

# Instructions for filing a Defendant's Claim

## Forms Needed: (\* Mandatory Forms)

- [Defendant's Claim and ORDER to Go to Small Claims Court \(SC-120\) \\*](#)
- [Other Plaintiffs or Defendants \(SC-120A\)](#)
- [Attachment to Judicial Council Form \(MC-025\)](#)
- [Proof of Service \(SC-104\)](#)
- [Request for an Interpreter \(RI-IN007\)](#)

## Defendant's Claim and Order to Go to Small Claims Court

A Defendant's Claim is a separate claim made by the defendant against the plaintiff. If the defendant being sued believes the plaintiff owes money or has a reason to sue them, they can file a Defendant's Claim against the plaintiff.

Small claims Court is a special court where disputes are resolved quickly and inexpensively. Lawyers cannot represent you or the other party at the small claims hearing.

You can find more information on Small Claims matters at: <https://www.courts.ca.gov/selfhelp-smallclaims.htm>

1	<b>Complete all Forms</b>	Complete all the documents and sign them.
2	<b>File with the Court</b>	<p><b><u>In-Person:</u></b> Go to the Clerk's Office window. You will need the following:</p> <ul style="list-style-type: none"><li>• The original and at least a copy (max 2 copies)</li></ul> <p><b><u>Drop box or Mail:</u></b> Use the drop off box or mail your forms to the court listed on your forms. Include the following:</p> <ul style="list-style-type: none"><li>• The original and at least a copy (max 2 copies)</li><li>• An envelope addressed to yourself with sufficient postage affixed.</li></ul> <p><b><u>Online:</u></b> Submit your forms online through the Civil eFiling Portal. Follow the instructions below:</p> <ul style="list-style-type: none"><li>• Electronically sign your documents at all signature lines in the document.</li><li>• Read instructions and e-file documents at: <a href="https://www.riverside.courts.ca.gov/FormsFiling/EFiling/civil-efiling.php">https://www.riverside.courts.ca.gov/FormsFiling/EFiling/civil-efiling.php</a></li><li>• A transaction fee to file electronically may apply.</li></ul> <p><i>The filing fee or <a href="#">fee waiver</a><sup>(1)</sup> will be required at the time of submission. Once the court files the documents, the copies will be returned to you in the same way they were filed.</i></p>
3	<b>Serve Copy on Other Party</b>	Have someone other than the people listed in the paperwork and who is 18 years or older serve a copy of each document and fill out the Proof of Service ( <a href="#">SC-104</a> ) <sup>(2)</sup> .
4	<b>File the Proof of Service (SC-104)</b>	File the completed Proof of Service ( <a href="#">SC-104</a> ) <sup>(2)</sup> with the court. You should keep a copy of the completed form for your own records.
<p><b>ATTEND YOUR HEARING.</b></p> <p>Bring your supporting documents with you on the day of trial.</p> <p>For more information on how to prepare for your trial visit: <a href="https://www.courts.ca.gov/1013.htm?rdeLocaleAttr=en">https://www.courts.ca.gov/1013.htm?rdeLocaleAttr=en</a></p>		

**DISCLAIMER:** Our Self-Help Center staff is not your private attorney and does not represent any party. There is NO attorney-client relationship and staff are unable to provide legal advice based on your individual facts. The Self-Help Center staff may provide information and services to the other party in the case. Further, communications between you and Self-Help Center staff are NOT Confidential. You should consult with your own attorney if you want personalized advice or strategy, to have a confidential conversation, or to be represented by an attorney in court. (1) [https://riverside.courts.ca.gov/SelfHelp/FamiliesChildren/FIPackets/feewaiver\\_packet.pdf](https://riverside.courts.ca.gov/SelfHelp/FamiliesChildren/FIPackets/feewaiver_packet.pdf) (2) <https://www.courts.ca.gov/documents/sc104.pdf>

Superior Court of California, County of Riverside  
Small Claims (Defendant's Claim)

**Your Information:**

Name (First, Middle, Last): \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**The Person, business or Public entity who is suing you (Plaintiff stated on SC-100):**

Name (First, Middle, Last)  
Name of business or Public Entity: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

*If more than 1 plaintiff, use attachment form [\(SC-120A\)](#)*

**Amount Plaintiff owes:**      \$ \_\_\_\_\_      *Individual or Sole Proprietor cannot sue for more than \$12,500*  
*Corporation or Business cannot sue for more than \$6,250*

**Where is your case filed?**

**Today's Date:** \_\_\_\_\_

Clerk stamps date here when form is filed.

