

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

SMALL CLAIMS INFORMATION PACKET



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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SMALL CLAIMS COURT

INFORMATION FOR SMALL CLAIMS PARTIES

PLEASE READ THIS ENTIRE DOCUMENT FOR INFORMATION THAT WILL HELP YOUR CASE TO PROCEED TIMELY.

This form provides information for small claims parties. For additional information about small claims court, visit the Superior Court's website at www.sdcourt.ca.gov.

- ▶ **Interpreter:** If you have a small claims trial scheduled and need an interpreter, complete the Interpreter Request/Cancellation form (SDSC Form #ADM-348) as far in advance of your trial as possible. The form can be brought to the business office during business hours, placed in the drop box or mailed to the court location noted on your paperwork. The court will try to schedule an interpreter for the date and time of your trial at no cost to you, but cannot guarantee that one will be available. Alternatively, you may bring an adult, who is not a witness on this case, or an attorney to interpret for you. **CANCELATION OF INTERPRETER:** It is the responsibility of the party for whom an interpreter was requested, or his/her attorney, to notify the court immediately if an interpreter is no longer needed.
- ▶ **Imaging of Documents:** Effective October 2, 2017, all new claims will be assigned to an Imaging Department. You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filings will be imaged and held for 30 days. **BE ADVISED: The original documents will be destroyed and recycled. Thus, DO NOT attach original documents or exhibits to your filings.** Original documents necessary for a hearing or that are being submitted per the terms of an order granting permission to appear telephonically, shall be lodged in advance pursuant to California Rules of Court, rule 3.1302(b). The preferred method to lodge documents is to complete the Notice of Lodgment – Small Claims form (SDSC Form #SC-061).
- ▶ **Serving the Paperwork:** **YOU ARE RESPONSIBLE FOR HAVING YOUR CLAIM SERVED UPON THE OTHER PARTY. THE PERSON WHO PERFORMS THE SERVICE MUST COMPLETE A PROOF OF SERVICE FORM AND RETURN IT TO THE COURT AT LEAST FIVE (5) DAYS PRIOR TO THE TRIAL. FOR MORE INFORMATION, SEE WHAT IS "PROOF OF SERVICE"? FORM (JC FORM #SC-104B).**
The most common ways to serve a party include the following:
 - Professional process server: These are businesses whose sole function is to serve legal papers. They will complete and file the Proof of Service (JC Form #SC-104).
 - Any individual at least 18-years-old and not a party to the lawsuit: He or she must fill out and file the Proof of Service (JC Form #SC-104) with the court at least five (5) days prior to the trial.
 - Certified Mail, sent by the court: For a fee (see the court's Fee Schedule [SDSC Form #ADM-001], available on the court's website, for the current fee amount), the court will send the claim to the other party by certified mail. To request this service, complete a Request for Service by Certified Mail (Small Claims) (SDSC Form #SC-074). The clerk will provide you with a tracking number. All inquiries re: tracking and/or delivery **must** be addressed with the U.S. Postal Service. You may track your mailing online using the U.S. Postal Service's website at www.usps.com. **Certified mail is not a guaranteed method of service and the fee is not refundable. If someone other than the addressee signs the green certified mail card or it is returned unsigned, the service of process is invalid.**
If you request the court to send Certified Mail, your name and address will be listed on the green certified mail card as the "sender", and certified mail envelope as the return address. **BE ADVISED: You are responsible for filing with the court the original signed green card as proof of service.** The preferred method of filing the original green card is to attach it to the Return Receipt for Certified Mail – Original Green Card (SDSC Form #SC-060).
- ▶ **Request to Postpone Trial:** A reset or continuance of trial may be requested as follows:
 - **Request for Reset:** If the defendant **HAS NOT** been served, the clerk's office may reset the trial **ONE** time only. All requests for reset must be made in writing, preferably on a Request to Postpone Trial (JC Form #SC-150), at least two court days prior to the original trial date. Requests received by the court less than two days before the trial will be considered by the judicial officer. It is possible that no decision will be made with regard to the request until the trial date. No fee is required.
 - **CERTIFIED MAIL:** If certified mail was used to attempt service, the clerk's office can only **reset** the trial if the certified mail was returned unclaimed/undeliverable. If the certified mail envelope has not been returned, the request for reset must be made in court on the trial date.
 - **Request for Continuance:** If the defendant **HAS** been served, the clerk may grant **ONE** continuance per party. All requests for continuance must be made in writing, preferably on a Request to Postpone Trial (JC Form #SC-150), at least ten (10) calendar days before the trial date (see Code Civ. Proc. § 116.570) **and the appropriate fee must be paid** (see the court's Fee Schedule, available on the court's website, for the current fee amount). The party requesting the continuance should mail or personally deliver a copy of the request to each of the other parties. Requests received by the court less than ten days before the trial will be considered by the judicial officer. It is possible that no decision will be made with regard to the request until the trial date.
 - **CERTIFIED MAIL:** The clerk's office can only process a **continuance** on a case served by certified mail if the green certified mail card was returned signed. If the green certified mail card is returned unsigned, or if the case has multiple defendants with one or more outstanding certified mail green card(s), the request will be forwarded to the judicial officer for consideration. It is possible that no decision will be made with regard to the request until the trial date.
- ▶ **Failure to appear at the scheduled trial may result in the case being dismissed (see SDSC Local Rule 2.4.4):** If the court dismisses the case without prejudice, you may be able to refile your case after paying a new filing fee. If your case is dismissed with prejudice, you may not refile your case.
- ▶ **Change of Address or Phone Number:** You must advise the court of any change of address or telephone number by filing a Notice of Change of Address or Other Contact Information (JC Form #MC-040). Judicial Council forms may be found at www.courtinfo.ca.gov.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO SMALL CLAIMS COURT

