



## **Jackson County Circuit Court, Small Claims Court Defendant Information**

The Small Claims Court was established to help people handle claims of \$5000 or less with or without an attorney. The following is important information for Defendants/Counterclaimants:

### **1. IF YOU ARE BEING SUED**

If you have been served with a summons or received a notice in the mail that you are being sued, **DO NOT THROW IT AWAY. KEEP IT AND BRING IT TO COURT.** If you do not appear on the day and time stated in the summons, **A JUDGMENT MAY BE TAKEN AGAINST YOU.**

If you do not agree that you owe the money, prepare to go to court and give the judge your side of the facts. Bring with you all necessary papers and any witnesses you might need. If your witnesses do not want to come to court, you may ask the clerk to issue a subpoena to force the witnesses to appear. There will be a fee charged for the service of the subpoena. Practice your presentation before you come to court. If you feel that you need a lawyer, you may hire one on your case.

### **2. OUT-OF-COURT SETTLEMENTS**

If you and the plaintiff are able to settle the matter by yourselves, you should do so. If you do settle, the plaintiff must notify the clerk of the court promptly, in writing that the case has been resolved and should be dismissed.

### **3. HOW TO FILE A COUNTERCLAIM**

If you think that you have a claim against the person that sues you, the law gives you a right to countersue him. Some counterclaims must be filed with the court within ten days after you receive notice that the plaintiff has sued you, and others may be brought at anytime up to and including the time of hearing.

- a. If your claim does not arise out of the same transaction or occurrence as the plaintiff's claim, within ten days after you receive your summons, you should appear before the clerk and file your counterclaim on forms provided by the court.
- b. If your claim arose out of the same transaction or occurrence as the plaintiff's claim, you may appear before the clerk and file your counterclaim. This claim **MUST** be filed prior to the start of the plaintiff's case. If you fail to file the counterclaim prior to the start of the plaintiff's case, you may be barred from bringing your case before the court in this proceeding. You should file your counterclaim on forms provided by the court.

### **4. NEW TRIAL (TRIAL DE NOVO)**

If you think the judge's decision doesn't follow the law, you have only ten days to file a request for a new trial. The new trial forms may be obtained from the clerk. You may also need to file a bond to stop any collection activity on the case while your new trial is being handled. Please see the clerk for assistance.

### **5. FORMS**

Forms for Small Claims Court are located on the court's website, [www.16thcircuit.org](http://www.16thcircuit.org).