

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

SMALL CLAIMS PACKET HOW TO FILE A SMALL CLAIMS CASE



FORMS INCLUDED IN THIS PACKET	
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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-150) - Read this first.
2. Venue Table (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 Venue Table. Fillable forms can be found at 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

(Note: as a Plaintiff, if you name yourself in this way you must file a Fictitious Business Name Declaration (JC Form #SC-103))

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. 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 revision of the Fee Schedule (SDSC Form #ADM-001), available on the court's web site: 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-150) 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 for Reset or Continuance of Small Claims Trial* (SDSC Form #SC-034).
 - For more information, visit the California Courts Self-Help Center at www.courtinfo.ca.gov/selfhelp (English) or 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?

- ☐ **San Diego Sheriff only** - Attach a check payable to the Sheriff for service fees, and complete a San Diego County Sheriff Department Service Instruction form (SDCSD Form # C-1). To obtain the form and fee amounts please visit the San Diego County Sheriff's Departments web site at www.sdsheriff.net/csb. For service in, or by all other counties in California you will need to contact the appropriate agency in that jurisdiction.
- ☐ **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.
- ☐ **Certified Mail** - There is a fee for each defendant and **must be included with the filing fee** – see #5 above

INFORMATION FOR THE SMALL CLAIMS PLAINTIFF

This information sheet is written for the person who sues in the small claims court. It explains some of the rules of and some general information about the small claims court. It may also be helpful for the person who is sued.

WHAT IS SMALL CLAIMS COURT?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff**. The person who is sued is the **defendant**. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. Your claim cannot be for more than \$5,000 if you are a business or public entity or for more than \$7,500 if you are a natural person (including a sole proprietor). (*See below for an exception.) If you have a claim for more than this amount, you may sue in the civil division of the trial court or you may sue in the small claims court and give up your right to the amount over the limit. You cannot, however, file more than two cases in small claims court for more than \$2,500 each during a calendar year.

WHO CAN FILE A CLAIM?

1. You must be at least *18 years old* to file a claim. If you are not yet 18, tell the clerk. You may ask the court to appoint a **guardian ad litem**. This is a person who will act for you in the case. The guardian ad litem is usually a parent, a relative, or an adult friend.
2. A person who sues in small claims court must first make a **demand**, if possible. This means that you have asked the defendant to pay, and the defendant has refused. If your claim is for possession of property, you must ask the defendant to give you the property.
3. Unless you fall within two technical exceptions, you must be the **original owner** of the claim. This means that if the claim is assigned, the buyer cannot sue in the small claims court.

You must also appear at the small claims hearing yourself unless you filed the claim for a corporation or other entity that is not a natural person.

4. If a corporation files a claim, an employee, an officer, or a director must act on its behalf. If the claim is filed on behalf of an association or another entity that is not a natural person, a regularly employed person of the entity must act on its behalf. A person who appears on behalf of a corporation or another entity must not be employed or associated solely for the purpose of representing the corporation or other entity in the small claims court. **You must file a declaration with the court to appear in any of these instances.** (See *Authorization to Appear on Behalf of Party*, form SC-109.)

WHERE CAN YOU FILE YOUR CLAIM?

You must sue in the right court and location. This rule is called **venue**. Check the court's local rules if there is more than one court location in the county handling small claims cases.

If you file your claim in the wrong court, the court will dismiss the claim unless all defendants personally appear at the hearing and agree that the claim may be heard.

The right location may be any of these:

1. Where the defendant lives or where the business involved is located;
2. Where the damage or accident happened;

3. Where the contract was signed or carried out;
4. If the defendant is a corporation, where the contract was broken;
5. For a retail installment account or sales contract or a motor vehicle finance sale:
 - a. Where the buyer lives;
 - b. Where the buyer lived when the contract was entered into;
 - c. Where the buyer signed the contract; or
 - d. Where the goods or vehicle are permanently kept.

SOME RULES ABOUT THE DEFENDANT (including government agencies)

1. You must sue using the defendant's *exact legal name*. If the defendant is a business or a corporation and you do not know the exact legal name, check with the state or local licensing agency, the county clerk's office, or the Office of the Secretary of State, Corporate Status Unit at www.ss.ca.gov/business. Ask the clerk for help if you do not know how to find this information. If you do not use the defendant's exact legal name, the court may be able to correct the name on your claim at the hearing or after the judgment.

