

Small Claims Lawsuit

How a Small Claims suit process works???

Establish the who, what, when, why, and where of the case.

Obtain a copy of form SC-100 for filing a small claim.

Fill out the form and turn it into the county clerk, you may want to think about where you'd like to sue.

You must Serve the defendant, if the defendant does not declare that they are contesting the case you will win.

After the defendant is served you enter into the discovery process where you can request various amounts of information from the defendant that relate to the case.

Then is the trial.

The following are some exceptions to the general rule that a case must be filed and heard in a court located within the county (and area of court location, if applicable) where the defendant resides: Automobile accidents

- The claim may be heard either (a) within the county and the area of court location in which the accident occurred, or (b) within the county and the area of court location in which the defendant resides. (In this situation, as with many others, there may be more than one court in which an action can properly be filed.)

Contract - The claim may be heard in the county or area of court location in which the contract was entered into.

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where the contract was to be performed by the defendant, unless the claim arises from a consumer purchase.

Consumer purchase (claim by seller)
- A claim to enforce a debt arising from a consumer purchase can be filed only in the county or area of court location (1) where the consumer signed the contract, (2) where the consumer resided when the contract was signed, (3) where the consumer resided when the action was filed, or (4) where goods purchased on installment credit are installed or permanently kept.

Consumer purchase (claim by buyer)

- An action also can be filed in localities (1), (2), or (3) immediately above by the consumer against a business firm that provided the consumer with goods, consumer services, or consumer credit. An action also can be filed by the consumer in any of those locations if the suit is based on a purchase that results from an unsolicited telephone call made by the seller to the buyer (including a situation where a buyer responds by a telephone call or electronic transmission).

The exceptions to the general rule that requires filing a case in the county and area of court location where the defendant resides are somewhat complex and difficult to understand. If you intend to file a claim against a defendant outside the county and area of court location where the defendant resides, you should consult with a local small claims adviser to determine if your case falls within an exception to the general rule.

https://www.dca.ca.gov/publications/small_claims/file.shtml

The Statute of Limitations limits the Small Claims Lawsuit

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In Humboldt County, California, you can file a civil action against another individual or entity for \$7,500 or less in the Humboldt County small claims court. Small claims court is an informal court that allows a party to appear without the assistance of legal counsel. However, if the amount in dispute is more than \$7,500, you must file a claim with the Civil Division of the Humboldt County Superior Court. In addition, you cannot file more than two small claims actions within the same year in the state of California for more than \$2,500.

<http://www.courts.ca.gov/documents/sc100.pdf>

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Hotline hours are subject to change amount of time you can pursue legal consequences for a particular event. Depending on what the reason is that you are or wish to sue someone, there is a different time limit to file a lawsuit.

0 6 months Claims against government agencies. Govt. code Sections 911.2, and 945.6.

e.g., a claim against the county for property damage caused by county employees.

0 2 years Lawsuits for personal injuries. CCP 335.1.

e.g., a claim for medical expenses resulting from an auto accident.

0 2 years Lawsuits regarding oral contracts. CCP 339.

e.g., a claim for payment on a loan made to someone.

0 3 years Lawsuits involving fraud and property damage. CCF Sections 338

e.g., a claim for damages suffered because someone lied to you to get you to buy goods or services from them.

0 4 years Lawsuits regarding written contracts. CCP 337.

e.g., a claim for amount owed under a written contract after goods or services have been provided.

*The statute of limitations for contracts begins when the contract is broken.

It costs money to file a small claims lawsuit.

Amount of claim; Filing Fee:

\$0-\$1500	\$30
\$1500-\$5000	\$50
\$5000-\$7500	\$75

A small claims clinic is held every Tuesday from 3 p.m. to 5 p.m. in the Courts Self-Help Center located in Room 305 of the Eureka courthouse. Individual assistance is provided on a first come, first serve basis. This clinic is for those who need assistance with small claims procedures and small claims paperwork. Assistance with procedures and paperwork for enforcement of small claims judgments is also available. This is not a class for those being sued for consumer debt. Those matters are handled during office hours devoted to civil matters. Please note that the location and hours for self help assistance are subject to change. You may call the Self-Help Center at 707-269-1223 to obtain current information about the time and location of the clinic. You may speak directly with an office staff member every Tuesday from 10 a.m. to 12 noon during hotline hours at 707-269-1223. Hotline hours are subject to change amount of time you can pursue legal consequences for a particular event. Depending on what the reason is that you are or wish to sue someone, there is a different time limit to file a lawsuit.