

SMALL CLAIMS CASE NO.:

**— NOTICE TO DEFENDANT —
YOU ARE BEING SUED BY PLAINTIFF**

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

**— AVISO AL DEMANDADO —
A USTED LO ESTAN DEMANDANDO**

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name, street address, mailing address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, street address, mailing address, and telephone number of each):

Telephone No.: _____

Telephone No.: _____

Telephone No.: _____

Telephone No.: _____

Fict. Bus. Name Stmt. No. Expires: _____

See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

1. a. Defendant owes me the sum of: \$ _____, not including court costs, because *(describe claim and date)*: _____
- b. I have had an **arbitration of an attorney-client fee dispute**. *(Attach Attorney-Client Fee Dispute form (see form SC-101).)*
2. This claim is against a government agency, and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline. *(See form SC-150.)*
3. a. I have asked defendant to pay this money, but it has not been paid.
- b. I have NOT asked defendant to pay this money because *(explain)*: _____
4. This court is the proper court for the trial because *(In the box at the left, insert one of the letters from the list called "Venue Table" on page 3. If you select D, E, or F, specify additional facts in this space):* _____

If known, please give the zip code for the location of the letter you put in the box *(zip code)*:

5. I have have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
6. I have have not filed more than 12 small claims, including this claim, during the previous 12 months.
7. I understand that
 - a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
 - b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
 - c. **I have no right of appeal on my claim**, but I may appeal a claim filed by the defendant in this case.
 - d. If I cannot afford to pay the fees for filing or service by a sheriff or marshal I may ask that the fees be waived.
8. I have received and read the information sheet (form SC-150) explaining some important rights of plaintiffs in the small claims court.
9. No defendant is in the military service except *(name)*: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____



(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE	DATE	DAY	TIME	PLACE	COURT USE
FECHA DEL JUICIO	1.				
	2.				
	3.				

Filed on *(date)*: _____ Clerk, by _____, Deputy

— The county provides small claims advisor services free of charge. Read the information on the reverse. —

— ¿CÓMO PODRÁ OBTENER AYUDA EN SU CASO? —

CONSEJEROS PARA RECLAMOS DE MENOR CUANTÍA — La ley exige que cada condado ofrezca ayuda gratis en casos de reclamos de menor cuantía. Pida al actuario (Court Clerk) que le dé el número de teléfono en su condado. (*Ver 5.e.*)

INTÉRPRETES — Si usted no habla inglés, puede ir a la corte en compañía de un miembro de su familia o una amistad. La corte debe mantener una lista de intérpretes que ofrecen servicios de interpretación. Algunos intérpretes cobran un precio razonable, otros no cobran. Si usted no puede encontrar un(a) intérprete para la audiencia programada, la corte deberá posponer la audiencia una sola vez para darle tiempo de obtener servicios de interpretación.

FACILIDADES — Si usted tiene algún impedimento y necesita ayuda, tenga la bondad de pedir de inmediato que la corte le ayude a satisfacer su necesidad. Si tiene dificultades para oír, informe a la corte de inmediato.

INFORMATION FOR DEFENDANT

1. **What is the small claims court?** The small claims court is a special court in which disagreements are resolved quickly and cheaply. A small claim must be for \$5,000 (**see below*) or less. With some exceptions no party may file more than two small claims actions in which the amount demanded is more than \$2,500 anywhere in the state in a calendar year. The party who sues is called a **plaintiff**. The party who is sued is called a **defendant**. Neither party can be represented by a lawyer at the trial, but either party may talk to a lawyer about the case.
2. **What can you do if you are sued in the small claims court?**
 - a. **Settle.** You may settle your case before the trial. If you do, be sure that the plaintiff files a dismissal form with the court. If you would like help in settling your case, ask the small claims advisor (see No. 5, below) to refer you to an alternative dispute resolution provider.
 - b. **Default.** If you do not go to the trial, it is called a **default**. The plaintiff may win the amount of the claim and costs. The plaintiff may then be able to use legal procedures to take your money or property to pay the judgment.
 - c. **Appear and Contest.** You may go to the trial and disagree with the plaintiff's claim. If you do, bring all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses in your case to go to the trial or, before the trial, you may ask the clerk of the court to issue a **subpoena**. A subpoena is a court order that requires the witness to go to the trial.
 - d. **Appear and Request Payments.** You may agree with the plaintiff's claim, but you may be unable to pay the money all at once. You may then choose to go to the trial and ask the court to order payments you can afford.
 - e. **Postpone.** If you live in the county where the claim was filed, you must be served with a copy of the claim at least **15 days before the trial**. If you live outside the county, you must be served at least **20 days before the trial**. If you did not receive the claim within these time limits, you may ask the court for a postponement. (No fee charged.)