2. If you want to sue a government agency, you must first file a claim with the agency before you can file a lawsuit in court. Strict time limits apply. If you are in a Department of Corrections or Youth Authority facility, you must prove that the agency denied your claim. Please attach a copy of the denial to your claim.

HOW DOES THE DEFENDANT FIND OUT ABOUT THE CLAIM?

You must make sure the defendant finds out about your lawsuit. This has to be done according to the rules or your case may be dismissed or delayed. The correct way of telling the defendant about the lawsuit is called **service of process**. This means giving the defendant a copy of the claim. **YOU CANNOT DO THIS YOURSELF**. Here are four ways to serve the defendant:

1. **Service by a law officer** — You may ask the marshal or sheriff to serve the defendant. A fee will be charged.
2. **Process server** — You may ask anyone who is *not a party* in your case and who is at least *18 years old* to serve the defendant. The person is called a **process server** and must personally give a copy of your claim to the defendant. The person must also sign a proof of service form showing when

the defendant was served. Registered process servers will do this for you for a fee. You may also ask a friend or relative to do it.

3. **Certified mail** — You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court prior to the hearing to see if the receipt for certified mail was returned to the court. **Service by certified mail must be done by the clerk's office except in motor vehicle accident cases involving out-of-state defendants.**
4. **Substituted service** — This method lets you serve another person instead of the defendant. You must follow the procedures carefully. You may also wish to use the marshal or sheriff or a registered process server.

*Except for an action against the Registrar of the Contractors State License Board, 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).

4. **Substituted service** (*continued*)

A copy of your claim must be left

— at the defendant's business with the person in charge;

OR

— at the defendant's home with a competent person who is at least 18 years old. The person who receives the claim must be told about its contents. Another copy must be mailed, first class postage prepaid, to the defendant at the address where the paper was left. The service is not complete until *10 days* after the copy is mailed.

No matter which method of service you choose, the defendant must be served by a certain date or the trial will be postponed. If the defendant lives in the county, service must be completed at least *15 days* before the trial date. This period is at least *20 days* if the defendant lives outside the county.

The person who serves the defendant must sign a court paper showing when the defendant was served. This paper is called a *Proof of Service* (form SC-104). It must be signed and returned to the court clerk as soon as the defendant has been served.

WHAT IF THE DEFENDANT ALSO HAS A CLAIM?

Sometimes the person who was sued (the **defendant**) will also have a claim against the person who filed the lawsuit (the **plaintiff**). This claim is called the *Defendant's Claim*. The defendant may file this claim in the same lawsuit. This helps to resolve all of the disagreements between the parties at the same time.

If the defendant decides to file the claim in the small claims court, the claim may not be for more than \$5,000 or \$7,500 if the defendant is a natural person (*see reverse). If the value of the claim is more than this amount, the defendant may either give up the amount over \$5,000 or \$7,500 and sue in the small claims court or file a motion to transfer the case to the appropriate court for the full value of the claim.

The defendant's claim must be served on the plaintiff at least *5 days* before the trial. If the defendant received the plaintiff's claim *10 days* or less before the trial, then the claim must be served at least *1 day* before the trial. Both claims will be heard by the court at the same time.

WHAT HAPPENS AT THE TRIAL?

Be sure you are on time for the trial. The small claims trial is informal. You must bring with you all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses to come to court voluntarily. You may also ask the clerk of the court to issue a **subpoena**. A subpoena is a court order that *requires* the witness to go to trial. The witness has a right to charge a fee for going to the trial. If you do not have the records or papers to prove your case, you may also get a court order prior to the trial date requiring the papers to be brought to the trial. This order is called a *Small Claims Subpoena and Declaration* (form SC-107).

If you settle the case before the trial, you must file a **dismissal** form with the clerk.

The court's decision is usually mailed to you after the trial. It may also be hand delivered to you when the trial is over and after the judge has made a decision. The decision appears on a form called the *Notice of Entry of Judgment* (form SC-130).

WHAT HAPPENS AFTER JUDGMENT?

