

Checklist for Filing a Counterclaim

- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.
 - Check with your court about local requirements.

(1) Do I have a counterclaim?

- The Complaint/Petition tells you what the plaintiff/petitioner wants the court to do. Read the Complaint/Petition carefully. You must file an answer to the Complaint/Petition or the court might enter a default judgment against you. To help you complete an answer, see the checklist accompanying that form.
- A counterclaim is the defendant's opportunity to sue the plaintiff. You may not have any counterclaims, but only a lawyer can advise you. For more information about counterclaims, see [URCP 13](#).
- If your claim against the plaintiff arises out of the same transaction or occurrence as the plaintiff's claim against you, the counterclaim is mandatory. If you have a mandatory counterclaim against the plaintiff, it means that you must file the claim or you may lose it.
- If your claim against the plaintiff arises out of a different transaction or occurrence as the plaintiff's claim against you, the counterclaim is permissive. If you have a permissive counterclaim against the plaintiff, it means that you can file the claim as a counterclaim but you do not have to.

(2) To complete your counterclaim

- Print your name and contact information in the upper left hand corner of the form. Check whether you are the defendant/respondent or the attorney for the defendant/respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- State whether your claim is a tier 1, tier 2 or tier 3 case. The tier determines how much discovery is allowed and the time in which to complete discovery. For more information, see our webpage on [Disclosure and Discovery](#). If you are not asking for damages, your counterclaim is a tier 2 case. If you are asking for damages, the amount of damages determines the tier:
 - Tier 1: \$50,000 or less

- Tier 2: More than \$50,000 and less than \$300,000
 - Tier 3: \$300,000 or more
- Omit any private and protected information. When filed, this document becomes a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records and data that are classified as public, private, and protected, see [Rule 4-202.02](#). You may file non-public information with the court on a non-public information form. For more information, forms and instructions see our webpage on [Non-public Records](#).
- On the blank lines, print a short and plain statement of the claim showing that you are entitled to relief. Each paragraph should be on a separately numbered set of lines.

(3) To add a request

- If you make a counterclaim against the plaintiff, you must also tell the court what you want it to do. For example, you could ask the court to award you damages.
- On the blank lines, print a short and plain statement of what you want the court to do. Each paragraph should be on a separately numbered set of lines.

(4) Date, sign and file your Counterclaim.

- Complete the Certificate of Service.
- Serve the form on the other party.
- File the form with the judicial services representative.
- There is no fee for filing an Answer, but there is a fee for a counterclaim. For more information, see our webpage on [Fees](#).