE MY ANSWER IF I AM SUED IN NEW YORK CITY CIVIL COURT?

Bronx

851 Grand Concourse
Bronx, NY 10451
Basement
Window 6 to request file, then go to Window 14

Queens

89 - 17 Sutphin Boulevard
Jamaica, NY 11435
Room 147

New York

111 Centre Street
New York, NY 10013
Room 118

Richmond

927 Castleton Avenue
Staten Island, NY 10310
Basement

Kings

141 Livingston Street
Brooklyn, NY 11201
Room 302

CAN I GET ANY ADDITIONAL ASSISTANCE?

Because there are so many consumer debt lawsuits in New York City, legal services organizations cannot provide representation to everyone. One place where you can get free legal advice is the Civil Legal Advice and Resource Office (CLARO). The CLARO program is staffed by volunteer attorneys and law students who give brief advice to self-represented defendants in these cases. Their times and locations vary by borough, and you can visit www.claronyc.org or <http://www.lawhelpny.org/consumer> for the most up to date information.

Bronx CLARO

Time: Thursday 3:00-6:00PM

Location: Bronx Supreme Court; 851 Grand Concourse, Bronx, Room B128A, NY 10451

Brooklyn CLARO

Time: Thursday 2:30-4:30PM and 6:00-8:00PM

Location: Kings County Civil Courthouse; 141 Livingston Street, Room 403, Brooklyn, NY 11201

Manhattan CLARO

Time: Thursday 6:00-8:00PM

Location: New York City Civil Courthouse; 111 Centre Street, Room 105, New York, NY 10013

Queens CLARO

Time: Friday 1:30-4:00PM

Location: Queens County Civil Courthouse; 89-17 Sutphin Blvd, Room 116, Queens, NY 11435

Staten Island CLARO

Time: Visit www.claronyc.org/claronyc/Staten_Island/statenisland.html or call 347-927-3417.

Location: Richmond County Civil Courthouse; 927 Castleton Avenue, 2nd Floor, Staten Island, NY 10310

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call Mobilization for Justice Inc.'s Consumer Rights Project on Thursdays from 10:00 a.m. to 2:00 p.m. at 212-417-3881.

**DISCLAIMER: This fact sheet gives general information
for NYC residents; it is NOT legal advice.**