

RESPONSE DEMAND LETTER

[YOUR FULL LEGAL NAME] [YOUR ADDRESS]

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED TENDERED PURSUANT TO FED. R. EVID. 408 — FOR SETTLEMENT PURPOSES ONLY

[RECIPIENT S NAME] [RECIPIENT S ADDRESS]

**Re: Response to Demand Letter Dated **

Dear [RECIPIENT S NAME]:

This letter responds to your demand letter dated **** (the "Demand"). [YOUR FULL LEGAL NAME] has carefully reviewed the Demand and responds as follows.

I. Factual Background / Position Statement

[FACTUAL BACKGROUND DATES EVENTS AGREEMENT CONTEXT]

II. Response

A. Denial of Claim

[YOUR FULL LEGAL NAME] **DENIES** each and every material allegation set forth in the Demand. The Demand misstates the relevant facts, mischaracterizes the parties' dealings, and asserts a legal theory unsupported by controlling authority. Without limiting the generality of the foregoing, [YOUR FULL LEGAL NAME] specifically denies:

- that any sum is owed;
- that any duty was breached;
- that you suffered any compensable damages proximately caused by [YOUR FULL LEGAL NAME].

[YOUR FULL LEGAL NAME] further asserts all applicable **affirmative defenses**, including but not limited to: waiver; estoppel; laches; unclean hands; accord and satisfaction; release; failure of consideration; statute of limitations; statute of frauds; setoff and recoupment; comparative and contributory fault; assumption of risk; and failure to mitigate damages.

III. Deadline for Good-Faith Discussions

[YOUR FULL LEGAL NAME] is willing to engage in good-faith settlement discussions within **14 (fourteen) days** of receipt of this letter.

[SPECIFIC ACTION S DEMANDED PAY RETURN]

IV. Fed. R. Evid. 408 — Inadmissibility

This letter is tendered pursuant to **Federal Rule of Evidence 408** and the [STATE] state-law equivalent for settlement purposes only and is **inadmissible** to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement.

V. Reservation of Rights

If we do not receive compliance by the deadline, we will pursue all available legal remedies without further notice, including filing suit to recover the amount owed plus interest, costs, and attorneys' fees where permitted.

Nothing in this letter constitutes a waiver of any right, claim, defense, or remedy, all of which are expressly reserved. Any continuation of the conduct described in the Demand, or the filing of suit, will be met with a full and vigorous defense and, where warranted, **counterclaims** for abuse of process, malicious prosecution, and/or breach of contract.

Sincerely,

[YOUR FULL LEGAL NAME]

_____ PRINTED NAME

_____ SIGNATURE

_____ DATE