**Notice to the person being sued:**

- You are being sued by the person you are suing.
- You 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 this form and all pages attached, to understand the claim against you and to protect your rights.

**Aviso al demandado:**

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede 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 este formulario y todas las páginas adjuntas, para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of Riverside**

Fill in case number and case name:

**Case Number:**

**Case Name:**

**Order to Go to Court**

The people in ① and ② must go to court: (Clerk fills out section 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:**

- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Plaintiff a court-stamped copy of all 3 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number:

Defendant (list names): \_\_\_\_\_

**1 The Plaintiff (the person, business, or public entity that sued first) is:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**?** Check here if more than 2 Plaintiffs and attach Form SC-120A.

Check here if any Plaintiff is on active military duty and write his or her name here: \_\_\_\_\_

**2 The Defendant (the person, business, or public entity suing now) is:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**?** Check here if more than 2 Defendants and attach Form SC-120A.

Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103.

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

a. Why does the Plaintiff owe the Defendant 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? (Do not include court costs or fees for service.) \_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-120, Item 3" at the top.



Case Number:

Defendant (list names): \_\_\_\_\_

4 You may ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue. Have you done this?  Yes  No

5 Is your claim about an attorney-client fee dispute?  Yes  No  
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

6 Are you suing a public entity?  Yes  No  
If yes, you must file a written claim with the public entity first.  A claim was filed on (date): \_\_\_\_\_  
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

7 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.

8 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

9 If I do not have enough money to pay for filing fees or service, I can ask the court to waive those fees.

10 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ Defendant types or prints name here Defendant signs here

Date: \_\_\_\_\_ Second Defendant types or prints name here Second Defendant signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk’s office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



**Need help?**

Your county’s Small Claims Advisor can help for free.

\_\_\_\_\_  
\_\_\_\_\_

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

This form is attached to Form SC-120, item 1 or 2.

**1 If more than 2 plaintiffs (person, business, or public entity being sued), list their information below:**

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check here if more than 4 plaintiffs and fill out and attach another Form SC-120A.

**2 If more than 2 defendants (person, business, or public entity suing), list their information below:**

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this defendant doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_


Is this defendant doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.


Check here if more than 4 defendants and fill out and attach another Form SC-120A.

**3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

**4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ *Type or print your name*  \_\_\_\_\_ *Sign your name*

Date: \_\_\_\_\_ *Type or print your name*  \_\_\_\_\_ *Sign your name*

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and Address</i> )  TELEPHONE NO: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY    CASE NUMBER: _____
<input type="checkbox"/> PEOPLE OF THE STATE OF CALIFORNIA <input type="checkbox"/> PLAINTIFF/PETITIONER:  vs.  DEFENDANT/RESPONDENT: _____	
<b>REQUEST FOR AN INTERPRETER</b>	

**1. Case Type (*Please check applicable box*):**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Criminal                     | <input type="checkbox"/> Traffic   | <input type="checkbox"/> Juvenile Delinquency            |
| <input type="checkbox"/> Juvenile Dependency          | <input type="checkbox"/> Mental Health                                     | <input type="checkbox"/> Child Support Case              |
| <input type="checkbox"/> Family Law Domestic Violence | <input type="checkbox"/> Elder Abuse                                       | <input type="checkbox"/> Civil Harassment                |
| <input type="checkbox"/> Unlawful Detainer            | <input type="checkbox"/> Termination of Parental Relationship – Family Law | <input type="checkbox"/> Guardianship or Conservatorship |
| <input type="checkbox"/> Other: _____                 |  |  |

