



## Contact Legal Assistance

For legal assistance generally, make an appointment with the 412 TW/JA legal office

Walk-ins available for powers of attorney and notaries Monday—Thursday 9am-3pm

Phone: 661-277-4310

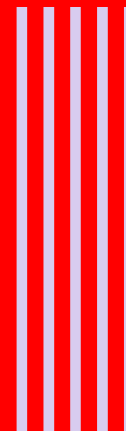
Email: [412tw.ja.workflow@us.af.mil](mailto:412tw.ja.workflow@us.af.mil)

Address: Trailer at 1 S. Rosamond Blvd., Edwards AFB, 93524



## Small Claims California

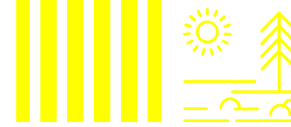
Edwards Air Force Base  
412 TW/JA





## Table of Contents

What is Small Claims Court? .....	1
Only Civil Cases Allowed .....	2
Dollar Limits on Claims .....	3
How to File .....	4
What to Expect in Court.....	5



- The amount of money you are claiming

### **Pay the Filing Fee:**

You must submit the fee along with your claim in order for the court to process it.

### **Notify the Defendant:**

You must arrange to have a copy of the claim served or delivered to the defendant you are suing. Any person 18 years or older who is not involved in the case can deliver the notice. The defendant must be notified within 15 days of the court date, or else your claim will be dismissed.

## What to Expect in Court

Your case will usually be heard by the court within 30-40 days of filing. Neither you nor the defendant are allowed to have an attorney represent them in court, but you may consult an attorney prior to court. As a military member, you are allowed to have a person who is not an attorney represent you in court if you are transferred out-of-state for more than six months.

There are no juries in small claims court. The judge will listen to both sides of your case and consider any evidence the parties wish to offer. Bring multiple copies of anything and everything you think will help you tell your story. If you are the one who brought the claim, you cannot appeal the judge's ruling.



## How to File

There are four steps to filing in small claims court:

### Determine Where to File:

You have several options of where to file your claim. Where you file will determine the county court that will adjudicate your claim. You can file:

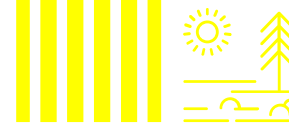
- Where the defendant lives
- Where the injury occurred
- Where the contract in dispute was performed or signed
- Where the corporation you are claiming damages against resides or does business

If you ordered something online or by mail, your local court will usually have jurisdiction.

### Submit a Formal Claim:

Once you determine the county you want to file in, you will have to visit the county courthouse and fill out a *Claim of Plaintiff* form. This form must include:

- The defendant's name and address
- The facts of the dispute, giving specific reasons behind the complaint, with supporting dates and places



## What is Small Claims Court?

### Informal, Inexpensive, Efficient

All states have small claims court. The purpose of small claims court is to provide an informal setting, where disputes over money can be resolved quickly and inexpensively. No one is allowed to make objections. There are no juries. There are no attorneys.



### The Governing Law in California

The governing law of small claims court in California is *Annotated California Codes, Code of Civil Procedure, Part 1, Title 1, Chapter 5.5, Sections 116.110-950*. You can find this text online.



### How Can Legal Assistance Help You?

If you are pursuing a small claim in court, we can counsel you on the basics of the procedure and law, but we cannot represent you in court.





## Only Civil Cases Allowed

The first important thing to know about small claims court is that only civil cases are allowed. You cannot choose to have your criminal case in small claims court (and definitionally, criminal cases are pursued by the government, not private parties). A civil case is one where a person has been harmed and seeks a monetary award from another person, organization, or government to help remedy the situation.

Here are some examples of civil cases:

- Property damage (eg. the cleaners ruined your favorite wool sweater, the roofing company damaged your house)
- Breach of contract (eg. the contractor ripped out your old kitchen sink, said he would fix it, and then never did)
- Product liability (eg. the lawn mower started a fire, the washing machine didn't work as expected and caused damage)
- Fraud (eg. the sign said "50% off" but the store refused to honor the ad)



## Dollar Limits on Claims

The second important thing to know is that whatever claim you file cannot exceed \$10,000 in damages sought. Corporations and governments are limited to \$5,000.

You can file more than one claim, but if you're asking for more than \$2,500 in a claim, you can only file two of those claims in a calendar year. For example, if you file a claim for \$4,000 in May and another claim for \$4,000 in November, you may not file any more claims that exceed \$2,500 until January of the following year, which, in this case, is two months away.

You can file as many claims for \$2,500 or less as you want.

### Fees

Be aware though that the court charges a fee to process your claims. You will need to pay the fee before the court can hear your case. The fee is between \$30 and \$75 depending on the amount of the claim for each claim for the first 12 claims. At the 13<sup>th</sup> claim, the fee rises to \$100.

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*Your claim cannot exceed \$10,000*

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