MEDIATION INFORMATION FOR SMALL CLAIMS PARTIES

This form provides answers to frequently asked questions about mediation in small claims cases.

What is Mediation?

Mediation is a confidential, voluntary process in which a trained mediator acts as a neutral third party to facilitate communication between individuals who have a dispute, and assist them with reaching a mutually acceptable resolution of all or part of their dispute. The mediator is not the decision-maker and does not resolve the dispute - the parties do. Mediation is a flexible and less formal process that may reduce the time and costs often associated with a formal trial. It provides both parties a chance to talk and come to an agreement that they can agree to make legally enforceable.

What does mediation cost?

Mediation is free. The County of San Diego contracts with the National Conflict Resolution Center (NCRC) to offer free mediation services to community members.

Is mediation confidential?

Mediation is confidential. With few exceptions, all communications, negotiations, or settlement discussions in the course of mediation are confidential and are not admissible in court, unless the parties agree. This allows an uninhibited discussion during mediation.

When does mediation take place?

A dispute can be mediated either before or after a small claims case has been filed. If the dispute is mediated before filing a case and an agreement is reached at the mediation, there will be no need to file a small claims case. If a case has already been filed, the agreement reached at the mediation can be entered into the court record without having to go to court.

Where is mediation held?

Mediation is offered remotely by telephone or video conferencing.

How long does mediation last?

Mediation of a small claims dispute usually lasts less than an hour.

What should parties expect?

Parties should be prepared to state their positions and to listen carefully to the other side. Civility and mutual respect are vital to the process.

What if the dispute isn't settled at mediation?

If the parties are unable to reach a full agreement at mediation, the case or any unresolved issues will be decided by the judicial officer or temporary judge assigned to the small claims case on the day the hearing was originally scheduled. If mediation occurs before filing a small claims case and the parties do not reach a full agreement, either party may still be able to file a small claims case with the court, if it is not too late (see below).

Claims may be time-sensitive. To determine the time frame for filing a claim with the court, contact an attorney or the Small Claims Advisor at (858)634-1777.

Where can more information about Small Claims Court mediation be found?

Additional information about Small Claims Court mediation can be found on the court's website at www.sdcourt.ca.gov or by contacting NCRC at (619)238-2400.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

PRE-TRIAL CHECKLIST – SMALL CLAIMS TRIALS REMOTE AND IN-PERSON APPEARANCES

This document provides information to assist parties who will be appearing remotely or in-person for a small claims trial.

