



SMALL CLAIMS COURT

Small Claims Court is a court where disputes may be resolved in a quick and relatively inexpensive manner. In the initial phase of trial, lawyers are not allowed to represent you and there is no discovery. You may only recover money damages and should have suffered actual monetary losses, for example an auto accident or for the return of a security deposit from a landlord.

What do I need to file a claim in Small Claims Court?

To file a claim in Small Claims Court, you will need to know the full name and address of the person you want to sue. Prior to filing your claim you must demand payment from the party you wish to sue and wait a reasonable amount of time for a response.

What kinds of cases are appropriate for Small Claims Court?

In Small Claims Court, individuals can sue for money damages up to \$7,500. Businesses are limited to money damages up to \$5,000.

Can I sue someone who lives in another state?

The Small Claims Court generally does not have jurisdiction over persons or entities located out of state. However, there are two exceptions: (1) in a case involving real property located in California where the owner of real property lives outside of California, and (2) when a car accident occurred on California public roads with a driver who lives outside of California.

How do I choose in which courthouse to file?

Your case should be filed in the same county where the Defendant lives or does business, where the Plaintiff was injured or the Plaintiff's property was damaged, or where a contract was made, signed, performed or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract. If the claim is about an offer or contract for personal, family, or household goods, services, or loans, then file in the county where the buyer or lessee signed the contract, lives now, or lived when the contract was made. If the claim is about a retail installment contract, then you should file where the buyer signed the contract, lives now, or lived when the contract was made. If the claim is about a vehicle finance sale, then file in the county where the buyer signed the contract, lives now, or lived when the contract was made or where the vehicle was permanently garaged.

How much does it cost to file a Small Claims Case?

The cost of your alleged damage determines the filing fee. If you are making a claim for damages in the amount of \$1,500 or less, the filing fee is \$30. For claims between \$1,500- \$5,000 the filing fee is \$50. To file a claim for more than \$5,000 but less than or equal to \$7,500 the filing fee is \$75.

Are mediation services available?

Yes. On the day of trial mediators are available if both parties would like to work out a settlement. If the parties are unable to reach an agreement, then they may proceed with the trial.

What can I do if I lose my small claims case?

If you are the plaintiff, then you have no right to appeal a judgment. If you are the defendant, then within 30 days from the date of mailing of the Notice of Entry of Judgment and you did not appear at the trial, you may file a Motion to Vacate Judgment. If you are the defendant and you appeared at the trial, then you may file a Notice of Appeal. The court clerk will give you a new trial date, called a Trial de Novo, at which you may present all your evidence and argue your position.

How can I collect my judgment after I win at trial?

After 30 days from the date of mailing of the Notice of Entry of Judgment, you may begin to collect your judgment. The most common methods of enforcing a judgment are through a bank levy or a wage garnishment. These forms can be obtained in our clinic, filed with the Small Claims clerk and taken to the Sheriff's Civil Division for execution.

Where do I file my claim in Sacramento County?

In Sacramento County, you may file your claim online at www.saccourt.com or at the Small Claims Court in the Carol Miller Justice Center located at 301 Bicentennial Circle at the corner of Folsom Boulevard and Power Inn Road. The clerk's office is open Monday through Friday from 8:30 am to 4:30 pm.

Where can I get help with filing my small claims action?

The Regional Human Rights/Fair Housing Commission offers a free Small Claims Advisory Clinic. The Advisory Clinic provides information to both plaintiffs and defendants. The Clinic also provides the necessary forms and assistance with completing them. You may reach the Small Claims Advisory Clinic by calling (916) 875-7846 or by visiting the clinic at the Carol Miller Justice Center, 301 Bicentennial Circle, Room 330 in Sacramento. No appointment is necessary. The Small Claims Advisory Clinic is open from 8:00 am to 4:30 pm Monday through Friday.