

URL: /private-student-loan-lawsuit-how-to-answer

Title: How to File an Answer to a Student Loan Lawsuit

Meta: Learn how to file an answer to a student loan lawsuit, avoid default judgment, and protect yourself in court.

Filing an answer to a student loan lawsuit means responding to the summons and complaint within your state's deadline, usually 20–30 days. If you don't file on time, the court can issue a default judgment, letting the lender garnish wages or freeze bank accounts.

The Complaint and Your Initial Steps

A private student loan lawsuit starts with two documents: the summons and the complaint. The summons tells you that you've been sued and sets your deadline to respond. The complaint lists the lender's claims in numbered paragraphs, including how much they say you owe and why.

The deadline to file your Answer is strict and depends on state law. In California, you usually get 30 days. In New York, the window is 20 or 30 days depending on how you were served. In Maryland District Court, you must file a "Notice of Intention to Defend" within just 15 days.

Miss the deadline, and the court can enter a default judgment against you — giving the lender power to garnish your wages, freeze your bank account, or place liens on property without a trial.

If you're already in [private student loan default](#), lawsuits are the next step in collections. Filing an Answer is the only way to stop the process from moving forward uncontested.

Composing Your Answer: Building Your Defense

Your Answer is your official response to the complaint. It has three parts: denials, affirmative defenses, and sometimes counterclaims.

Denials force the lender to prove its case. You can admit allegations you know are true (like your name), deny others, or say you lack enough knowledge to admit or deny. Even a general denial — rejecting all claims in one statement — keeps the lender from winning by default.

Affirmative defenses are where you tell the court why the lender should not win, even if parts of the complaint are true. Common defenses include lack of standing (the lender can't prove it owns your loan), identity theft, or improper service. One of the strongest defenses is the statute of limitations. If the lawsuit was filed too late under your state's law, you can ask the court to dismiss the case. See the [full list of defenses to private student loan lawsuits](#) and check the [private student loan statute of limitations by state](#) for your specific deadline.

Counterclaims let you sue back. For example, if the collector violated debt collection laws, you can raise that in your Answer.

Mechanics of Filing & Serving Your Answer

After you write your Answer, you must follow specific steps to make it official. Courts care just as much about process as they do about substance.

Step 1: Complete the forms. Many courts provide fill-in-the-blank Answer forms. In some states, you can use a "general denial" form. If

the complaint was “verified” (sworn under oath), your Answer usually must be verified too — signed before a notary or clerk.

Step 2: Serve the Answer. You cannot serve the Answer yourself. Someone over 18 who is not a party to the case — a friend, family member, or process server — must deliver a copy to the lender’s lawyer. Regular first-class mail is the standard method. That person then signs a Proof of Service form stating when and how delivery happened.

Step 3: File with the court. After service, you must file the signed Answer and Proof of Service with the court clerk. Most courts charge a filing fee, but you can request a fee waiver if you qualify.

Beyond the Answer

Filing an Answer is the step that keeps you in the game. Once it’s filed, the case can move into discovery, settlement talks, or even trial. What happens next depends on your strategy and the lender’s evidence.

If you want to know what the court process looks like — hearings, motions, and trials — see [what to expect in court](#). If you’ve already missed the deadline and a judgment was entered, learn [how to vacate a student loan judgment](#). And if your goal is to work out a deal, read [how to negotiate a settlement on a private student loan](#).

Your Answer doesn’t end the lawsuit, but it creates the leverage you need to protect yourself and choose the best path forward.

