

## RESPONDING TO A COMPLAINT IN AN ADA CASE

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used to respond to civil ADA lawsuits in the Northern District Court of California. This template provides guidance only. Using this template does not guarantee any result.

### ★ HOW TO GET LEGAL INFORMATION & ADVICE

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This packet provides general guidance and does not tell you everything you need to know about responding to an ADA Complaint. You can make an appointment for free legal information and advice at one of the Legal Help Centers listed below.

#### APPOINTMENTS – Based on the courthouse where complaint was filed

- ✿ SAN FRANCISCO, OAKLAND, OR EUREKA-MCKINLEYVILLE  
Federal Pro Bono Project | [fedpro@sfbar.org](mailto:fedpro@sfbar.org) | (415) 782-8982  
**NOTE:** Contact for scheduling only – no legal advice is given when scheduling.
- ✿ SAN JOSE  
Federal Pro Se Program | (408) 297-1480  
Drop-in hours Tuesday and Thursday from 9:00 a.m. to 4:00 p.m.  
280 South 1st Street, 2nd Floor, Room 2070, San Jose

### ★ UNDERSTANDING LAWS & RULES

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The Legal Help Centers (see above) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants** – The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk's Office or on the Court's website at: <https://www.cand.uscourts.gov/pro-se-handbook/>.
2. **Legal Research Guide for Pro Se Litigants** – The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at: <https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.
3. **Federal Rules of Civil Procedure** – These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country and are available at: <https://www.uscourts.gov/rules-policies>.
4. **Civil Local Rules** – The Civil Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only and are available at: <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

## ★ DECIDING HOW TO RESPOND TO THE COMPLAINT

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Most Defendants file an Answer to the Complaint. If the Plaintiff did not follow the rules when serving you with the Complaint, the Complaint is missing certain information, or the Complaint shows that the Plaintiff cannot win, it may be possible to file a Motion to Dismiss the Complaint instead. If you are considering filing a Motion to Dismiss, contact the Legal Help Center (see page 1). Please note that you have **limited time** to file a response to the Complaint.

## ★ HOW TO COMPLETE THE ANSWER TEMPLATE

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1. **Is your business sued in the Complaint?** – As a general rule, you can represent yourself in a lawsuit, but you cannot represent a business entity, even if you own it. If your business has been sued (they are listed as a defendant on the Complaint) you are not allowed to file this Answer on behalf of the business. You should contact one of the Legal Help Centers for advice (see page 1).
2. **Know your deadline** – You have only 21 days after being served with the Summons and Complaint to file a response. If you need additional time or have missed the deadline for responding to the Complaint, contact the Legal Help Centers (see page 1) for advice on how to proceed.
3. **Fill in the case information** – On the top of the first page, write your name, address, and check the box for the division to which the case has been assigned. Write in the plaintiff's and defendant's names in the middle of the page. Then, write in the case number and the judge's name.
4. **Respond to each paragraph in the Complaint** – Read each sentence of the Complaint. Each paragraph should be numbered.
  - a. If everything in the paragraph is false, do not write that paragraph number anywhere. The first part of this Answer denies everything unless you affirmatively admit to it.
  - b. If everything in the paragraph is **true**, write that paragraph number in Section B of this Answer form.
  - c. If you **don't know** whether the paragraph is true or not, write that paragraph number in Section C.
  - d. If the paragraph is **partly true and partly false**, write that paragraph number in Section D and explain which specific parts of the paragraph are true.

For example:

<b>1. Responses to the Claims in the Complaint</b>
A. Defendant <b>denies</b> each and every allegation in the Complaint except those specifically admitted in this Answer.
B. Defendant <b>admits</b> all the allegations in the following paragraphs: <u>1, 3, 4, 10, 12</u>
C. Defendant <b>does not know</b> or have enough information to form a belief as to whether the allegations in the following paragraphs are true: <u>5, 6, 7, 13, 14, 15, 16</u>
D. Defendant <b>admits only the following parts</b> of each paragraph listed below, and denies or does not know enough to say whether the rest of the paragraph is true: Paragraph <u>2</u> : I admit only that <u>I am the owner of the property located at Main St.</u> Paragraph <u>11</u> : I admit only that <u>I have four parking spots on my property.</u>

5. **List your Affirmative Defenses** – An affirmative defense is an argument that Plaintiff’s claim should fail for some procedural or legal reason. The purpose of an affirmative defense is to give enough notice of your defenses so that Plaintiff and the Court understand your argument. In Section 2 of the Answer lists some of the common defenses used in ADA cases. Check the boxes for the defenses that apply to your situation. **INCLUDE ALL AFFIRMATIVE DEFENSES** that you may have. If you leave something out, the Court may not let you argue that the defense applies later in the case. If you don’t know the correct legal terms for your defenses, just explain your reasons clearly in your own words. If you are not sure about your defenses, contact the Legal Help Center (see page 1).
  
