

3.01 | THE ANSWER

Once the summons and complaint is served, the defendant, in an ordinary civil case, will have twenty (20) days from the date of service of the complaint to file an "answer." The United States or a federal official will have sixty (60) days (except the Social Security Administration, which has 90 days). Just as the plaintiff in the complaint must make a short and plain statement of the claim, the defendant in the answer must state the defenses to the claim and either admit or deny the specific allegations contained in the complaint. As with the complaint and all other pleadings, a defendant must file the answer with the Clerk of Court and serve a copy on the opposing party. Failure to answer or otherwise defend in a timely fashion is grounds for judgment by default against the defendant (If a defendant fails to answer or otherwise defend, then see Federal Rule of Civil Procedure 55). It is important that a plaintiff state the allegations in simple separate numbered paragraphs, since the defendants will admit or deny allegations paragraph by paragraph. In that way, the Court and the plaintiffs can determine what allegations the defendants have admitted or denied.

*(US District Court, New York, Western District // Buffalo, NY 14202
Pro Se Litigation Guidelines)*

