

# How to File a Defendant's Claim

(Use for cases started either with an SC-100 or SC-500)

Step 1	<p><b>Complete the following forms</b> in blue or black ink:</p> <p><input checked="" type="checkbox"/> SC-120 Defendant's Claim and Order to Go to Small Claims Court <input type="checkbox"/> SC-120A Other Plaintiffs or Defendants (<i>if necessary</i>) <input type="checkbox"/> SC-103 Fictitious Business Name (<i>if you do business under a name that is not your own</i>)</p>
Step 2	<p><b>Copies:</b> Make enough copies for each plaintiff and one for you, in addition to the original.</p>
Step 3	<p><b>File:</b> Turn in the original and copies of the forms to: <b>191 North First Street, San Jose, CA 95113</b> The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-882-2100</b> for current office hours.</p> <p><input type="checkbox"/> <b>If you are not asking for a fee waiver</b>, you will pay the filing fee and get copies back with a file-stamp and a case number.</p> <p><input type="checkbox"/> <b>If you are asking for a fee waiver</b>, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
Step 4	<p><b>Service:</b> After the filed copies are returned to you:</p> <p><b>Keep</b> for your records—1 filed copy</p> <p><b>Serve:</b> You have three options for serving the plaintiff a filed copy of your forms:</p> <ol style="list-style-type: none"><li>1. <b>Personal Service:</b> This means that someone over 18, <b>NOT YOU</b> or anyone named in the case, must <b>personally hand</b> a filed copy of your forms to the plaintiff. The plaintiff <b>does not</b> need to sign anything saying they got your paperwork.</li><li>2. <b>Substitute Service:</b> Substitute service can be done by someone over 18, <b>NOT YOU</b> or anyone named in the case at one of two locations:<ul style="list-style-type: none"><li>▪ <b>Home:</b> The server can <b>personally hand</b> the forms to someone over 18 who lives at the plaintiff's address and is told what the papers are about <u>and</u> then the server must <b>mail</b> a copy of the forms to the plaintiff at that same address.</li><li>▪ <b>Work:</b> The server can <b>personally hand</b> the forms to someone over 18 who appears to be in charge at the plaintiff's business address <u>and</u> then the server must <b>mail</b> a copy of the forms to the plaintiff at that same address.</li></ul></li><li>3. <b>Certified Mail Service:</b> For a fee, the court clerk will serve your claim by certified mail. <u>This type of service can only be done through the court.</u> The certified mail service only works if the plaintiff signs the certification and sends it back. Many plaintiffs will not sign the certification so this type of service often does not work.</li></ol> <p><b>Time for Service:</b></p> <ul style="list-style-type: none"><li>• If you were served a copy of the Plaintiff's Claim <b>more than 10 days</b> before the hearing date, you must serve a file-stamped copy of SC-120 on the plaintiff at least <b>5 days</b> before the hearing date.</li><li>• If you were served a copy of the Plaintiff's Claim <b>10 days or less</b> before the court date, you must serve a file-stamped copy of SC-120 on the plaintiff at least <b>1 days</b> before the hearing date.</li><li>• <u>Certified Mail:</u> Add 5 days to the service deadlines</li><li>• <u>Substituted Service:</u> Add 10 days from the date of mailing to the service deadlines</li></ul>
Step 5	<p><b>After service:</b> If your forms are served either by personal or substitute service, your server will fill out form SC-104 <i>Proof of Service</i>. You are responsible for filing the original <i>Proof of Service</i> form with the court clerk at least <b>5 calendar days before the court hearing</b>.</p>
Step 6	<p><b>Go to your court date.</b></p>

## **WHO DO I SUE AND SERVE?**

In a Defendant's Claim, you may only sue the plaintiffs listed on the Plaintiff's Claim. If you wish to sue additional people, you will need to file a Plaintiff's Claim instead. In this case, you should let the Clerk's Office know there is a related case already on calendar. The court may want to schedule both cases together.

## **WHERE SHOULD I SUE?**

You will need to sue in the same location as the Plaintiff's Claim. In Santa Clara County, small claims cases are filed at:

**San Jose Courthouse**

191 N. First St.  
San Jose, CA 95113  
(408-882-2100)(Option 2 then Option 7 from menu)

## **WHAT SHOULD I BRING TO MY COURT DATE?**

You should bring one copy of the documents which help to prove your case. Additionally:

- If your case involves:
  - a motor vehicle accident, bring proof of ownership of the vehicle (DMV registration or title).
  - a landlord-tenant issue, (ex. security deposit or back rent owed), bring a copy of the written lease agreement.
  - a business dispute, bring a copy of your contract.
- If you have any witnesses, they should attend the court hearing. It is unlikely the Judge will accept a written statement as evidence.