- SERVE the Plaintiff’s Claim and Order to Go to Small Claims Court (JC Form #SC-100) or Plaintiff’s Claim and Order to Go to Small Claims Court (COVID-19 Rental Debt) (JC Form #SC-500) on each named defendant. The most common ways to serve a party include:**
 - Option 1 – Pay the court a fee to mail the claim by Certified Mail. See the court’s Fee Schedule (SDSC Form #ADM-001) for the fee amount. *Note: This is not a guaranteed method of service, and the fee is not refundable.*
 - Option 2 – Have any individual at least 18 years-of-age, and not a party to the lawsuit, to serve one copy of the claim and the Notice of Case Assignment to EACH named defendant.
 - Option 3 – Hire a professional process server to perform service.
- COMPLETE and file the Proof of Service in the court’s business office, not through the Exhibit Upload Application, a minimum of five days prior to the trial.**
 - A separate Proof of Service MUST be filed for EACH named defendant.
 - For additional information, see What is “Proof of Service”? (JC Form #SC-104B).
 - For ANY additional questions about service of process, contact the Small Claims Legal Advisor at (858) 634-1777.

If you are UNABLE TO SERVE the defendant, see Information for Small Claims Parties (SDSC Form #SC-026) for information regarding how to request a reset or continuance of the trial date. For any additional questions, contact the Small Claims Legal Advisor at (858) 634-1777.

- REQUEST an interpreter in advance of the hearing.**
 - If an interpreter is needed for a small claims hearing, complete the Interpreter Request/Cancellation Form (SDSC Form #ADM-348) as far in advance of the hearing as possible. The form can be brought to the business office during business hours or mailed to the court location noted on the paperwork. The court will try to schedule an interpreter for the date and time of the hearing at no cost, but cannot guarantee that one will be available. Failure to provide the court with adequate notice may result in the matter being continued.
- PUT TOGETHER and ORGANIZE all documents that will be used as exhibits for the case.**
 - Trial exhibits must be exchanged with all parties named in the case at least 10 days prior to the scheduled trial date. Failure to exchange exhibits with all parties may result in the court not considering the items at the trial.
 - Trial exhibits may be submitted to the court by any of the following methods:
 - Electronically using the Exhibit Upload Application. For more information on how to submit exhibits electronically, visit the court’s website at www.sdcourt.ca.gov; click on Online Services, Appearing for Hearings, and then Small Claims Hearings.

NOTE: When submitting exhibits via the Exhibit Upload Application, attachments are restricted to 20 MB. If the file is larger than 20 MB, hard copies must be sent via U.S. Mail to the court. Exhibits submitted via the Exhibit Upload Application **MUST** be in the format listed below. Exhibits submitted in any other format **WILL NOT** be accepted.

Exhibit Type	Format
Text	.txt (ASCII characters only)
PDF	.pdf
Word	.doc, .docx
Image	.png, .jpg, .jpeg
Video	.mp4

- By U.S. mail addressed to the court location at which the case is assigned. Include a cover sheet with your name, the case number, case name, and hearing date. Include a self-addressed, stamped envelope large enough to return the exhibits.
- By depositing the exhibits in the Central Small Claims Business Office drop box. Include a cover sheet with your name, the case number, case name, and hearing date. Include a self-addressed, stamped envelope large enough to return the exhibits.
- Trial exhibits may be brought to court if appearing at the trial in-person.

- Exhibits that are submitted electronically, by mail, or by drop box, must be submitted to the court **at least 10 days before the scheduled trial date. DO NOT SEND ORIGINAL DOCUMENTS. Exhibits will not be returned. Exhibits submitted less than 10 days before the trial may result in the judicial officer not considering the items.**

Note: Exhibits should not be submitted at the time of filing a new claim. Exhibits received without a trial date having been scheduled will not be accepted. The court will only accept exhibits for cases that have a trial date scheduled.

- Pursuant to SDSC Local Rule 2.5.6, "...Exhibits must be legible and complete, and not require use of another resource to hear or view the exhibit." The following are specifically prohibited and ARE NOT ALLOWED for exhibit submission:
 - Compact Discs (CDs)
 - Digital Video Discs (DVDs)
 - Other types of digital storage devices
 - USB flash drive (thumb drive)
 - External file-sharing links such as Google Drive.
- If any exhibit is more than one page, each page must be numbered in sequential order, e.g., 1, 2, 3, and so forth.

