

Being Sued in Small Claims Court – Mendocino County

If you received a *Plaintiff's Claim and Order to go to Small Claims Court* (form SC-100), it means someone is suing you in small claims court. The court sets a date to hear from both sides (in a trial) before it makes a decision.

What you can do

Come to an agreement with the other side

If you can work with the other side (and there is no restraining order involved) you may be able to come to an agreement on your own without going to court.

Go to your trial (your court date)

If you disagree with all or some of what the other side is asking for or saying, you can go to the court date and give your side of the story.

Bring any evidence and witnesses that will back up your side of the story. Evidence can be letters, receipts, photos, police reports, and more. See [how to prepare on the back](#).

Sue the other side back and go to the trial

If you think they owe you money, you can fill out, file, and serve a *Defendant's Claim and ORDER to Go to Small Claims Court* ([form SC-120](#)). Then you can go to the court date and give your side of the story. If you can't afford the filing fee, you can ask for a fee waiver.

Choose to not respond

If you were [given the forms correctly \(served\)](#) and don't go to the court date, the judge will decide without your input. You will probably lose the case and owe the other side money.

If you want to sue the Plaintiff back:

1. MAKE SURE YOU CAN SUE THE OTHER SIDE BACK

Figure out if small claims court is right for you and if you can sue the Plaintiff back. <https://selfhelp.courts.ca.gov/small-claims/sue-other-side-back/before-you-start>

2. FILL OUT YOUR COURT FORMS

- [SC-120](#): *Defendant'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)

2. FILE YOUR CLAIM WITH THE COURT

- Make 1 copy of SC-120 *Defendant's Claim*.
- Turn in the SC-120 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.

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.

- Have someone 18 or older, not you:
 - Give the plaintiff a copy of your stamped *Defendant’s Claim* (SC-120) in person.,
 - If you cannot have the plaintiff 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 plaintiff is a *limited liability company* or a *corporation*, you must serve the *agent for service of process*. Search California business entities at <https://businesssearch.sos.ca.gov/> to find out who that is.

How to serve	Deadlines to Serve
Personal Service: The server must: <ol style="list-style-type: none">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.	Defendant’s Claim: <ul style="list-style-type: none">• 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 plaintiff.

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/sue-other-side-back>