## **WHAT SHOULD I EXPECT ON MY COURT DATE?**

After the deputy does roll-call and the Judge explains the process, you will be sent outside to talk to the other party and try to settle. You will also have to exchange any evidence you wish to present to the Judge. If you are not able to settle, you will have an informal hearing in front of the Judge. The Judge may give you the decision while you are in court or the Judge may decide after the hearing and mail the decision to both parties. If you still have questions, talk to an attorney for legal advice. You must know the Court's local rules. They are available on the court's website at [www.scscourt.org](http://www.scscourt.org).

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

Santa Clara County  
Self-Help website

[www.courts.ca.gov](http://www.courts.ca.gov)

State of California  
Self-Help website

# BLANKS

Defendant's Claim

Please complete the following forms in blue ink (if possible).

Use the **SAMPLE** to fill this packet out. It will explain what you need to fill out.



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  
Santa Clara  
191 N. First Street  
San Jose, CA 95113  
Civil Division**

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.)**Hearing 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 form SC-100-INFO at any courthouse or county law library, or go to: [courts.ca.gov/rules-forms/find-your-court-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.

Defendant (list names):

Case Number:

**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.

**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 [courts.ca.gov/rules-forms/find-your-court-forms](http://courts.ca.gov/rules-forms/find-your-court-forms) for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civ. Code, § 54.8.)



### Need help?

Your county's Small Claims Advisor can help for free.  
[Space for local info]

**Santa Clara County Small Claims Advisor**

Go to [www.scscourt.org](http://www.scscourt.org), click "Small Claims Help"

Or visit [selfhelp.courts.ca.gov/small-claims-advisor](http://selfhelp.courts.ca.gov/small-claims-advisor).



# Proof of Service

Defendant's Claim



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

Fill in court name and street address:

Superior Court of California, County of  
Santa Clara  
191 N. First Street  
San Jose, CA 95113  
Civil Division

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

Case Number:

Case Name:

Hearing Date:

Time:

Dept.:

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

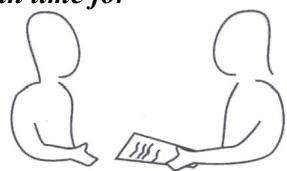
- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers, *in time for the form to be filed with the court at least 5 days before the hearing*.

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): \_\_\_\_\_



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

This form is attached to Form SC-104. Use this form ONLY if you mailed the documents in **①** and someone else personally gave them to the person, business, or public entity served.

### Notice to Server

You must:

- Be at least 18 and **not listed in this lawsuit**.
- Fill out **①** - **⑥** of this form and attach it to Form SC-104.

#### 1 Documents served by mail:

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

#### 2 Name and address of the person, business, or public entity served:

a. If you served a **person**, write the person's name and address below:

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

Business or Public Entity Name	Person Authorized for Service	Job Title
Address: _____ Street _____	City _____	State _____ Zip _____

**3** I put copies of the documents listed in **①** above in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person, business, or public entity listed in **②** and mailed the envelope by leaving it at (check one) :

- a.  A U.S. Postal Service mail drop or
- b.  An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

**4** I mailed the envelope:

a. On (date) : \_\_\_\_\_ b. From (city, state) : \_\_\_\_\_

**5** My address is: \_\_\_\_\_

**6** I declare, under penalty of perjury under California State law, that the information above is true and correct.

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

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

► \_\_\_\_\_  
 Server signs here after mailing



# **SAMPLE**

Defendant's Claim

Use this packet to fill out  
your "BLANK" forms.

Do not file or write in this packet.



**Notice** Note: This form can only be filed by a defendant against a plaintiff. You cannot include any parties who are not listed on the plaintiff's SC-100 or SC-500. If you believe there should be additional plaintiffs or defendants, then you will need to file a Plaintiff's Claim instead. You should let the court know about the related case that was filed against you.

**Aviso a**

- 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.

Clerk stamps date here when form is filed.

