

Rule 509. Counterclaim

(a) Counterclaims Allowed. The defendant may assert a counterclaim within jurisdiction of conciliation court which the defendant has against the plaintiff, whether or not arising out of the transaction or occurrence which is the subject matter of plaintiff's claim.

(b) Assertion of Counterclaim. To assert a counterclaim the defendant shall perform all the following not less than 7 days before the date set for trial of plaintiff's claim:

(1) file with the court administrator a counterclaim required by Rule 507;

(2) pay to the court administrator the applicable fees or file with the administrator the affidavit in lieu of fees prescribed in Rule 506.

Where authorized or required by Rule 14 of the General Rules of Practice for the District Courts, documents may, and where required shall, be filed by electronic means by following the procedures of Rule 14.

(c) Administrator's Duties. The court administrator shall assist with the preparation of the counterclaim on request. When the counterclaim has been properly asserted, the court administrator shall note the filing of the counterclaim on the original claim, promptly transmit notice of the counterclaim to plaintiff and set the counterclaim for trial on the same date as the original claim.

(d) Late Filing. No counterclaim shall be heard if filed less than 7 days before the trial date of plaintiff's claim except by permission of the judge, who has discretion to allow a filing within the 7-day period. Should a continuance be requested by and granted to plaintiff because of the late filing, the judge may require payment of costs by defendant, absolute or conditional, not to exceed \$50.

(Amended effective July 1, 2015; amended effective January 1, 2020.)