

## Checklist for Filing a Counterclaim

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- 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](#).

☐ This is a private record

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Counter Motion to**

☐ **Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

(1) I ask the court to enter an order as follows:  
(State **what** you want the court to order)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (2) I ask for this order because:  
(State **why** you want the court order.)

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- (3) ☐ The motion is supported by the law because:  
(Cite any statutes, ordinances, rules or appellate opinions that support/oppose the motion. For example, Utah Code section 15-1-201, or Utah Rules of Civil Procedure 67. Explain why they support the motion.)

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- (4) ☐ I request a hearing.  
☐ I do not request a hearing.

- (5) ☐ I have attached the following documents in support of this motion:

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- (6) ☐ The other party agrees with this motion, and I have attached the stipulation.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Typed or Printed Name

### Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
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Sign here ► \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

☐ This is a private record.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Motion to Set Aside Judgment  
Pursuant to URCP 60(b)**

☐ Hearing Requested

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

☐ Plaintiff/Petitioner ☐ Defendant/Respondent moves the court to set aside the  
judgment entered against him/her on \_\_\_\_\_ (date).

- (1) This motion is brought pursuant to the subsection(s) of Utah Rule of Civil  
Procedure 60(b) indicated below, and for the reason(s) described (choose as many  
as apply):

(State the facts of your case that support the motion. Make your statements in clear, simple sentences. The person signing this document must have first-hand knowledge of the facts stated.)

☐ **Rule 60(b)(1)** - mistake, inadvertence, surprise, or excusable neglect (describe):

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☐ **Rule 60(b)(2)** newly discovered evidence which could not have been discovered in time to move for a new trial under Rule 59(b) (describe):

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☐ **Rule 60(b)(3)** fraud, misrepresentation or other misconduct of the other party (describe):

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☐ **Rule 60(b)(4)** the judgment is void (describe):

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☐ **Rule 60(b)(5)** the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application (describe):

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☐ **Rule 60(b)(6)** any other reason justifying relief from the operation of the judgment.

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(2) Choose all that apply:

☐ I have relied on reason (1), (2) or (3), and am making this motion within 90 days of the judgment.

☐ I have relied on reason (4), (5) or (6), and am making this request in a reasonable time because (explain):

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(3) The reasons that I disagree with the original complaint/petition, and the facts supporting my disagreement, are as follows:

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(4) ☐ I request a hearing.

☐ I do not request a hearing.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign here ►

\_\_\_\_\_  
Typed or Printed Name



### Certificate of Service

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Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for: ☐ Plaintiff/Petitioner ☐ Defendant/Respondent, and my  
Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Stipulation to the Motion to**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

**Instructions:**

- You must complete this form before you file it. Court staff cannot complete this form for you.
- Keep a copy of all documents for your records.
- Attend all court hearings.

☐ By and through my attorney, (Attorney, check here if you are appearing for your client.)

I say as follows:

- (1)    ☐    I have received and read the Motion to \_\_\_\_\_  
and its supporting documents. I fully understand the claims and the requested  
order.
- (2)    ☐    I understand that I have the right to contest the claims and to have a judge  
decide the issues.
- (3)    ☐    I voluntarily stipulate that the court may grant the order requested in the  
motion at any time and without further notice.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

_____	Sign here ►	_____
Date	Typed or Printed Name	_____

### Certificate of Service

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Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Order on Motion to Set Aside  
Judgment**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

The matter before the court is a Motion to Set Aside Judgment. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent.

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Plaintiff/Petitioner

☐ was present.

☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Defendant/Respondent

☐ was present.

☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The Court Finds That:**

(1) The moving party

☐ has not shown good cause to set aside the judgment

☐ has shown good cause to set aside the judgment pursuant to the subsection(s) of URCP 60(b) selected below:

☐ (1) - mistake, inadvertence, surprise, or excusable neglect

☐ (2) - newly discovered evidence which could not have been discovered in time to move for a new trial under Rule 59(b)

☐ (3) - fraud, misrepresentation or other misconduct of the other party

☐ (4) - the judgment is void

☐ (5) - the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application

☐ (6) - any other reason justifying relief from the operation of the judgment

☐ for the reasons set forth in the motion, or

☐ because:

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- (2) The motion ☐ was ☐ was not made in a reasonable time.
- (3) The moving party ☐ has ☐ has not set forth a meritorious defense to the underlying complaint/petition.

**The Court Orders That:**

- (4) The Motion is ☐ granted ☐ denied.
- (5) ☐ Defendant/Respondent must file  
☐ an Answer  
☐ other pleading \_\_\_\_\_ (specify)  
on or before \_\_\_\_\_ (date).

- (6) ☐ Other:

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- (7) No additional order is necessary.

This is the order of the court. Nothing further is required of the parties.

_____	Sign here ►	_____
Date	Recommended by Commissioner	_____
_____	Sign here ►	_____
Date	Judge	_____

Approved as to form.

_____	Sign here ►	_____
Date	Plaintiff/Petitioner or Attorney	_____
_____	Sign here ►	_____
Date	Defendant/Respondent or Attorney	_____



### Certificate of Service

I certify that I served a copy of this document on the following people.

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(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed		
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Sign here ►

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

☐ This is a private record

My Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

	<b>Reply to Memorandum Opposing Motion to</b> _____
Plaintiff/Petitioner	Case Number _____
v.	Judge _____
Defendant/Respondent	Commissioner _____

(1) (A) I disagree with the following statement that presents a new matter raised in the opposing party's Memorandum Opposing Motion to

\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) I disagree for the following reasons. (State the relevant facts newly claimed by the opposing party and any laws cited by the opposing party in their Memorandum Opposing the Motion.)