If you cannot attend the hearing on the date scheduled, write to the court before the hearing date and tell why, and ask the court to postpone the hearing. (Fee charged.) You must file your request at least **10 days** before the hearing or give good cause why it is filed late. You must mail or personally deliver a copy of your request to all parties and declare that you have done so in your request.
 - f. **Challenge Venue.** If you believe the plaintiff's claim was filed in the wrong court (see Venue Table on page 3), write to the court before the hearing date, explain why you think so, and ask the court to dismiss the claim. You must mail or personally deliver a copy of your request to all parties and declare that you have done so in your request.
3. **What can you do if you also have a claim against the person who sued you?** A claim against the person who sued you is called a *Defendant's Claim* (form SC-120). Ask the clerk for this form to file your claim. The claim must not be for more than \$5,000.* If you received your copy of the plaintiff's claim *less than 10 days* before the trial date, you must have the plaintiff served with your claim at *least 1 day* before the trial date. If you received your claim *more than 10 days* before the trial date, you must have the plaintiff served with your claim at *least 5 days* before the trial date. The court will hear both claims at the same time.
4. **What happens after trial?** The court will deliver or mail to you a copy of a form called the *Notice of Entry of Judgment* (form SC-130). This form tells you how the case was decided. If you disagree with the court's decision, you may appeal the judgment on the plaintiff's claim. You may not appeal your own claim. If you appeared at the trial, you must begin your appeal by filing a *Notice of Appeal* (form SC-140) and pay the required fees within **30 days** after the date the *Notice of Entry of Judgment* was mailed or handed to you. If you did not appear at the trial, you must first ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fees within **30 days** after the date the *Notice of Entry of Judgment* was mailed or handed to you. If your request is denied, you then have **10 days** from the date the notice of denial was mailed or handed to you to file an appeal.
5. **How can you get help with your case?**
 - a. **Minors.** If you are under 18 years old, you should tell the clerk. You are too young to act for yourself in the case. You must ask the court to appoint someone to act for you. That person is called a **guardian ad litem**.
 - b. **Interpreters.** If you do not speak English, you may take a family member or friend to court with you. The court should keep a list of interpreters who will interpret for you. Some interpreters charge a reasonable or no fee. If an interpreter is not available, the court must postpone the hearing one time only so that you have time to get one.
 - c. **Accommodations.** If you have a disability and need assistance, please ask the court immediately to help accommodate your needs. If you are hearing impaired and need assistance, please notify the court immediately.
 - d. **Forms.** You can get small claims forms and more information at the California Courts Self-Help Center Web site (www.courtinfo.ca.gov), your county law library, or at the courthouse nearest you.
 - e. **Small Claims Advisors.** The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

* The \$5,000 limit does not apply, and a \$4,000 limit applies, if a "defendant guarantor . . . is required to respond based upon the default, actions, or omissions of another" (\$2,500 if the defendant guarantor does not charge a fee for the service).

VENUE TABLE

The plaintiff must file the claim in the proper court and location. This rule is called **venue**. Below are possible reasons for filing the claim in this court. Check the court's local rules if there is more than one court location in the county handling small claims cases. *If you are the plaintiff, insert the proper letter from the list below in item 4 on page 1 and specify additional facts for D, E, or F. This court is the proper court for the trial of this case because:*

- A. a defendant lives in the area of this court location or a defendant corporation or unincorporated association has its principal place of business in the area of this court location.
- B. a person was injured or personal property was damaged in the area of this court location.
- C. a defendant signed or entered into a contract in the area of this court location, a defendant lived in the area of this court location when the contract was entered into, a contract or obligation was to be performed in the area of this court location, or, if the defendant was a corporation, the contract was breached in the area of this court location.
- D. the claim is on a retail installment account or contract subject to Civil Code section 1812.10. *(Specify facts on page 1.)*
- E. the claim is on a vehicle finance sale subject to Civil Code section 2984.4. *(Specify facts on page 1.)*
- F. other. *(Specify facts on page 1.)*