



LEGAL BRIEF

WHAT TO DO IF YOU HAVE BEEN SUED

April 2026

PREPARED BY:
CREECH LEGAL OFFICE
Bldg 271, Perimeter Rd, Creech AFB, Nevada
Phone: 702-404-0881

Being sued can be one of life's most stressful experiences. Although it may be tempting to ignore the lawsuit, it is important to recognize that doing so may result in a judgment being awarded against you by default.

How you choose to respond to the lawsuit will depend on the facts of your case. Prior to making a decision on how or whether to respond to the summons and complaint, you may wish to consult with a lawyer.

PLEASE NOTE: This brief should not be used for information on how to oppose a summary eviction or a small claims action.

- If a judgment has already been entered against you, please visit the Civil Law Self-Help Center's Judgments Page (<https://www.civillawselfhelpcenter.org/self-help/judgments-for-money>) for information on "How to Respond to a Judgment."
- If a judgment has already been entered against you and your wages are being garnished and/or your property is being attached, you may also find guidance there on contesting collections and claiming exemptions.

I. Understand the Deadline for Responding to the Lawsuit

Most lawsuits in Nevada require you to file a response with the court within **21 days** from the date you were served with the summons and complaint. If you do not file a written response within the required time, the Plaintiff may apply for a default judgment and be awarded everything requested. Read the Summons you were served carefully, as deadlines can be different.

II. Evaluate Your Options

Once served, you must decide how to proceed. See the options below for a breakdown of your choices. Note that speaking with an attorney is the best way to evaluate these options.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



Option: File an Answer

This is the most common response. It is your opportunity to respond to the Complaint's factual allegations and raise any "affirmative defenses." Filing an Answer prevents the Plaintiff from getting a default judgment against you.

Option: File a Motion to Dismiss

Asking the court to throw out the lawsuit based on specific legal deficiencies. Common reasons include *Lack of Jurisdiction* (court has no authority over you), *Insufficiency of Service of Process* (you were not served properly), *Failure to State a Claim* (no legal basis for the suit)

Filing this motion to dismiss also postpones the time in which you must file an Answer until the judge resolves the motion.

Option: Sue the Plaintiff (Counterclaims)

Pursuing your own claims against the person suing you. These fall into two categories:

- **Compulsory Counterclaim:** Arises from the exact same transaction/event. (e.g., You sue a contractor for bad work; their claim for unpaid balance is compulsory).
- **Permissive Counterclaim:** Arises from a completely separate event. (e.g., A contractor sues you for an unpaid balance, and you counter-sue because they hit your parked car).

If you do not file a *Compulsory* counterclaim now (in the current lawsuit), you lose the right to sue for it later. *Permissive* counterclaims can be filed now or in a separate future lawsuit.

Option: Do Nothing

You can ignore the summons and complaint entirely. However, the Plaintiff can, and likely will, apply to the court for a default judgment against you.

MILITARY EXCEPTION (SCRA): If you are an active-duty servicemember, you have some legal protection under the Servicemembers Civil Relief Act (SCRA). Before obtaining a default judgment, the Plaintiff must file an affidavit stating whether you are in military service. If you are, the court cannot enter a judgment until it appoints an attorney to represent you, and the court must stay (pause) the proceedings for at least 90 days.

III. File a Response with the Appropriate Court

Once you have decided what response you intend to file, you will need to complete the proper legal documents and submit them to the court by your 21-day deadline. You can often find standard formatting templates and forms on the Clark County Civil Law Self-Help Center website.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



When filing your response, you will be required to pay a filing fee. The amount varies depending on whether your case is in Justice Court (claims up to \$15,000) or District Court (claims over \$15,000). If you cannot afford the filing fee, you must submit a Fee Waiver Application (formally known as an Application to Proceed *In Forma Pauperis*). A judge will review your financial information to determine if your fees can be waived.

Note: Electronic filing (e-filing) is mandatory for civil cases in both the Clark County District Court and Justice Courts. Contact the specific court or visit their e-filing portal for instructions.

IV. Give the Plaintiff a Copy of Your Response

In general, you must give the other party a copy of any document that you file with the Court to ensure they are aware of your defense. If the Plaintiff is represented by an attorney, you must provide the documents directly to their attorney instead of the Plaintiff. This procedure is known as "service."

Because you are responding to a lawsuit rather than initiating one, you typically do not need to hire a process server to hand-deliver your Answer or Motion. Instead, you can usually serve your response by mailing a copy via regular First-Class U.S. Mail to the address listed on the Plaintiff's complaint. Alternatively, if the Plaintiff or their attorney is registered in the court's e-filing system, they may be served electronically at the exact moment you e-file your document.

Regardless of how you serve the document, you must file a "Certificate of Service" with the court. This is a signed statement swearing under penalty of perjury when and how you sent a copy of your response to the opposing party.

V. Know What To Expect Next

What happens next will depend heavily on the type of response you filed and the monetary value of the lawsuit.

If you filed an Answer, the case will move into the discovery phase. Discovery is the formal process where both parties exchange information, request documents, and ask written or oral questions (depositions) to gather evidence before a trial. If you filed an Answer along with a Counterclaim, the Plaintiff will first be required to file their own Answer to your Counterclaim before discovery begins.

In Nevada, if your case involves damages under \$50,000 in District Court, it will likely be routed into the Court's mandatory Court Annexed Arbitration Program or the Short Trial Program, which are designed to resolve cases faster and less expensively than a traditional jury trial.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



If you filed a Motion to Dismiss (or any other type of motion), the court will likely schedule a hearing. You will receive a notice with the date and time you must appear before the judge, who will listen to arguments from both sides before making a ruling on your motion.

VI. References & Resources

- **Clark County Courts** (www.clarkcountycourts.us): The official portal for the Eighth Judicial District Court and Las Vegas Justice Court. Contains links to e-filing, local rules, and case searches.
- **Civil Law Self-Help Center: Operated by the Legal Aid Center of Southern Nevada** (www.civillawselfhelpcenter.org): This center provides free legal information, flowcharts, and downloadable fill-in-the-blank forms for representing yourself in Clark County civil matters.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.