



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

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INTRODUCTION TO THE SMALL CLAIMS COURT PROCESS

The Plaintiff (the person who is suing) begins a Small Claims case by completing and filing the SC-100 form in the Small Claims Clerk's office. This form is available from the Small Claims Advisor, the Small Claims Court Clerk, or on the Internet at: www.courtinfo.ca.gov.

The cost to file a Small Claims case is determined by how much you are asking for in your lawsuit.

If your claim is for less than \$1,500 the fee is \$30.

If your claim is between \$1,500 and \$5,000 the cost is \$50.

If your claim is for more than \$5,000 the cost is \$75.

If you are suing a business, you may wish to speak to an advisor for help naming the business correctly. To research a business yourself, contact the Business Licensing Department at City Hall in the city where the business is located. You can also check Fictitious Business Name registration for Ventura County businesses on the Internet at: <http://157.145.215.78/ailis5/> or you can check with the Secretary of the State of California for information about corporations at: <http://www.sos.ca.gov/>.

Once you have filed your case, you must serve the defendant (the party being sued) with his/her copy of the SC-100 form. **You cannot serve the defendant yourself.** You can have the defendant personally served by a neutral third party such as a process server, Sheriff's Department (Civil Division), or by a willing friend or family member who is not involved in the case. Alternatively, the Small Claims Court Clerk can mail the SC-100 form to the defendant by certified mail. This is the least reliable method of process service and may cause your case to be postponed if the defendant does not legibly sign the receipt.

Small Claims Court Tips:

If the defendant is located in another state you may not be able to use the Small Claims Court in California.

If the defendant has recently filed for bankruptcy protection you may not be able to get a Small Claims judgment or enforce an existing judgment.

Attorneys are not permitted to represent clients in Small Claims Court.

Be sure to arrive at the courthouse on time for your hearing.

Even though you win a judgment in Small Claims Court, it does not guarantee that you will get paid.

Many cases are resolved quickly and with only a single court appearance. However, it is not unusual to have to make additional appearances in court for an appeal or to pursue your judgment.

A plaintiff cannot appeal a Small Claims decision if they lose the case. However, a defendant may file an appeal within 30 days of the judgment.

A Small Claims Advisor to members of the public seeking assistance with matters in Small Claims Court is also available to assist in the following areas:

- Procedural information
- Case evaluation
- Evidence requirements
- Defense of claims and counter suits
- Appellate rights
- Judgment enforcement and collection procedures

For more information or help with any of the Small Claims Court forms, please call the Small Claims Advisor at (805) 654-5054 (Ventura) or (805) 306-7930 (Simi Valley).