

## Can You Settle?

You may be able to settle your case after you file your claim with the court and before your conference or hearing is set.

**If you settle, do NOT dismiss your case or sign a release until you have been paid the agreed amount in full.**

Once you get your money, let the court know you have settled.

## How Do You Collect?

If you win and the court grants a judgment in your favor, ordering the defendant to pay you money, then you can ask the court to garnish their wages, attach their bank account if you know where they bank, or put a judgment lien against any real estate they own. Ask the court to help you with the paperwork.

Questions? Visit an upcoming Legal Aid brief advice clinic. See dates and locations at [www.lasclev.org](http://www.lasclev.org) or text Legal Aid at 216.242.1544 with the message LAS CLINIC to learn the date and location of the next brief advice clinic.



The  
**Legal Aid Society**  
of Cleveland  
*Since 1905*

***This brochure was prepared by Legal Aid, which serves low-income residents of Ashtabula, Cuyahoga, Geauga, Lake and Lorain counties in Northeast Ohio.***

### **Intake Line for New Legal Cases**

Toll Free: 888.817.3777

### **Tenant Information Line**

Call for info related to tenants' rights and rental housing.  
(This line does not provide legal advice.)  
216.861.5955

**Learn more about Legal Aid and  
upcoming brief advice clinics:**

**[www.lasclev.org](http://www.lasclev.org)**

### **Legal Aid Offices:**

#### **Cleveland & Administrative Offices**

1223 West Sixth Street, Cleveland, OH 44113

#### **Elyria Office**

1530 West River Road, Suite 301, Elyria, Ohio 44035

#### **Jefferson Office**

121 East Walnut Street, Jefferson, OH 44047

#### **Painesville Office**

8 North State Street, Suite 300, Painesville, OH 44077

*If you have a communications limitation, contact Legal Aid through the Ohio Relay Service at 800.750.0750.* 

*Legal Aid offers interpretation and translation services so those with limited English proficiency can communicate with Legal Aid staff in their dominant and/or preferred language.*

*The information in this brochure cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.*



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# Taking Your Case To Small Claims Court



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[www.lasclev.org](http://www.lasclev.org)

## What Kinds of Cases Can Be Handled in Small Claims Court?

A case may be filed in small claims court when a person seeks money damages of \$6,000 or less. Claims of more than \$6,000 will be transferred to the municipal court's regular docket.

Examples of issues typically handled in small claims court include: unpaid wages, security deposit disputes, breaches of contract, defective products, damages in minor auto accidents, or damages to personal property.

A case is started when a person, the plaintiff, files a form with the court claiming another person or business owes them money. The person being sued for money is the defendant. If a defendant has claims against the plaintiff related to the same events at issue, the defendant can file a claim of their own, called a counterclaim.

## Where Do You File?

Claims may be filed in the community where the defendant (the person being sued) lives or operates their business, where the accident or event took place, or where the rental property is located.

Every municipal and county court in Ohio has a small claims division. To find the address and phone number for a municipal or county court, go to [www.ohiocourtlinks.org](http://www.ohiocourtlinks.org). Once you locate the court you think you should file in, call the court clerk to confirm that you have the right one.

## How Do You File?

In most courts, a person must fill out a form explaining the claim for money and identifying the defendant. You will need the name, home or business address, and telephone number of the defendant.

If you are suing a corporation, you must use its proper legal name. You may verify this with the Corporate Division of the Ohio Secretary of State at 877.767.3453. If you are suing a company that is not a corporation, you must sue an individual and then state the company name under which they are doing business. For example: John Brown d/b/a XYZ Company.

When filling out the form:

- Use clear language.
- Write or print clearly.
- Briefly explain why you think the defendant owes you money.
- Write the amount of money you are owed. Include interest and payment of all court costs.

You will file the form with the clerk of courts. You will also have to pay a filing fee to the clerk when you file. The fees vary from court to court, so look at the court's website or call ahead to know how much money to take with you when you file.

If you cannot afford to pay the filing fee, ask the clerk for a poverty affidavit form. The form lets you ask permission to file your case without paying the fee in advance, but you may still owe it. Complete the form, but do NOT sign it until you are before a notary. Once notarized, file it along with your claims at the clerk's office.

## How Do You Get Ready?

Ask yourself what it will take to convince the court you should get the money you claim is owed to you. Remember that the person who will decide your case knows nothing about what happened. You must have evidence to prove your claim. Evidence includes testimony by witnesses, documents, and pictures.

**Make copies of important documents.** These could be sales receipts, contracts, car titles, leases, rental agreements, warranties, promissory notes, IOUs, notes, letters, time cards, and anything else that you think supports your claim.

**Consider presenting visual evidence.** Photos and diagrams can help illustrate an event that happened or damages caused. If you present photos as evidence, be sure that each picture includes the date when it was taken.

**Ask people with first-hand knowledge to testify as witnesses.** If someone saw an event happen or knows about damages caused, they can be very helpful in proving your case. If they agree to appear in court, be sure to tell them the exact date, time, and place for the hearing.

**Organize your evidence into the order in which events took place.** This will help you tell a chronological story that the judge or magistrate will be able to follow more easily.