The court may have ordered one party to pay money to the other party. The party who wins the case and collects the money is called the **judgment creditor**. The party who loses the case and owes the money is called the **judgment debtor**. Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally both parties may be represented by lawyers after judgment. More information about your rights after judgment is available on the back of the *Notice of Entry of Judgment* form. The clerk may also have this information on a separate sheet.

HOW TO GET HELP WITH YOUR CASE

1. **Lawyers** — Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.
2. **Interpreters** — If you do not speak English well, bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).
3. **Waiver of fees** — The court charges fees for some of its procedures. Fees are also charged for serving the defendant with the claim. The court may excuse you from paying these fees if you cannot afford them. Ask the clerk for the *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO) to find out if you meet the requirements so that you do not have to pay the fees.
4. **Night and Saturday court** — If you cannot go to court during working hours, ask the clerk if the court has trials at **night** or on **Saturdays**.
5. **Parties who are in jail** — If you are in jail, the court may excuse you from going to the trial. Instead, you may ask another person who is not an attorney to go to the trial for you. You may mail written declarations to the court to support your case.
6. **Accommodations** — If you have a disability and need assistance, immediately ask the court to help accommodate your needs. If you are hearing impaired and need assistance, notify the court immediately.
7. **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 the courthouse nearest you.
8. **Small claims advisors** — The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for
- When and where the trial will be *and*
- What the party can choose to do

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*

How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

Personal service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

Substituted service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

What if the court papers do get not served?

The judge cannot hear your case unless the court papers were served correctly.

Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

Who can serve?

You can ask a friend, a process server, or the Sheriff. The server must be at least 18 and not listed in the case.

A “process server” is someone you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.” The Sheriff (or Marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the Sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on Form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [name of person to be served].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.



What does the server do with the original *Proof of Service* form?

If a process server or Sheriff served the papers, he or she can file Form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

When do the court forms have to be served?

- **If you are serving Form SC-100, *Plaintiff’s Claim*,** look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

The diagram shows a calendar page with a box labeled "Trial Date" containing the number "1". An arrow points from this box to a line labeled "Date" and "Time". Above the calendar, text reads "The people in ① and ② must go to co".

For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving Form SC-120, *Defendant’s Claim*,** look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

What if I can’t get the court papers served before the trial?

If you were not able to serve your claim (Form SC-100 or SC-120) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file Form SC-110, *Request to Postpone Small Claims Hearing*, at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). Then give or mail a copy of this form to all other Plaintiffs and Defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

Who do I have to serve?

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:

Lee Smith, owner and driver

If the owner and driver are not the same person:

Lee Smith, owner and driver

Bob Smith, owner

If you are suing a business, an association, or a public entity, read Form SC-104C, *How to Serve a Business*.



Need help?

Your county’s Small Claims Advisor can help for free.

(858) 634-1777 Advisor's Number
(858) 634-1900 Recorded Information

Or go to “County-Specific Court Information” at:
www.courtinfo.ca.gov/selfhelp/smallclaims

SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the business and the person to be served.

Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, Form SC-104.

Business Type:	Sole Proprietorship (Only 1 owner)	Partnership	Landlord	Corporation, Association	Limited Liability Company (LLC), Limited Liability Partnership (LLP), Limited Partnership (LP)	Unknown Business Type
Serve:	The owner	If you are suing a partnership , serve one of the partners. If you are suing a partnership and the partners, serve each partner.	The property owner or manager (<i>Read Civil Code sections 1962–1962.7.</i>)	Agent for service listed with Secretary of State or any corporate officer (president, vice-president, secretary, treasurer), chief executive officer (CEO), controller, chief financial officer, or general manager	Agent for service listed with Secretary of State To serve a limited partnership, you can also serve the general partner.	Someone who seems to be in charge of the business during normal business hours
Write on your Proof of Service form:	<ul style="list-style-type: none"> Business name Owner's name and job title 	<ul style="list-style-type: none"> Partnership name Name of partner, general manager, or agent for service and job title 	<ul style="list-style-type: none"> Business name (if there is one) Owner's name and job title 	<ul style="list-style-type: none"> Corporation name Name of corporate officer or agent for service and job title 	<ul style="list-style-type: none"> Company or partnership name Name of agent or partner for service and job title 	<ul style="list-style-type: none"> Business name, form unknown Owner's name and job title (<i>if you know it</i>)
Check that you have the exact names of the owner and business with:	<ul style="list-style-type: none"> County Clerk–Recorder's or County Tax Assessor's Office (Ask to see the fictitious business name statement.) Your county's Web site may have this information. Check: www.csac.counties.org. City Clerk's Office (Ask to see the business license.) Your city's Web site may have this information. 		County Tax Collector	Search under Corporation, LP and LLC at the California Secretary of State Web site: www.ss.ca.gov/business Or call: 1-916-657-5448 OR County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's Web site may have this information. OR City Clerk's Office: (Ask to see the business license.) Your city's Web site may have this information.		Try the other resources listed on this page to see if they know more about the business's organization type, like corporation or sole proprietorship.



