

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO
JUDGE CHERYL M. WILTSHIRE

Telephone: _____
Plaintiff(s)

CASE NO. _____

- VS-

ANSWER

Telephone: _____
Defendant(s)

X _____
(Signature)

I (check one) ___ hand delivered (or) sent a copy of this motion by regular mail to the ___ plaintiff (or) ___ defendant at the address above on _____, 20__.

X _____
(Signature)

WAIT! READ THIS BEFORE YOU FILL OUT THIS MOTION!

***FILING THIS MOTION WILL NOT STOP A MOVE OUT. YOU MUST FILE A SEPARATE MOTION FOR STAY TO ASK THE COURT TO STOP A MOVE OUT! THE MOVE OUT WILL GO FORWARD UNLESS THE COURT ISSUES AN ORDER SAYING IT WILL NOT!**

- When would somebody file an Answer?
 - If somebody is named as a Defendant in a lawsuit, they have to file an ‘Answer’, which is their official response to the lawsuit.
- When would somebody file a Counterclaim?
 - When the person that is being sued has claims for money damages against the person (or company) who sued them. It is not enough to state your claims against the other side in your Answer, this can only be done in a ‘Counterclaim’
- Will filing an Answer and/or a Counterclaim stop or delay the first cause hearing in an eviction case?
 - No. If you are the Defendant in an eviction case, you must show up at the hearing, whether or not you have filed (or plan to file) an Answer and/or a Counterclaim.
- What are the legal requirements for an Answer and a Counterclaim?
 - ANSWER: The Answer must address each of the specific allegations listed in the Complaint. (Example: If you deny what the other side says in the Complaint, you must tell the Court why)
 - COUNTERCLAIM: If you claim to have money damages because of something the other side did, you must state why you should get those damages and attach any evidence to the Answer & Counterclaim.
- **Should I attach any documents to this Motion?**
 - Yes! If you have any documents that will help you prove the claims that you are making, you need to attach them to this Answer. (Ask yourself: Do I have any papers that will back up my version of the facts? If the answer is Yes, then attach those papers to your Answer)
- **What is ‘service’ and what do I have to do to properly serve this motion?**

Service is when you officially give a copy of the motion you are going to file, with all the attachments, to the other side. It is required for **every item that you file** with the Court.

 1. **BEFORE YOU FILE, mail or hand-deliver** a copy of the motion and attachments to the other side’s attorney (or directly to them if they don’t have an attorney); **AND**
 2. **Fill out and sign** the section of the motion that shows the Court how and to whom you delivered the copy.
- **What does it cost to file this Motion?**

The party filing the motion usually has to pay a fee to the Clerk of Courts. Contact the Clerk’s Office at 216-664-4870, or <http://clevelandmunicipalcourt.org/home.html> (click on the words ‘Clerk of Courts’ at the bottom, then the ‘fees’ tab at the top of the page) for a list of fees. If you cannot afford the filing fee, you can file a ‘poverty affidavit’ which, if approved, will let you pay all or some of the filing fee at a later date
Contact the Cleveland Legal Aid Society for a sample ‘Poverty Affidavit’ (216-687-1900)

This instruction sheet is not legal advice. Housing Court Specialists are not attorneys and cannot give you legal advice. Because this Motion (or form) will have an impact on your rights, you should contact a licensed attorney to help you.