

## ORDER TO SHOW CAUSE INFORMATION SHEET ON DEFENSES

**A defense is a reason you can tell the Judge why the other side should not win the case.**

**Below are possible defenses:**

1. I was not served in the right way as required by law with a summons and complaint in this action.
2. It is not my debt. I am a victim of identity theft or mistaken identity.
3. I have paid all or part of the alleged debt.
4. I dispute the amount of the debt.
5. I had no business dealings with Plaintiff (Plaintiff lacks standing).
6. There is no record of plaintiff having a license to collect debt (only for cases filed in New York City, Buffalo and other municipalities requiring debt collectors to be licensed).
7. Plaintiff does not allege a debt collector's license number in the Complaint (only for cases filed in New York City, Buffalo and other municipalities requiring debt collectors to be licensed).
8. Statute of limitations (the time has passed to sue on this debt).
9. This debt has been discharged in bankruptcy.
10. The collateral (property) was not sold at a commercially reasonable price.
11. Failure to provide proper notice before selling collateral (property).
12. Failure to mitigate damages (Plaintiff did not take reasonable steps to limit damages).
13. Unjust enrichment (the amount demanded is excessive compared with the original debt).
14. Violation of the duty of good faith and fair dealing.
15. Unconscionability (the contract is unfair).
16. Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).
17. **OUTSIDE OF NEW YORK CITY ONLY:** Lack of personal jurisdiction under Uniform City Court Act § 213 (applies if you do not work in the city where the case was filed **and** you are not a resident of that city **or** (for all counties except Westchester and Nassau counties) you are not a resident of a town next to that city within the same county).
- 17-a. **SUFFOLK COUNTY:** Lack of personal jurisdiction; the defendant is not a resident and/or was not served in, or there was no transaction of business in, that portion of Suffolk County for which a District Court has been established (Towns of Huntington, Babylon, Islip, Smithtown and Brookhaven).
18. Defendant is in the military.

### **OTHER**

19. Other Reasons \_\_\_\_\_
20. Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.

***For more information on these defenses please see***

***<http://nycourts.gov/courthelp//MoneyProblems/defenses.shtml>***