Need help?

For free help, contact your county's Small Claims Advisor:

Small Claims Legal Advisor
(619) 236-2471

Or, go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims



SC-104C**How to Serve a Business or Public Entity (Small Claims)**

You must serve the *right* person and write the *exact* name of the public agency and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, Form SC-104.

	City, County, or Public Entity	State of California, State Agency	Federal Agency
Serve:	City or county clerk, chief officer or director of public agency, or agent authorized to accept service	Use this general address for service: Office of the Attorney General 1300 I Street Sacramento, CA 95814 <i>Exception:</i> if your claim involves California Department of Transportation (Caltrans), serve it at: California Department of Transportation 1120 N Street Sacramento, CA 95814	<i>You cannot sue a federal agency in small claims court.</i>
	Important! <i>Before you sue, you must first file a claim with the public entity. Contact it and ask for the claim procedures.</i>	<i>Note:</i> <i>Before you sue, you must first file a claim with the state or the state agency. To file a claim, see:</i> www.boc.ca.gov/govclms.htm <i>Or call: 1-800-955-0045</i>	
Write on your Proof of Service form:	<ul style="list-style-type: none"> Name of city, county, or public entity Name of city clerk, county clerk, chief officer, or agent for service and job title 	<ul style="list-style-type: none"> Name of the agency you are suing Name of agent for service 	
Check that you have the exact names of the agency and agent for service with:	Call the city or county clerk. See the government pages of your phone book. Or search under the California Roster at the California Secretary of State Web site: www.ss.ca.gov/executive	Call the agency to confirm the name and address for service. Use the State Directory: 1-800-807-6755 Or search: www.cold.ca.gov under "agency information"	

**Need help?**

For free help, contact your county's Small Claims Advisor:

Small Claims Legal Advisor
(619) 236-2471

Or, go to "County-Specific Court Information" at: **www.courtinfo.ca.gov/selfhelp/smallclaims**

*Clerk stamps date here when form is filed.***Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

*Fill in court name and street address:***Superior Court of California, County of***Clerk fills in case number and case name:***Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must go to court:** *(Clerk fills out section below.)***Trial
Date**

	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: _____ Clerk, by _____, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- *Before* you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number:

Plaintiff (list names): _____

1 The Plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.

☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

2 The Defendant (the person, business, or public entity being sued) is:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: _____ Phone: (____) _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

☐ Check here if more than 2 Defendants and attach Form SC-100A.

☐ Check here if any Defendant is on active military duty, and write his or her name here: _____

3 The Plaintiff claims the Defendant owes \$ _____. (Explain below):

a. Why does the Defendant owe the Plaintiff money? _____

b. When did this happen? (Date): _____

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) _____

☐ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names): _____

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? ☐ Yes ☐ No

If no, explain why not: _____

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☐ (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- (2) Where the Plaintiff's property was damaged.
- (3) Where the Plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e. ☐ Other (specify): _____

- 6 List the zip code of the place checked in 5 above (if you know): _____

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☐ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date): _____

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No If yes, the filing fee for this case will be higher.

- 10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

- 11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: _____
Plaintiff types or prints name here

► _____
Plaintiff signs here

Date: _____
Second Plaintiff types or prints name here

► _____
Second Plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, § 54.8.)

