

Important Information about Small Claims Court for Defendants

The NOTICE OF CLAIM is the start of a lawsuit against you. It should not be ignored! The person suing you is the claimant. You are the defendant. Carefully read the Notice of Claim for more information about the lawsuit.

The Small Claims Court is an informal Court where Individuals and sole proprietors can sue *for money only* up to \$5,000.00. If you have questions about court procedures, contact the court or go to the court and pick up one of the Small Claims Guide Booklets.

You MUST go to court on the date specified in the Notice of Claim. If you wish, you may be represented by an attorney at your own expense. If you need an adjournment, call the court for information. Note that if you do not have a good excuse, your request will be denied. Any requests for adjournment must be in writing to the court at least one week before the hearing date. You may ask for a jury trial by filing a Demand for Jury and paying the appropriate jury demand fee and undertaking.

If you do not go to Court or do not get an adjournment, a default judgment may be entered against you. If you do not pay the judgment, the claimant may have the Marshal/Sheriff seize certain of your property and sell it to satisfy the judgment; or if you work, have a portion of your salary turned over to the claimant until the judgment is paid. The claimant may also obtain a restraining order, freezing your bank account.

If you have a claim against the claimant, you may bring a "counterclaim" as part of the lawsuit, *for money only*, up to \$5,000.00. You must inform the court of your counterclaim and you must be prepared to prove the counterclaim on the day you go to court. You should contact the court for information and filing fees if you wish to file a counterclaim.

If you believe a third party is responsible for the claim, you may be able to bring that party into the lawsuit as a defendant by filing your own small claim with the court against the third party. You must inform the court that there is a pending small claim and you must be prepared to prove your claim on the day you go to court. You should contact the court for information and filing fees if you wish to file a claim against a third party.

When you go to court on the day set for trial, be prepared for a simple, informal hearing. Bring any evidence necessary to prove your defense, such as photographs, written agreements, an itemized bill marked "paid", receipts, canceled checks, etc. If you rely on estimates, two different written estimates of the cost of repairs or services are required. If possible, merchandise that is in dispute should be brought to court. Testimony, including your own, is evidence. Any other witness may also testify. You may have to pay an expert witness for his/her time. If a witness is unwilling to appear voluntarily and/or produce records, you may contact the court for information about getting a subpoena. Witnesses must testify in person. Statements are not admissible.

You may try to end the lawsuit before the court date by offering the claimant a settlement or by working through the Community Dispute Resolution Center.