**2. Name of person needing an interpreter:** \_\_\_\_\_

- |                                    |  |   |
|------------------------------------|--|---|
| <input type="checkbox"/> Defendant | <input type="checkbox"/> Plaintiff       | <input type="checkbox"/> Witness for: _____ |
| <input type="checkbox"/> Minor     | <input type="checkbox"/> Parent/Guardian | <input type="checkbox"/> Party on Case      |

Requested by:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> District Attorney | <input type="checkbox"/> DPSS           | <input type="checkbox"/> Juvenile Defense Counsel |
| <input type="checkbox"/> DA Advocate       | <input type="checkbox"/> Probation      | <input type="checkbox"/> Party on Case            |
| <input type="checkbox"/> Defense Counsel   | <input type="checkbox"/> County Counsel | <input type="checkbox"/> Other: _____             |

**3. Date of Hearing:** \_\_\_\_\_ **Dept:** \_\_\_\_\_ **Estimate of time interpreter will be needed:** \_\_\_\_\_

- Half Day (*choose one*):  AM - 8 to 12  PM - 1 to 5  Full Day - 8 to 5  On-call - Any time  
 Estimated Length of Hearing (HRS/DAYS): \_\_\_\_\_

**4. Language being requested: (*A minimum of 48 hours needed for a Spanish and Sign Language Interpreter and 5 days for all other languages (Local Rule 1025).*)**

- |   |  |  |                                     |
|---|--|--|-------------------------------------|
| <input type="checkbox"/> Arabic   | <input type="checkbox"/> German            | <input type="checkbox"/> Lao                     | <input type="checkbox"/> Russian    |
| <input type="checkbox"/> Armenian East  | <input type="checkbox"/> Hungarian         | <input type="checkbox"/> Mandarin/Chinese        | <input type="checkbox"/> Samoan     |
| <input type="checkbox"/> Armenian West  | <input type="checkbox"/> Indonesian        | <input type="checkbox"/> Portuguese              | <input type="checkbox"/> Spanish*   |
| <input type="checkbox"/> Cantonese  | <input type="checkbox"/> Japanese          | <input type="checkbox"/> Punjabi                 | <input type="checkbox"/> Tagalog    |
| <input type="checkbox"/> Farsi  | <input type="checkbox"/> Khmer (Cambodian) | <input type="checkbox"/> Q'anjob'al (K'anjob'al) | <input type="checkbox"/> Thai       |
| <input type="checkbox"/> French   | <input type="checkbox"/> Korean            | <input type="checkbox"/> Romanian                | <input type="checkbox"/> Vietnamese |
| <input type="checkbox"/> Other: _____ (If requesting a language not listed above, please include country or region if known.) Country/Region: _____ |  |  |                                     |

\* Requests for an assigned Spanish interpreter to trials lasting one day or more must be made in advance.

**If the above hearing date is continued or taken off calendar, please cancel the request with the Courtroom Assistant or Court Services Coordinator no less than 24 hours in advance. If the attorney cancels the request for an interpreter less than 24 hours in advance of the hearing date, the attorney who requested the interpreter shall pay the cost incurred by the court for the interpreter.**

**Note:** Please complete Judicial Council form MC-410 *Request for Accommodations by Persons with Disabilities and Response* if you need an American Sign Language interpreter.



You have completed the mandatory forms to file a small claims case.

The following pages are information and proof of service.

You will need the next pages *after* you received a case number and hearing date.

**Proceed to Step 3 of the instructions for further information.**



This information sheet is written for the person who sues in the small claims court. It explains some of the rules of, and some general information about, the small claims court. It may also be helpful for the person who is sued.

