



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## SMALL CLAIMS COURT

www.sdcourt.ca.gov

### HOW TO FILE A SMALL CLAIMS CASE

1. Information for the Plaintiff (JC Form #SC-100-INFO) - Read this first.
2. Zip Code List – Small Claims (SDSC Form #SC-024) - Review this form. You must file at the proper court location.
3. Plaintiff's Claim and ORDER to Go to Small Claims Court (JC Form #SC-100) – Fill out this form and sign it. This form will become your case so you must be sure that all pages are typed or clearly printed in blue or black ink. Make a copy for yourself and each named defendant. Bring or mail the original and all copies to the Small Claims Court selected from the Zip Code List – Small Claims (SDSC Form #SC-024). Fillable forms can be found at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)

#### How to correctly name yourself and the defendant (examples):

Individual:	First name, middle name or initial (if any), last name
Business Owner:	John Smith d.b.a. The ABC Company <b>(Note: as a Plaintiff, if you name yourself in this way, you must file a Fictitious Business Name Declaration (JC Form #SC-103))</b>
Corporation:	The ABC Company, Inc. or, The ABC Company, a Ca. Corp.
Partnership:	The ABC Company, a partnership of John Stone and Mary Hill

If you are suing a corporation, you will need to know the name and address of the agent for service before you bring your claim to the Small Claims Court. This information can be obtained from the California Secretary of State at [www.ss.ca.gov](http://www.ss.ca.gov). At your trial, the judge may ask you to prove that the correct agent was served. For more information on how to sue a business refer to How to Serve a Business (JC Form #SC-104C), included in this packet.

4. Filing the Claim - Submit your signed claim, all copies, and a filing fee to the court. To determine the correct filing fee, refer to the current Fee Schedule (SDSC Form #ADM-001), available on the court's web site: [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). Make checks payable to Clerk of the Superior Court.
5. Giving Copies to Defendant (Serving) - Each defendant must be given one copy of the "Plaintiff's Claim and ORDER to Go to Small Claims Court." To find out how to serve the defendant and file a proof of service, read Information for the Plaintiff (JC Form #SC-100-INFO) and What is "Proof of Service"? (JC Form #SC-104B), included in this packet. Proof of Service must be submitted to the court clerk at least five (5) days before your trial date.
6. Additional Information -
  - If you are submitting your claim by mail, include a self-addressed, legal size envelope stamped with sufficient postage for your copies to be mailed back to you.
  - If you are not able to serve the defendant and need another trial date, complete the *Request to Postpone Trial* (JC Form #SC-150).
  - For more information, visit the California Courts Self-Help Center at [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp) (English) or [www.sucorte.ca.gov](http://www.sucorte.ca.gov) (Spanish).

**IF SENDING YOUR CLAIM TO THE COURT BY MAIL, RETURN THE BOTTOM PORTION OF THIS PAGE.**

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#### HOW WILL YOU HAVE YOUR CLAIM SERVED?

- Friend or other disinterested person, at least 18 years of age** - After serving the defendant, complete a Proof of Service (JC Form #SC-104), available on the court's web site [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).
- Certified Mail** - There is a fee for each defendant and **must be included with the filing fee** – see #5 above.