

GUIDE TO SMALL CLAIMS ACTIONS

1. If you wish to file an action for the recovery of money not exceeding \$3,000, exclusive of interest and costs, you may complete the Complaint and Summons forms available at the Clerk of Court's Office and pay the \$15 filing fee plus a service fee (dependent on the State where defendant resides) for each Summons. The Marshals will serve a copy of the Complaint and Summons on the defendant as well as your copy of the Complaint and Summons.
2. The original Complaint and Summons will then be forwarded to the designated Judge for review and setting of a hearing. The date and time of the hearing along with the courtroom number where the hearing will be held will be noted on the Summons.
3. If the defendant wishes to file a Counterclaim against the plaintiff, he or she may do so within 15 days of service of the Complaint. The Counterclaim form is available at the Clerk of Court's Office. There will be a \$15 filing fee plus a service fee for each Summons (dependent on the State where the plaintiff resides).
4. On the scheduled date and time of the hearing, parties should be outside the courtroom where the hearing will be held and wait for instructions from the clerk and/or the bailiff. Parties must have with them all the written evidence they wish the Judge to consider and any witnesses they intend to call to support their case when the hearing begins. If plaintiff does not show up for the hearing as scheduled, the Judge will enter judgment for the defendant. If the defendant does not show up for the hearing, the Judge may enter judgment for the plaintiff or may require plaintiff to present evidence to prove his or her claim, and if such evidence is provided, the Judge will enter judgment for the plaintiff.
5. During the hearing, the Judge will allow both parties an opportunity to present their side of the case. At the conclusion of the hearing, the Judge will inform both sides of his or her decision or issue a written decision within 20 days of the hearing.
6. Either party may appeal the Judge's decision and judgment to the Appellate Division of the Supreme Court by filing a notice of appeal within 30 days of service of the judgment. The appeal will be subject to the ROP Rules of Appellate Procedures.
7. **IT IS THE PARTY'S OBLIGATION TO COLLECT ANY MONETARY JUDGMENT FROM OPPOSING PARTY.** The Court will not make any attempts to collect judgment on behalf of the parties.
8. However, if the prevailing party has attempted to collect the judgment from opposing party but has been unable to obtain payment, the prevailing party can fill out a form at the

Clerk of Court's Office that requests the Court's help in collecting the judgment. Once the request is forwarded to the designated Judge, a date and time for a hearing will be scheduled at which both parties must appear. If there is no previous order by the Court regarding how the judgment will be paid, then the Court will hear from both parties and determine the quickest way for the judgment to be paid off. If there is already an order entered regarding how the judgment is to be paid, then the Court will hear from both parties and the party to whom the judgment is against must show the Court why the Court should not find him or her in contempt of court for not following the Court's order.

9. If, at any time prior to the entry of a judgment by the Court, the parties reach an agreement settling the case, they may fill out either a Settlement form or a Notice of Dismissal form at the Clerk of Court's Office, and file it with the Court.