

DEFENDANT'S GUIDE TO SMALL CLAIMS PROCEDURES:

WHEN YOU ARE SERVED WITH A CLAIM

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Disclaimer: This handout is for informational purposes only. It does not constitute legal advice and it does not create an attorney-client relationship.

I. YOU HAVE BEEN "SERVED"

A. Is Service Proper?

- You should receive Form **SC-100 (Plaintiff's Claim and Order to Go to Small Claims Court)** 25 days before the hearing (30 if in a different county than where you live).

B. Is this the proper Court?

- If not, you can call or write to Court (to the specific department listed on the notice), explain why not and ask for the case to be dismissed
- You can also appear at the hearing and advise the court you are appearing to contest venue, not to address the merits of the case.

C. Does this claim belong in Small Claims Court?

- The plaintiff must be seeking money damages in an amount not more than \$10,000 for an individual and \$5,000 for a business.

D. Do you have claims against the plaintiff?

- If yes, and you can bring them in Small Claims Court, file **Defendant's Claim (SC-120)** and serve on plaintiff at least 5 days before hearing on plaintiff's claim. (For information on how to serve the claim, see separate handout entitled "Serving the Complaint.") Need not be related to plaintiff's claims.
- If yes, and your claim is related to plaintiff's claims and exceeds maximum Small Claims amount, or you want remedy other than money damages, seek a transfer to Superior Court. In Los Angeles Superior Court, use **Application and Order for Transfer (Small Claims), SCLA-14**.
- If your claim is too large but unrelated, defend the claim in Small Claims court and file your own claim in Superior Court.

II. PREPARING FOR COURT

- You must appear at the time and place designated in the Complaint, or a judgment may be entered against you.
- Even if you believe it is not the right courthouse, you should appear to avoid possible default.
- You should also bring any witnesses and evidence with you.
- Determine your defenses in advance.

- On the facts: based on what happened, do you feel that you owe the plaintiff money or that you did something wrong so as to be responsible for any damages the plaintiff claims to have suffered?
- On the law: there are many legal defenses and it may be a good idea to consult an attorney if you think one may apply in your case. A few to consider include:
 - i. How old is the plaintiff's claim?
 - ii. Must the contract on which the plaintiff is suing be in writing?

NOTE: For information about what to do at the hearing, please see "Preparing for Court and Presenting Your Case" handout.