“Small claims court” is a special court where claims for \$5,000 or less are decided. A “natural person” (not a business or public entity) may claim up to \$7,500, including a sole proprietor. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read “Get Ready for Court” at: www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don’t speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: www.courtinfo.ca.gov/forms

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see:

www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-110 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at:
www.courtinfo.ca.gov/selfhelp/smallclaims

La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. Una “persona natural” (que no sea un negocio ni una entidad pública) puede reclamar hasta \$7,500. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y lea “Prepárese para la corte” en: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accommodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo inglés bien?

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como mínimo menos cinco días antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solicitud de exención de cuotas y costos de la corte (formulario FW-001).

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en:

www.courtinfo.ca.gov/forms

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm

¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-110 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea “Información por condado” en:

www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores

☒ This form is attached to Form SC-100, item 1 or 2.

1 If more than 2 plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.

☐ Check here if more than 4 plaintiffs and fill out and attach another Form SC-100A.

2 If more than 2 defendants (person, business, or entity being sued), list their information below:

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other defendant's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____


City: _____ State: _____ Zip: _____


☐ Check here if more than 4 defendants and fill out and attach another Form SC-100A.

3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: _____  _____
Type or print your name Sign your name

Date: _____  _____
Type or print your name Sign your name



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

VENUE TABLE – SMALL CLAIMS

CENTRAL DIVISION- KEARNY MESA

8950 Clairemont Mesa Blvd.
San Diego, CA 92123

92014	92120	92161
92037	92121	92162
92064	92122	92163
92074	92123	92164
92093	92124	92165
92101	92126	92166
92102	92127	92167
92103	92128	92169
92104	92129	92171
92105	92130	92172
92106	92131	92174
92107	92133	92176
92108	92134	92177
92109	92135	92182
92110	92136	92190
92111	92137	92191
92112	92138	92192
92113	92139	92193
92114	92140	92195
92115	92142	92198
92116	92145	
92117	92149	
92118	92159	
92119	92160	

EAST COUNTY DIVISION

EL CAJON

250 East Main Street
El Cajon, CA 92020

RAMONA

1428 Montecito Road
Ramona, CA 92065

The following zip codes may be filed in either East County
Division location.

91901	92020
91903	92021
91905	92022
91906	92036
91916	92040
91917	92065
91931	92070
91934	92071
91935	92072
91941	92090
91942	
91943	
91944	
91945	
91946	
91948	
91962	
91963	
91976	
91977	
91978	
91979	
91980	
92019	

NORTH COUNTY DIVISION

325 S. Melrose Drive, Suite 390
Vista, CA 92081

92003	92066
92004	92067
92007	92068
92008	92069
92009	92075
92018	92078
92023	92079
92024	92081
92025	92082
92026	92083
92027	92084
92028	92085
92029	92086
92030	92088
92033	92091
92045	92096
92051	
92054	
92055	
92056	
92057	
92059	
92060	
92061	

SOUTH COUNTY DIVISION

500 3rd Avenue
Chula Vista, CA 91910

91902
91908
91909
91910
91911
91912
91913
91914
91915
91921
91932
91933
91947
91950
91951
92143
92153
92154
92155
92170
92173

VENUE TABLE

The plaintiff must file the claim in the proper court and geographical area. This rule is called venue.

This court is the proper court for the trial of this case because:

- (1) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived when the defendant made the contract. (2) Where the defendant lives or does business. (3) Where the plaintiff's property was damaged. (4) Where the plaintiff was injured.
- Where the plaintiff signed the contract or lives (or lived) if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code of Civ. Proc. § 395(b))
- Where the plaintiff signed the contract or lives (or lived) if this claim is about a retail installment contract (like a credit card). (Civ. Code § 1812.19)
- Where the plaintiff signed the contract or lives (or lived) if this claim is about a vehicle finance sale. (Civ. Code § 2984.4)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SMALL CLAIMS COURT LEGAL ADVISOR PROGRAM

The Small Claims Legal Advisor provides free assistance to anyone with questions regarding lawsuits in San Diego County Small Claims Court. The Advisor is available to give general legal information and explain the Small Claims Court rules and procedures.

Phone Hotline for all Locations

24 hour Recording: (858) 634-1900

Phone Bank: (858) 634-1777

Phone Bank Hours: Monday - Friday
8:30 a.m. - 12:00 p.m.
1:00 p.m. - 4:00 p.m.