**WHAT IS SMALL CLAIMS COURT?**

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff**. The person who is sued is the **defendant**. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. Your claim cannot be for more than \$5,000 if you are a business or public entity or for more than \$10,000 if you are a natural person (including a sole proprietor). *(See below for reference to exceptions.)\** If you have a claim for more than this amount, you may sue in the civil division of the trial court or you may sue in the small claims court and give up your right to the amount over the limit. You cannot, however, file more than two cases in small claims court for more than \$2,500 each during a calendar year.

**WHO CAN FILE A CLAIM?**

1. You must be at least *18 years old* to file a claim. If you are not yet 18, tell the clerk. You may ask the court to appoint a **guardian ad litem**. This is a person who will act for you in the case. The guardian ad litem is usually a parent, a relative, or an adult friend.
2. A person who sues in small claims court must first make a **demand**, if possible. This means that you have asked the defendant to pay, and the defendant has refused. If your claim is for possession of property, you must ask the defendant to give you the property.
3. Unless you fall within two technical exceptions, you must be the **original owner** of the claim. This means that if the claim is assigned, the buyer cannot sue in the small claims court.
4. If a corporation files a claim, an employee, an officer, or a director must act on its behalf. If the claim is filed on behalf of an association or another entity that is not a natural person, a regularly employed person of the entity must act on its behalf. A person who appears on behalf of a corporation or another entity must not be employed or associated solely for the purpose of representing the corporation or other entity in the small claims court. **You must file a declaration with the court to appear in any of these instances.** (See *Authorization to Appear*, form SC-109.)

**WHERE CAN YOU FILE YOUR CLAIM?**

You must sue in the right court and location. This rule is called **venue**. Check the court's local rules if there is more than one court location in the county handling small claims cases. If you file your claim in the wrong court, the court will dismiss the claim unless all defendants personally appear at the hearing and agree that the claim may be heard. The right location may be any of these:

1. Where the defendant lives or where the business involved is located;
2. Where the damage or accident happened;
3. Where the contract was signed or carried out;
4. If the defendant is a corporation, where the contract was broken; or
5. For a retail installment account or sales contract or a motor vehicle finance sale:
  - a. Where the buyer lives;
  - b. Where the buyer lived when the contract was entered into;
  - c. Where the buyer signed the contract; or
  - d. Where the goods or vehicle are permanently kept.

**SOME RULES ABOUT THE DEFENDANT (including government agencies)**

1. You must sue using the defendant's *exact legal name*. If the defendant is a business or a corporation and you do not know the exact legal name, check with the state or local licensing agency, the county clerk's office, or the Office of the Secretary of State, Corporate Status Unit, at [www.sos.ca.gov/business](http://www.sos.ca.gov/business). Ask the clerk for help if you do not know how to find this information. If you do not use the defendant's exact legal name, the court may be able to correct the name on your claim at the hearing or after the judgment.
2. If you want to sue a government agency, you must first file a claim with the agency before you can file a lawsuit in court. Strict time limits apply. If you are in a Department of Corrections or Youth Authority facility, you must prove that the agency denied your claim. Please attach a copy of the denial to your claim.
3. With very limited exceptions, the defendant must be served within the state of California.

**HOW DOES THE DEFENDANT FIND OUT ABOUT THE CLAIM?**

You must make sure the defendant finds out about your lawsuit. This has to be done according to the rules or your case may be dismissed or delayed. The correct way of telling the defendant about the lawsuit is called **service of process**. This means giving the defendant a copy of the claim. **YOU CANNOT DO THIS YOURSELF.** You should read form SC-104B, *What is "Proof of Service"?* Here are four ways to serve the defendant:

1. **Service by a law officer**—You may ask the marshal or sheriff to serve the defendant. A fee will be charged.
2. **Process server**—You may ask anyone who is *not a party* in your case and who is at least *18 years old* to serve the defendant. The person is called a **process server** and must personally give a copy of your claim to the defendant. The person must also sign a proof of service form showing when the defendant was served. Registered process servers will serve papers for a fee. You may also ask a friend or relative to do it.
3. **Certified mail**—You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court before the hearing to see if the receipt for certified mail was returned to the court. **Service by certified mail must be done by the clerk's office except in motor vehicle accident cases involving out-of-state defendants.**
4. **Substituted service**—This method lets you serve another person instead of the defendant. You must follow the procedures carefully. You may also wish to use the marshal or sheriff or a registered process server.

\* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)

4. **Substituted service** (*continued*) A copy of your claim must be left at the defendant's business with the person in charge, **OR** at the defendant's home with a competent person who is at least 18 years old. The person who receives the claim must be told about its contents. Another copy must be mailed, first class postage prepaid, to the defendant at the address where the paper was left. The service is not complete until *10 days* after the copy is mailed.

5. **Timing and proof of service**—No matter which method of service you choose, the defendant must be served by a certain date, or the trial will be postponed. If the defendant lives in the county, service must be completed at least *15 days* before the trial date. This period is at least *20 days* if the defendant lives outside the county.

The person who serves the defendant must sign a court paper showing when the defendant was served. This paper is called a *Proof of Service* (form SC-104). It must be signed and returned to the court clerk as soon as the defendant has been served.

### WHAT IF THE DEFENDANT ALSO HAS A CLAIM?

Sometimes the person who was sued (the **defendant**) will also have a claim against the person who filed the lawsuit (the **plaintiff**). This claim is called the *Defendant's Claim*. The defendant may file this claim in the same lawsuit. This helps to resolve all of the disagreements between the parties at the same time.

If the defendant decides to file the claim in the small claims court, the claim may not be for more than \$5,000, or \$10,000 if the defendant is a natural person (*see exceptions on page 1\**). If the value of the claim is more than this amount, the defendant may either give up the amount over \$5,000 or \$10,000 and sue in the small claims court or sue in the appropriate court for the full value of the claim. If the defendant's claim relates to the same contract, transaction, matter, or event that is the subject of your claim and exceeds the value amount for small claims court, the defendant may file the claim in the appropriate court and file a motion to transfer your claim to that court to resolve both claims together.

The defendant's claim must be served on the plaintiff at least *five days* before the trial. If the defendant received the plaintiff's claim *10 days* or less before the trial, then the claim must be served at least *one day* before the trial. Both claims will be heard by the court at the same time.

### WHAT HAPPENS AT THE TRIAL?

Be sure you are on time for the trial. The small claims trial is informal. You must bring with you all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses to come to court voluntarily, or you may ask the clerk to issue a **subpoena**. A subpoena is a court order that *requires* the witness to go to trial. The witness has a right to charge a fee for going to the trial. If you do not have the records or papers to prove your case, you may also get a court order before the trial date requiring the papers to be brought to the trial. This order is called a *Small Claims Subpoena and Declaration* (form SC-107).

If you settle the case before the trial, you must file a **dismissal** form with the clerk.

The court's decision is usually mailed to you after the trial. It may also be hand delivered to you when the trial is over and after the judge has made a decision. The decision appears on a form called the *Notice of Entry of Judgment* (form SC-130 or SC-200).

### WHAT HAPPENS AFTER JUDGMENT?

The court may have ordered one party to pay money to the other party. The party who wins the case and is owed the money is called the **judgment creditor**. The party who loses the case and owes the money is called the **judgment debtor**. Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally both parties may be represented by lawyers after judgment. More information about your rights after judgment is available on the back of the *Notice of Entry of Judgment*. The clerk may also have this information on a separate sheet.