6. **OPTIONAL: Write your own claims** – Although it is not very common, sometimes defendants have claims to bring against another person who is not yet part of the lawsuit. This is called a Crossclaim. For example, you may file a Crossclaim if there is another owner or lessor of the property. Before making a claim in your Answer, contact the Legal Help Center (see page 1).
  
7. **Identify your demands** – Complete the **Demand for Relief** section on the signature page to tell the Court what you would like it to do for you. If you would like the Court to do something for you that is not listed, write that in. Judges (rather than juries) decide ADA cases. If the Plaintiff also brings claims for violations of California law against you, you may be able to have a jury trial. To make such a request, write **DEMAND FOR JURY TRIAL** on the first page, above the Judge’s name, and also on the signature page, below the Demand for Relief section.

8. **Number the pages** – Remove any pages that you are not using, such as the Counterclaim or Crossclaim pages. Then, count the number of pages in your final Answer. In the bottom corner of each page, write in the page number and the total.
9. **Review and sign your Answer** – Read your Answer, making sure all blanks are filled in, and to confirm that all the statements are true. Each defendant submitting the Answer must sign it.
10. **Prepare the Certificate of Service** – Each document that you file must be “served” on each other party, usually by sending it in the mail. A Certificate of Service is a paper that lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions on it. If all parties (including you) are registered ECF filers, you do not need to prepare or file a Certificate of Service.

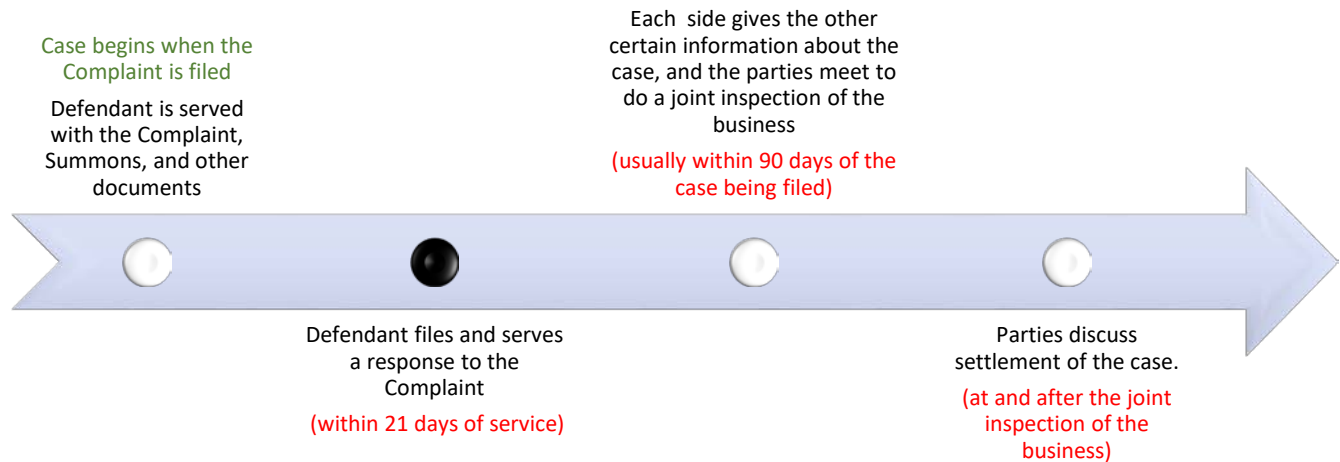
## ★ FILING & SERVING YOUR ANSWER

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1. **Copies** – Make three copies. Once you have completed and signed your Answer and Certificate (if needed), make three copies of each. On one copy of the documents, write “Chambers” on the top in pen. (If there is more than one plaintiff or defendant, you will also need one additional copy for each of them.) ECF users do not need to include a chambers copy. See Civil Local Rule 5-1(d)(7).
2. **Serve the Answer** – Be sure that the Answer and Certificate are served on each other party. If you are filing electronically, your document is considered served when filed. See Civil Local Rule 5-1(h)(1).
3. **File the Answer** – Deliver or mail the original plus two copies of the Answer and Certificate to the Clerk’s Office at the federal courthouse where the Judge hearing case is located. The Clerk will take the original and the copy marked “Chambers” of each document. The other copy is for you to keep after it is stamped by the Clerk.
  - a. **File by mail** – If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.
  - b. **File electronically** – If you are an electronic filer, follow the instructions for electronic filing, which can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/>.
  - c. **Register to become an e-filer** – The registration information to become an e-filer can be found here: <https://www.cand.uscourts.gov/e-file/>.

## ★ WHAT'S NEXT?

This timeline below lists the first few things that happen in an ADA case. The Legal Help Centers (see page 1) can provide guidance about these steps, and have many additional templates for documents you may need to file during this time and throughout the case.



## ★ STAY UP TO DATE

1. **Communications** – Check your mail and tell the Court if you move. You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Tracking** – Keep track of your case. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the Pro Se Handbook Chapter 7 and contact the Legal Help Center to learn to access documents.
3. **Guidance** – Visit the Legal Help Center for more information about what happens next.