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- (2) (A) I disagree with the following statement that presents a new matter raised in the opposing party's Memorandum Opposing Motion to

\_\_\_\_\_.

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(B) I disagree for the following reasons. (State the relevant facts newly claimed by the opposing party and any laws cited by the opposing party in their Memorandum Opposing the Motion.)

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I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name \_\_\_\_\_

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Sign here ► \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Witness for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>V.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p><b>Statement</b> <input type="checkbox"/> Supporting <input type="checkbox"/> Opposing</p> <p><b>Motion to</b> _____</p> <p><input type="checkbox"/> Hearing Requested</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
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**Instructions:**

- You must complete this form before you file it. Court staff cannot complete this form for you.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Attach the following:

- Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
- Non-Public Information Form, more fully describing non-public information asked for in this document.
- Documents supporting your statements (if applicable).

(1) I say as follows: (State the facts of your case that support/oppose the motion. Make your statements in clear, simple sentences. Make each point a separate paragraph. Number the paragraphs. Arrange the paragraphs logically. Type your statements or print them clearly. The person signing this document must have first-hand knowledge of the facts stated.)

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(2) ☐ I request a hearing.  
☐ I do not request a hearing.

(3) List any documents you have attached that support your statements.

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I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

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Sign here ► \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Memorandum ☐ Supporting  
☐ Opposing**

**Motion to** \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
Case Number

v. \_\_\_\_\_

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Commissioner

**Instructions:**

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- Attend all court hearings.
- Attach the following:
  - Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
  - A copy of any statutes, ordinances, rules or appellate opinions relied upon in your arguments.







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(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ► \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

\_\_\_\_\_  
In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Request to Submit for Decision**

**☐ Hearing Requested**

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
Case Number

v.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Commissioner

**Instructions:**

- You must complete this form before you file it. Court staff cannot complete this form for you.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Attach the following:
  - Notice of Hearing (if a hearing has been requested).
  - Proposed Findings of Fact, Conclusions of Law and Order on Motion to \_\_\_\_\_.

☐ By and through my attorney, (Attorney, check here if you are appearing for your client.)

I say as follows:

- (1) The Motion to \_\_\_\_\_ was filed and served on \_\_\_\_\_ (date).
- (2) An opposing statement  
[ ] was not filed.  
[ ] was filed and served on \_\_\_\_\_ (date).
- (3) A reply to the opposing statement  
[ ] was not filed.  
[ ] was filed and served on \_\_\_\_\_ (date).
- (4) A Stipulation  
[ ] was not filed.  
[ ] was filed and served on \_\_\_\_\_ (date).
- (5) [ ] I request a hearing.  
[ ] I do not request a hearing.
- (6) I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Typed or Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ► \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

## **Form 11. Answer with Counterclaim and Cross-claim**

[Caption and signature block as in Form 1]

### **I. ANSWER**

In answer to the specific allegations of the complaint, defendant A admits, denies and otherwise alleges as follows:

1. Admits paragraph 1.

2. Denies paragraph 2.

3. Lacks sufficient information to answer paragraph 3 and therefore denies paragraph 3.

#### **First Affirmative Defense**

Plaintiff's claim is barred by Utah Code Ann. § \_\_\_\_\_, the applicable statute of limitations.

#### **Second Affirmative Defense**

Plaintiff is not entitled to the relief sought in the complaint because plaintiff has failed to mitigate its damages.

#### **Third Affirmative Defense**

Plaintiff is not entitled to the relief sought in the complaint because plaintiff has entered into an accord and satisfaction with this defendant.

### **II. COUNTERCLAIM**

Defendant A counterclaims against plaintiff as follows: (state counterclaim)

### **III. CROSS-CLAIM**

Defendant A cross-claims against defendant B as follows: (state cross-claim)

## **Form 12. Third Party Complaint**

[Caption and signature block as in Form 1]

1. On \_\_\_\_\_, third party defendant issued an insurance policy (the "Policy") indemnifying third party plaintiff against negligence claims arising from the use of third party plaintiff's automobile.

2. Plaintiff's complaint in this action alleges that on \_\_\_\_\_, while the Policy was in force, third party plaintiff negligently drove his automobile causing an accident with plaintiff. The complaint, a copy of which is attached hereto as Exhibit A, seeks general and special damages from third party plaintiff.

3. Third party plaintiff demanded indemnification under the Policy for plaintiff's claims, but third party defendant refused the demand.

4. Based upon the foregoing facts, third party defendant is liable to third party plaintiff for all or part of what plaintiff may recover from third party plaintiff.

Wherefore, third party plaintiff requests judgment against third party defendant for any amount recovered by plaintiff against third party plaintiff.



My Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

I am the ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent  
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my  
Utah Bar number is \_\_\_\_\_

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Summons** (To be served in Utah)

Case Number \_\_\_\_\_

Judge \_\_\_\_\_

Commissioner \_\_\_\_\_

The State of Utah to \_\_\_\_\_ (party's name):

You are summoned and required to answer the attached complaint/petition. Within 21 days after service of this summons, you must file your written, signed answer with the clerk of the court at the court address shown above. A blank answer form is available on the court's website: **[www.utcourts.gov/howto/answer/](http://www.utcourts.gov/howto/answer/)**.

Within that 21 days you must also mail or deliver a copy of your answer to the party or the party's attorney at the address shown above. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint or petition.

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_