

7.02 | RESPONDING TO THE COMPLAINT

After the plaintiff has finished service of process, the defendant has 21 days to respond, usually by an answer or motion to dismiss. More time may be given under certain statutes or if the defendant waived service of process. Rule 12 of the Federal Rules of Civil Procedure provides details. An answer includes the defendant's responses to the plaintiff's claims (he or she admits or denies each allegation), and any affirmative defenses (for example, a claim is barred by the statute of limitations). The defendant also may bring a counterclaim against the plaintiff.