1 Name: \_\_\_\_\_  
2 Address: \_\_\_\_\_  
3 \_\_\_\_\_  
4 Phone: \_\_\_\_\_  
5 Email: \_\_\_\_\_  
6 Pro Se Defendant

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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 Division [check one]: ☐ San Francisco ☐ Oakland ☐ San Jose ☐ Eureka-McKinleyville

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12 \_\_\_\_\_ ) Case Number: \_\_\_\_\_  
13 \_\_\_\_\_ ) **ANSWER TO ADA COMPLAINT**  
14 Plaintiff, ) [Check only if you include a Crossclaim]:  
15 v. ) ☐ **AND CROSSCLAIM**  
16 \_\_\_\_\_ )  
17 \_\_\_\_\_ )  
18 \_\_\_\_\_ )  
19 \_\_\_\_\_ ) Judge: Hon. \_\_\_\_\_  
20 Defendant. )  
21 \_\_\_\_\_ )

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23 **1. Responses to the Claims in the Complaint**

- 24 Each paragraph of the Complaint should be numbered. Read each paragraph carefully.
- 25 • If everything in the paragraph is **false**, do not write that paragraph number anywhere. The first
  - 26 paragraph of this Answer denies everything that is not specifically admitted.
  - 27 • If everything in the paragraph is **true**, write that paragraph number in Section B, below.
  - 28 • If you **don't know** whether or not the paragraph is true, write that paragraph number in Section C, below.
  - If the paragraph is **partly true and partly false**, write that paragraph number in Section D, below, and explain which specific parts of the paragraph are true.
  - Use more pages as needed.

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A. Defendant **denies** each and every allegation in the Complaint except those specifically admitted in this Answer.

B. Defendant **admits** all of the allegations in the following paragraphs:  
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\_\_\_\_\_

C. Defendant **does not know** or have enough information to form a belief as to whether the allegations in the following paragraphs are true:  
\_\_\_\_\_  
\_\_\_\_\_  
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D. Defendant **admits only parts** of each paragraph below, and denies or does not know enough to say whether the rest of the paragraph is true. [Use more pages as needed]:  
Paragraph \_\_\_\_: I admit only that \_\_\_\_\_  
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Paragraph \_\_\_\_: I admit only that \_\_\_\_\_  
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☐ The Complaint fails to state a claim upon which relief can be granted.

☐ Plaintiff lacks standing because Plaintiff was not deterred from visiting the premises, nor can plaintiff establish intent to visit the premises in the future.

☐ The Plaintiff's claims are barred by the statute of limitations because Plaintiff did not visit, nor was not deterred from visiting within the two years before the Complaint was filed.

☐ The facility was first occupied before January 26, 1993, has not been altered to affect the accessibility of the facility since that time, and removal of the alleged barriers is not readily achievable.

☐ Defendant provided adequate access to its business to persons with disabilities by using methods such as customer service.

☐ Plaintiff's requested modifications to the business would pose an undue burden on Defendant.

☐ Plaintiff's requested modifications would fundamentally alter the services and facilities.

☐ Plaintiff failed to join a necessary party [list who Plaintiff should have joined as a defendant in this case] \_\_\_\_\_

☐ To the extent Plaintiff suffered any harm and may be entitled to any damages, both of which Defendant denies, a third-party is liable for indemnity and/or contribution.

☐ [Explain another affirmative defense] \_\_\_\_\_

ANSWER TO ADA COMPLAINT

CASE NO.: \_\_\_\_\_ PAGE \_\_\_\_ OF \_\_\_\_ JDC TEMPLATE, UPDATED 11/2024



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**OPTIONAL: Crossclaim against another Defendant**

A Crossclaim is a claim you may have against another Defendant in this case, or whom you want to bring into the case. To make a Crossclaim, first write in the name of the Defendant against whom you are making a claim. List the type of claim you are making or the law that the Defendant violated. Then, starting with paragraph 3, write in the facts of your claim, using more pages as needed. For more information about making a Crossclaim, make an appointment at the Legal Help Center.

**Crossclaim Against** [name]\_\_\_\_\_ **For** [type of claim or  
the law the Cross-Defendant violated] \_\_\_\_\_

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**Demand for Relief**

WHEREFORE, Defendant demand:

- ☐ That the Court enter judgment dismissing the Complaint;
- ☐ That Defendant be awarded costs incurred;
- ☐ That Defendant be awarded such other and further relief as the Court may deem just;
- ☐ [If you filed a Crossclaim, explain what you would like the Court to do]:

\_\_\_\_\_

\_\_\_\_\_

☐ Other [explain]: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[If more than one Defendant is included in this Answer, each must sign and date below. Attach another page if you need to.]

Respectfully submitted,

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Pro Se Defendant

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If you need more space to write your Answer, use this page. Make copies before writing.

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