### HOW TO GET HELP WITH YOUR CASE

1. **Lawyers**—Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.
2. **Interpreters**—If you do not speak English well, ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300 or a local court form to request an interpreter. If a court interpreter is not available at the time of your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)
3. **Waiver of fees**—The court charges fees for some of its procedures. Fees are also charged for serving the defendant with the claim. The court may excuse you from paying these fees if you cannot afford them. Ask the clerk for the *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO) to find out if you meet the requirements so that you do not have to pay the fees.
4. **Night and Saturday court**—If you cannot go to court during working hours, ask the clerk if the court has trials at **night** or on **Saturdays**.
5. **Parties who are in jail**—If you are in jail, the court may excuse you from going to the trial. Instead, you may ask another person who is not an attorney to go to the trial for you. You may mail written declarations to the court to support your case.
6. **Accommodations**—If you have a disability and need assistance, immediately ask the court to help accommodate your needs. If you are hearing impaired and need assistance, notify the court immediately.
7. **Forms**—You can get small claims forms and more information at the California Courts Self-Help Center website ([www.courts.ca.gov/smallclaims](http://www.courts.ca.gov/smallclaims)), your county law library, or the courthouse nearest you.
8. **Small claims advisors**—The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

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Clerk stamps date here when form is filed.

Use this form to serve a **person**, a **business**, or a **public entity**. To learn more about proof of service, read *What Is "Proof of Service"?*, Form SC-104B. To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity*, Form SC-104C.

To serve a **business**, you must serve **one** of the following people:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- Any person authorized for service with the Secretary of State (corporation, association, limited liability company [LLC], limited liability partnership [LLP], limited partnership)

To serve a **public entity**, you must first file a claim with that entity, then serve **one** of the following people:

- Clerk (of a city or county)
- Chief officer or director (of a public agency)
- Any person authorized for service by the entity

① a. If you are serving a **person**, write the person's name below:

\_\_\_\_\_

b. If you are serving a **business** or **entity**, write the name of the business or entity, the person authorized for service, and that person's job title:

Business or Agency Name

Person Authorized for Service

Job Title

**② Instructions to Server:**

You must be at least 18 years old and **not be named in this case**. Follow these steps:

- Give a copy of all the documents checked in ③ to the person in ①, **or**
  - Give a copy of all the documents checked in ③ to one of the following people:
    - a. A competent adult (at least 18) living with, and at the home of the person in ①, **or**
    - b. An adult (at least 18) who seems to be in charge at the usual workplace of the person in ①, **or**
    - c. An adult (at least 18) who seems to be in charge where the person in ① usually receives mail (but not a U.S. Post Office box), if there is no known physical address for the person in ①.
- and mail a copy of the documents left with one of the adults in a, b, or c above to the person in ①.

THEN

- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers, **in time for the form to be filed with the court at least 5 days before the hearing.**

③ I served the person in ① a copy of the documents checked below:

- a.  SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b.  SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c.  Order for examination (This form must be personally served. Check the form that was served):

Note: The court can issue a civil arrest warrant if the served party does not come to court only if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.

(1)  SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*

(2)  AT-138/EJ-125, *Application and Order for Appearance and Examination*

d.  Other (specify): \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of Riverside**

Fill in case number, case name, hearing date, day, time, and department below:

Case Number:

Case Name:

Hearing Date:

Time:

Dept.:



Case name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**4 Fill out "a" or "b" below:**

- a.  **Personal Service:** I personally gave copies of the documents checked in **(3)** to the person in **(1)**

On (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- b.  **Substituted Service:** I personally gave copies of the documents checked in **(3)** (a, b, or d) to (check one):

A competent adult (at least 18) at the **home** of, and living with the person in **(1)**, or

An adult who seems to be in charge where the person in **(1)** usually **works**, or

An adult who seems to be in charge where the person in **(1)** usually **receives mail**, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in **(1)**.

I told that adult, "Please give these court papers to (name of person in **(1)**)."

I did this on (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name or description of the person I gave the papers to:

After serving the court papers, I put copies of the documents listed in **(3)** in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in **(1)** at the address where I left the copies.

I mailed the envelope on (date): \_\_\_\_\_ from (city, state): \_\_\_\_\_

by leaving it (check one):

a.  At a U.S. Postal Service mail drop, or

b.  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, or

c.  With someone else I asked to mail the documents to the person in **(1)**, and I have attached that person's completed Form SC-104A.

**5 Server's Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fee for service: \$ \_\_\_\_\_

*If you are a registered process server:*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

- 6** I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name



\_\_\_\_\_  
Server signs here after serving