Walk-In Assistance

Each division (except Ramona) has an on-site small claims legal advisor. Customers are seen on a first-come, first-serve basis. The hours for each location are listed below:

Central Division 8950 Clairemont Mesa Blvd.
San Diego, CA 92123

Walk-In Hours: Monday – Friday
8:30 a.m. – 4:00 p.m.

East County Division 250 E. Main Street
El Cajon, CA 92020

Walk-In Hours: Monday – Friday
8:00 a.m. – 12:00 p.m.
1:00 p.m. – 4:30 p.m.

North County Division 325 S. Melrose Drive
Vista, CA 92081

Walk-in Hours: Monday - Friday
8:30 a.m. – 1:00 p.m.
2:15 p.m. – 4:30 p.m.

South County Division 500 3rd Avenue
Chula Vista, CA 91910

Walk-In Hours: Monday – Friday
8:30 a.m. – 4:00 p.m.

USEFUL RESOURCES

Legal Aid Society of San Diego

www.lassd.org

San Diego County Public Law Library

For hours and locations visit the Law Library website at
www.sdcll.org

San Diego Better Business Bureau

Automated Voice Response Phone: (858) 496-2131
www.sandiego.bbb.org

Department of Consumer Affairs

Resolves consumer complaints including those against licensed contractors: (800) 344-9940
www.dca.ca.gov

For information regarding fictitious business filings and real property records:

County Recorder's Office

www.co.san-diego.ca.us/arcc

For information regarding corporations including agents for service of process:

Secretary of State

1500 11th Street
Sacramento, CA 95814
(916) 657-5251
www.ss.ca.gov

City halls may provide information on businesses within city limits, for example, owner name, address, phone number, etc.

ADDITIONAL INFORMATION ONLINE:

Small Claims information online:

www.dca.ca.gov/legal/small_claims

www.courtinfo.ca.gov/selfhelp/smallclaims

Where to file a complaint against companies regulated by the State:

www.dca.ca.gov/complainthelp

For assistance in determining the value of a vehicle:

www.kbb.com or www.edmunds.com

The San Diego Superior Court does not control or maintain the websites on this list and cannot be responsible for the accuracy of the content they contain. In addition, the contents of a website may change and the court would not necessarily be aware of the change. When you access one of these websites, you are subject to the terms of use and privacy policies of that website.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SMALL CLAIMS COURT

www.sdcourt.ca.gov

NOTICE TO PARTY(IES) FILING SMALL CLAIMS ACTION

You must provide your own interpreter if one is needed in court.
Usted tiene que proveer su propio interprete si uno es necesario en corte.

You are responsible for having your claim served by a disinterested party who is at least 18 years of age, a legal process server, or the sheriff. He or she must complete a proof of service form and return it to the court at least five (5) days prior to the trial. For more information, please read ***What is "Proof of Service"?*** (JC Form #SC-104B) included in this packet.

► Pursuant to SDSC Local Rule 2.4.4:

A. **Failure to appear at the scheduled hearing may result in the case being dismissed.**

- If the court dismisses the case without prejudice on the trial date and you want to proceed with your case, **you must file a new case and pay new filing fees.**

B. If the defendant is not served, the clerk's office will reset the claim one time only. Any request for resetting must be filed at least two (2) court days prior to the original hearing date. No fee is required.

- If initial service was by certified mail, the business office can only do a reset if the certified mail was returned unclaimed/undeliverable. If the certified mail has not been returned, the request for reset must be made in court on the trial date.

► Pursuant to Code Civ. Pro. §116.570:

After the defendant has been served, any request for postponement must be filed at least ten (10) calendar days before the hearing and **the appropriate fee must be paid**. The party requesting the postponement shall mail or personally deliver a copy of the request to each of the other parties. Requests received less than ten days before the hearing will be considered by the judicial officer on the trial date.

- The business office can only process a continuance on cases where service was by certified mail if the green certified mail card was returned signed by the named defendant(s). If the green certified mail card has not been returned signed, the parties are to appear in court on the hearing date and request a continuance at that time.

The clerk may grant no more than one continuance per party. Subsequent requests must be made on the new trial date before the bench officer.

- You must advise the court of any change of address or telephone number by filing a Notice of Change of Address (JC Form #MC-040). Judicial Council forms may be found on their website at www.courtinfo.ca.gov.