

Defendant's Response



Below is information that may be helpful to persons wishing to pursue a small claim but is **not a substitute for legal advice**. There are other rules and laws that may be applicable to your situation, but these are common rules and laws that apply in small claims cases.

ARS means Arizona Revised Statutes and ARSCP means Arizona Rules of Small Claims Procedure.

1 ANSWER



- The defendant must file a written [answer](#) within 20 days of service and mail it to the plaintiff. [ARS § 22-514](#) and [ARSCP 7](#)
- The defendant will be required to pay a filing fee when filing an answer. If the defendant cannot afford the filing fee, the defendant can ask the clerk for a fee waiver/deferral application. [ARSCP 7](#)
<http://www.azcourts.gov/courtfilingsfees>
- If the defendant fails to file an answer or otherwise respond within 20 days of service, the plaintiff must initiate default proceedings as described in Rule 140 of the Justice Court Rules of Civil Procedure. [ARSCP 7](#)

2 COUNTERCLAIM



- A [counterclaim](#) asserts that the plaintiff owes something to the defendant. The defendant may file a counterclaim against the plaintiff that is based on the same event described in the plaintiff's complaint or based on a different event. [ARSCP 9\(a\)](#)
- A counterclaim must be filed within 20 days of service of the summons, complaint, and Notice to Plaintiff and Defendant. The amount of the counterclaim cannot be more than \$3,500. [ARSCP 9\(b\)](#)
- If the counterclaim exceeds \$3,500, the court must transfer the case to the civil division of the justice court. [ARSCP 9\(b\)](#)
- A counterclaim that is more than \$10,000 will result in a transfer of the case to the superior court. [ARSCP 9\(b\)](#)
- Amended counterclaims are not allowed. [ARSCP 9\(c\)](#)