Suing in Small Claims Court – Mendocino County

Make sure small claims court is right for you.

- **Learn what you should know before you start at:** https://selfhelp.courts.ca.gov/small-claims/before-you-start
- **Understand the limits of small claims court.** In most cases, the most you can sue for in small claims court is $10,000. You can't bring a lawyer to the trial. You can't sue the federal government. In general, plaintiffs can't appeal if they lose.
- **Do you still have time to sue?** Deadlines for suing depend on the type of case and range from 6 months to 4 years, or even more in some cases.
- **Will a small claims case will solve your problem?** Can the person or business pay? If you win, are you willing to put time and effort to get them to pay you if they won't pay voluntarily?

Before you start:

1. **Ask the person or business that owes you money to pay you.** You may write a "demand letter" asking for what you are owed and why. You may call or send a text. Keep records of what you do. Get help with a demand letter here: https://selfhelp.courts.ca.gov/small-claims/ask-for-money
2. **Figure out who you will sue.** Name the defendant or defendants the right legal way. This can be difficult. Get help if you need it.
3. **Figure out how much money you will claim.** You must justify the amount you are asking for.
4. **Find the right court to file your claim.** There are rules for which county you can file in. Get help if you are not sure. If the defendant is out of state, you may not be able to sue in California, so ask for help.

1. FILL OUT YOUR COURT FORMS

- ☐ SC-100: *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- ☐ If you need more space to tell your story, use MC-030: *Declaration*. Attach it to your SC-100.
- ☐ Small claims fees are $30-$75, depending on how much you are suing for. If you can't afford the fee, you can ask the court to waive the fee: FW-001 (fill out completely) and FW-003 (fill out #1, #3, & court & case name information, & write name on pages 2 &3)

Fill out the forms online!!
Use a computer program to help you with all the forms. And you can e-file your forms after if you want.
➡ Take me to Online Program

2. FILE YOUR CLAIM WITH THE COURT

- ☐ Make 1 copy of SC-100 *Plaintiff's Claim.*
- ☐ Turn in the SC-100 and fee waiver forms if used (originals and copies) at:
  Ukiah courthouse: room 107, 8:30 a.m. – 3 p.m.
  Fort Bragg courthouse: clerk's window in the lobby, 8:30 a.m. – 3 p.m.

The clerk will stamp and return the papers to you. The clerk will also give you a trial date.

3. TELL THE OTHER SIDE—IN THE LEGAL WAY—THAT THEY HAVE BEEN SUED

This is called "service" and you can't do it yourself. See next page for info.

- Have someone 18 or older, not you:
  - Give defendant a copy of your stamped Claim (SC-100) in person.,
  - If you cannot have the defendant served in person, get help.
- Have server fill out a *Proof of Service: SC-104.*
- Turn in the *Proof of Service* at the clerk's office.

Serving Papers in Small Claims Cases

Your server can be a friend. Or, you can hire a professional process server or the Sheriff's Office.

Note: If the defendant is a *limited liability company* or a *corporation*, you must serve the *agent for service of process*. Search California business entities at https://businessfilings.sos.ca.gov/ to find out who that is.

How to serve

Personal Service: The server must:

1. Walk up to the person being served.
2. Say, "These are court papers."
3. Give the person all the papers listed on the proof of service. If the person won't take them, put them near the person. Fill out the proof of service, **SC-104**.

If you cannot have the defendant served in person, get help.

Deadlines to Serve

Plaintiff's Claim:

- In person, 15 days before trial if defendant is in the county
- In person, 20 days before trial if defendant is out of the county

Defendant's Claim (if the defendant sues back):

- 5 days before trial if you were served with the Plaintiff's Claim at least 10 days before trial
- 1 day before trial if you were served the Plaintiff's Claim less than 10 days before trial

4. PREPARE FOR TRIAL & GO TO YOUR TRIAL

You must bring evidence to support your claim. Be prepared.

1. Your reasons for asking for the amount of money you are claiming. Be detailed. A list can help.

2. Your evidence, on paper

What evidence helps prove your case?

- Consider bills, contracts, cancelled checks, receipts, photos, text messages & letters.
- Request records you need (use *SC-107: small claims subpoena*).
- Print out electronic documents like texts or social media posts.
- Bring the originals & 2 copies of each document: 1 for you, 1 for the judge, & 1 for defendant.

3. Witnesses

You don't have to bring witnesses, but you can. You are also your own witness.

- Who can help you tell your side of the story? Are they willing to come to trial?
- Do you want someone from the other side to come to the trial? Do you want to force that person to come? (use a *subpoena*)
- Remind your witnesses to come to the trial.

4. Prepare to ask and be asked questions

You may want to ask questions.

- What questions do you have for the other side?
- What will you ask witnesses?

You will have to answer questions.

- What questions do you think you will be asked?
- How will you answer?
- Practicing (out loud) can help, especially if you get nervous.

5. IF YOU WIN, COLLECT ON YOUR JUDGMENT

Collecting on a judgment can be difficult! The Court will not collect for you.

If the losing party doesn't pay, get help.

Learn more at https://selfhelp.courts.ca.gov/small-claims/after-trial/if-you-win

More information: https://selfhelp.courts.ca.gov/small-claims-california