



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SMALL CLAIMS COURT

INFORMATION FOR SMALL CLAIMS PARTIES

PLEASE READ THIS ENTIRE DOCUMENT FOR INFORMATION THAT WILL HELP YOUR CASE TO PROCEED TIMELY.

This form provides information for small claims parties. For additional information about small claims court, visit the Superior Court's website at www.sdcourt.ca.gov.

- ▶ **Interpreter:** If you have a small claims trial scheduled and need an interpreter, complete the Interpreter Request/Cancellation form (SDSC Form #ADM-348) as far in advance of your trial as possible. The form can be brought to the business office during business hours, placed in the drop box or mailed to the court location noted on your paperwork. The court will try to schedule an interpreter for the date and time of your trial at no cost to you, but cannot guarantee that one will be available. Alternatively, you may bring an adult, who is not a witness on this case, or an attorney to interpret for you. **CANCELATION OF INTERPRETER:** It is the responsibility of the party for whom an interpreter was requested, or his/her attorney, to notify the court immediately if an interpreter is no longer needed.
- ▶ **Imaging of Documents:** Effective October 2, 2017, all new claims will be assigned to an Imaging Department. You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filings will be imaged and held for 30 days. **BE ADVISED: The original documents will be destroyed and recycled. Thus, DO NOT attach original documents or exhibits to your filings.** Original documents necessary for a hearing or that are being submitted per the terms of an order granting permission to appear telephonically, shall be lodged in advance pursuant to California Rules of Court, rule 3.1302(b). The preferred method to lodge documents is to complete the Notice of Lodgment – Small Claims form (SDSC Form #SC-061).
- ▶ **Serving the Paperwork:** **YOU ARE RESPONSIBLE FOR HAVING YOUR CLAIM SERVED UPON THE OTHER PARTY. THE PERSON WHO PERFORMS THE SERVICE 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, SEE WHAT IS "PROOF OF SERVICE"? FORM (JC FORM #SC-104B).**
The most common ways to serve a party include the following:
 - Professional process server: These are businesses whose sole function is to serve legal papers. They will complete and file the Proof of Service (JC Form #SC-104).
 - Any individual at least 18-years-old and not a party to the lawsuit: He or she must fill out and file the Proof of Service (JC Form #SC-104) with the court at least five (5) days prior to the trial.
 - Certified Mail, sent by the court: For a fee (see the court's Fee Schedule [SDSC Form #ADM-001], available on the court's website, for the current fee amount), the court will send the claim to the other party by certified mail. To request this service, complete a Request for Service by Certified Mail (Small Claims) (SDSC Form #SC-074). The clerk will provide you with a tracking number. All inquiries re: tracking and/or delivery **must** be addressed with the U.S. Postal Service. You may track your mailing online using the U.S. Postal Service's website at www.usps.com. **Certified mail is not a guaranteed method of service and the fee is not refundable. If someone other than the addressee signs the green certified mail card or it is returned unsigned, the service of process is invalid.**
If you request the court to send Certified Mail, your name and address will be listed on the green certified mail card as the "sender", and certified mail envelope as the return address. **BE ADVISED: You are responsible for filing with the court the original signed green card as proof of service.** The preferred method of filing the original green card is to attach it to the Return Receipt for Certified Mail – Original Green Card (SDSC Form #SC-060).
- ▶ **Request to Postpone Trial:** A reset or continuance of trial may be requested as follows:
 - **Request for Reset:** If the defendant **HAS NOT** been served, the clerk's office may reset the trial **ONE** time only. All requests for reset must be made in writing, preferably on a Request to Postpone Trial (JC Form #SC-150), at least two court days prior to the original trial date. Requests received by the court less than two days before the trial will be considered by the judicial officer. It is possible that no decision will be made with regard to the request until the trial date. No fee is required.
 - **CERTIFIED MAIL:** If certified mail was used to attempt service, the clerk's office can only **reset** the trial if the certified mail was returned unclaimed/undeliverable. If the certified mail envelope has not been returned, the request for reset must be made in court on the trial date.
 - **Request for Continuance:** If the defendant **HAS** been served, the clerk may grant **ONE** continuance per party. All requests for continuance must be made in writing, preferably on a Request to Postpone Trial (JC Form #SC-150), at least ten (10) calendar days before the trial date (see Code Civ. Proc. § 116.570) **and the appropriate fee must be paid** (see the court's Fee Schedule, available on the court's website, for the current fee amount). The party requesting the continuance should mail or personally deliver a copy of the request to each of the other parties. Requests received by the court less than ten days before the trial will be considered by the judicial officer. It is possible that no decision will be made with regard to the request until the trial date.
 - **CERTIFIED MAIL:** The clerk's office can only process a **continuance** on a case served by certified mail if the green certified mail card was returned signed. If the green certified mail card is returned unsigned, or if the case has multiple defendants with one or more outstanding certified mail green card(s), the request will be forwarded to the judicial officer for consideration. It is possible that no decision will be made with regard to the request until the trial date.
- ▶ **Failure to appear at the scheduled trial may result in the case being dismissed (see SDSC Local Rule 2.4.4):** If the court dismisses the case without prejudice, you may be able to refile your case after paying a new filing fee. If your case is dismissed with prejudice, you may not refile your case.
- ▶ **Change of Address or Phone Number:** You must advise the court of any change of address or telephone number by filing a Notice of Change of Address or Other Contact Information (JC Form #MC-040). Judicial Council forms may be found at www.courtinfo.ca.gov.