PREPARING for a remote appearance.

- Prior to the date of the hearing, download the free Microsoft Teams App on a mobile device or computer. Refer to the Instructions on appearing remotely or by telephone section below for additional information.
- Parties may also appear by telephone for a remote hearing. Refer to the Instructions on appearing remotely or by telephone section below for additional information.

GATHER any witnesses needed for the case.

- Whether proceeding in-person or remotely, make sure the witnesses are informed on how to appear. Witnesses should be aware of the hearing date and time. If appearing remotely, ensure that witnesses will appear through the Microsoft Teams App for the hearing.
 - Prior to the date of the hearing, make sure the witnesses download the free Microsoft Teams App on a mobile device or computer. Refer to the Instructions on appearing remotely or by telephone section below for additional information.
- Witnesses may appear by telephone for a remote hearing. Refer to the Instructions on appearing remotely or by telephone section below for additional information.
- For information regarding the subpoena process, contact the Small Claims Advisor at (858) 634-1777.

INSTRUCTIONS on appearing remotely or by telephone.

- Instructions on appearing remotely or by telephone may be found on the court's website at www.sdcourt.ca.gov, click on Online Services, Appearing for Hearings, and then Small Claims Hearings.

If you are UNABLE TO ATTEND the hearing date due to an emergency.

- Review the Authorization to Appear (JC Form #SC-109) to see who is eligible to appear on your behalf. This form may be found on the court's website at www.sdcourt.ca.gov.

ON THE DAY OF THE SMALL CLAIMS TRIAL:

If appearing remotely or by telephone, connect to the San Diego Superior Court department listed on the Plaintiff's Claim and Order to Go to Small Claims or Notice of Hearing (JC Form #SC-100) or Plaintiff's Claim and Order to Go to Small Claims Court (COVID-19 Rental Debt) (JC Form #SC-500).

Refer to the Instructions on appearing remotely or by telephone section above for additional information.

- Check-in with the courtroom clerk or designated staff 30 minutes before the hearing. Follow all directions provided by the clerk.
- An opportunity to mediate the case prior to trial may be available. For additional information, see Mediation Information for Small Claims Parties form (SDSC Form #SC-063) or visit the court's website www.sdcourt.ca.gov, and click on Divisions, Civil, Small Claims, and then Small Claims Mediation Services.
- Have exhibits organized and ready to present to the court. These are the same exhibits sent to the court and the other parties in preparation for the trial.
- Additional department requirements or information may be provided by the courtroom clerk or designated staff on the day of trial. Follow all directions provided.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SMALL CLAIMS COURT TO-DO / REFERENCE LIST

This document provides information to assist small claims litigants prepare for trial.

1. Have your **claim served**. (See Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances (SDSC Form # SC-064) for additional information.)
2. File **proof of service** of your claim, do not use the Exhibit Upload Application, in the court's business office at least **five days** before trial. (See Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances (SDSC Form # SC-064) for additional information.)
3. Request an **interpreter**, if needed, as early as possible before trial. (See Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances (SDSC Form #SC-064) for additional information.)
4. Gather and **organize all exhibits** you want to show the judge. Tab exhibits using numbers (1,2,3) and or letters (A, B, C) and number pages. (See Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances (SDSC Form #SC-064) for additional information.)
5. Submit (mail, deliver, or upload) copies of your exhibits to the court at least **10 days before trial**. (See Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances (SDSC Form #SC-064) for additional information.)
6. **Send copies** of your **exhibits** to the opposing party at least **10 days** before trial. (See Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances (SDSC Form #SC-064) for additional information.)
7. Consider attending mediation before the trial. (See Mediation Information for Small Claims Parties (SDSC Form #SC-063) for additional information.)

NOTE: For additional information refer to the following:

- **Pre-Trial Checklist – Small Claims Trials Remote and In-Person Appearances** (SDSC Form #SC-064)
- **Mediation Information for Small Claims Parties** (SDSC Form #SC-063)
- **Court's Website** - www.sdcourt.ca.gov
- **Small Claims Legal Advisor** – (858) 634-1777