

Clerk stamps date here when form is filed.

Notice to the person being sued:

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read pages 2 and 3 of this form to understand the Plaintiff's claim against you and page 4 of this form to protect your rights.

Fill out court name and street address:

Superior Court of California, County of

Aviso al demandado:

- Usted es el Demandado si su nombre figura in ② de la página 2 de este formulario. La persona que lo demanda es el Demandante.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea las páginas 2 y 3 de este formulario para entender la demanda en su contra y la página 5 de este formulario para proteger sus derechos.

Clerk fills in case number when form is filed.

Case Number:

Order to Go to Court

The people in ① and ② must go to court on: (Clerk fills out below)

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: _____ Clerk by, _____, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Small Claims Plaintiff*, to know your rights. Get SC-150 at any courthouse, county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then take or mail it to the courthouse clerk's office and pay your fee. The clerk will write your trial date in the box above.
- You must have someone 18 or over—not you or anyone else involved with this case—give each Defendant a copy of all 5 pages of this form and any pages this form tells you to attach. Keep a copy for your records.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Your name: _____

Describe your claim:**1 The Plaintiff (the person who is suing) is:**

Name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

If more than one person is suing, attach Form SC-100A and check here: Is this Plaintiff doing business under a fictitious name? Yes No

If yes, attach Form SC-103 and write Fictitious Business Statement number here: _____

2 The Defendant (the person being sued) is:

Name: _____ Phone: _____

Home address: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

If more than one person is being sued, attach Form SC-100A and check here:

If any Defendant is on active military duty, write his or her name here: _____

3 The Plaintiff claims the Defendant owes \$ _____ . (Explain below):

a. Why does the Defendant owe the Plaintiff money? _____

b. When did this happen? (Date): _____

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? _____

 Check here if you need more space. Attach one sheet of paper or Form MC-030 and write "SC-100, Item 3" at the top.
4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.Have you done this? Yes No

If no, explain why not: _____



Your name: _____

5 Why are you filing your claim at this courthouse?**This courthouse covers the area** (check all that apply):

- a. (1) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant *or* where the Defendant lived when the Defendant made the contract.
- (2) Where the Defendant lives or does business.
- (3) Where the Plaintiff's property was damaged.
- (4) Where the Plaintiff was injured.
- b. Where the Plaintiff signed the contract or lives (or lived) if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (*Code Civ. Proc.*, § 395(b))
- c. Where the Plaintiff signed the contract or lives (or lived) if this claim is about a retail installment contract (like a credit card). (*Civil Code*, § 1812.19)
- d. Where the Plaintiff signed the contract or lives (or lived) if this claim is about a vehicle finance sale. (*Civil Code*, § 2984.4)
- e. Other (*specify*): _____

6 List the zip code of the place checked in 5 above (if you know): _____**7 Is your claim about an attorney-client fee dispute?** Yes NoIf yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: **8 Are you suing a government agency?** Yes NoIf yes, you must file a written claim with the agency first. A claim was filed on (date): _____

If the government agency denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California? Yes No If yes, the filing fee for this case will be higher.**10 I understand that by filing a claim in small claims court:****• I have no right to appeal this claim, and****• I cannot file, and have not filed, more than one other small claim for more than \$2,500 in California during this calendar year.**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name_____
Sign your name**Keep a copy of all your forms.****Requests for Accommodations**Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (*Civil Code*, § 54.8)

“**Small claims court**” is a special court where claims for \$5,000 or less are decided. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who sued you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal).

How do I get ready for court?

Read “Get Ready for Court” at:

www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to the court clerk or the ADA/Access Coordinator for your court.

What if I don't speak English well?

Bring someone—like a relative or friend—who can interpret for you in court. The court cannot give you an interpreter. But the clerk can give you a list of interpreters. (Interpreters usually charge a fee.)

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: www.courtinfo.ca.gov/forms

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (The Plaintiff cannot appeal.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see:

www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, you must both notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107 and the clerk will subpoena (order) them to go.
- **Sue the person who sued you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for and court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to continue the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Write to the court before the trial and explain why you want a postponement. Enclose a check if you have to pay a fee, unless a waiver was granted.



Need help?

Your county's Small Claims Advisor can help for free. Go to “County-Specific Court Information” at: www.courtinfo.ca.gov/selfhelp/smallclaims

County Information Here

La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación).

¿Cómo me preparo para ir a la corte?

Lea “Prepárese para la corte” en: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés?

Lleve consigo a alguien, ya sea un pariente o amigo, que pueda servirle de intérprete en la corte. La corte no le puede dar un intérprete. Pero el secretario le puede entregar una lista de intérpretes. (Los intérpretes en general cobran un honorario.)

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en: www.courtinfo.ca.gov/forms

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm

¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107 y el secretario emitirá una orden de comparecencia ordenándoles que se hagan presentes.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (Tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Escriba a la corte antes del juicio y explique por qué quiere aplazar el juicio. Si tiene que pagar una cuota, adjunte un cheque, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo. Vea “Información por condado” en:

www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores

County Information Here