**SAMPLE  
ONLY  
Do not write  
on this copy!**

Fill in court name and street address:

Superior Court of California, County of  
Santa Clara  
191 N. First Street  
San Jose, CA 95113  
Civil Division

Fill in case number and case name:

Case Number:

Court Case Number

Case Name:

Petitioner's name v. Your Name

**Order to Go to Court**

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

Hearing Date	Date	Time	Department	N	1	11	C	1	C	1	C
2	LEAVE BLANK										
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 form SC-100-INFO at any courthouse or county law library, or go to: [courts.ca.gov/rules-forms/find-your-court-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.

Defendant (list names):

Your Name(s)

Case Number:

Court Case Number

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

Name: **Full Name of Plaintiff you are suing**

Ph **Phone # of Plaintiff**

Street address: **Address of Person/Business you are suing**

State **Zip**

Mail **Mailing Address of Plaintiff you are suing, if different from street address.**

If more than one plaintiff, list next plaintiff here:

Name: **Use this space if you are suing more than one Plaintiff**

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

Street

Street

City

State

Zip

M If there are more than 2 Plaintiffs, check this box then complete and attach form SC-100A

Check here if more than 2 plaintiffs and attach form SC-120A.

Complete if applicable

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: **Your Name or Business Name if claim is being filed by a business**

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

Street address: **Your Street Address**

Street

City

State

Zip

Mailing address (if different) **Your Mailing Address, if different from street address above**

Street

City

State

Zip

If more than one defendant, list next defendant here:

Name:

**Use this space if more than one Defendant is suing (remember, they must have been included on the SC-100 or SC-500 to be listed here)**

Mailing address (if different):

Street

City

State

Zip

Check here If you are doing business under a name that is not your own, fill out and attach form SC-103.

Check here You also need to list Defendant's name in item 2 as "Your Name dba Business Name".

3 The Defendant claims the Plaintiff owes \$

Total Amount owed to you, not including court costs and process serving fees

a. Why does the plaintiff owe the defendant money?

**Briefly explain why the Plaintiff owes you money.**

**Date or range of dates**

**when the action took place**

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.)

**Briefly explain how you calculated the amount owed to you.**

Check here  
the top.

You may attach one additional page if you need more room to answer any of the questions in item 3.

Defendant (list names):

Your Name(s)

Case Number:

Court Case Number

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

Check one

5 Is your claim about an attorney-client fee dispute?  Yes  No

Check one

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

Check one. If "Yes", write the date you filed your administrative claim.

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

Check one

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: **Today's Date**

**Print Your Name**

**Sign Your Name**

Defendant types or prints name here

Defendant signs here

Date: **If there is a second defendant, they will date, print and sign their name here.**

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 [courts.ca.gov/rules-forms/find-your-court-forms](http://courts.ca.gov/rules-forms/find-your-court-forms) for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civ. Code, § 54.8.)



### Need help?

Your county's Small Claims Advisor can help for free.  
[Space for local info]

Or visit [selfhelp.courts.ca.gov/small-claims-advisor](http://selfhelp.courts.ca.gov/small-claims-advisor).



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:

If you are suing an individual write their name here.

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.

If you are suing a business/entity write the name here and write the name of the person who need to be served here.

Person Authorized for Service

Job Title

Clerk stamps date here when form is filed.

**SAMPLE  
ONLY  
Do not write  
on this copy!**

Fill in court name and street address:

**Fill in the County Name and Court Address**

**For Santa Clara County use: 191 N. First Street, San Jose, CA 95113**

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

**Your Case Number**

**Plaintiff's Last Name or Business Name v. Defendant's Last Name or Business Name**

**Hearing Date:**

**Court Date  
Time and Dept. #**

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): \_\_\_\_\_



Case name: Plaintiff's Last Name or Business Name v.  
Defendant's Last Name or Business Name

Your Case Number

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

a.  Person If the forms were handed directly to the person you are suing, complete item 4a. in (3) to the Plaintiff Date and time forms were handed to the Plaintiff  
On (\_\_\_\_\_) a.m.  
At this address: Address where Plaintiff was handed the forms  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
b.  Substitute If the forms were given to someone other than the Plaintiff, complete item 4b (check one):  
 A competent adult (at least 18) at the home of, and living with the person in (1), or  
 An adult 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): Date and time forms were handed to the person at the place noted above

At this address: Address where the forms were delivered  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Write the name and/or description of the person who was handed the forms

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): Date a copy of the forms was mailed to the address listed above and city where the mailing took place  
by leaving it (check one):

a.  At a U.S. Postal Service mail drop, or  
b.  At an office or busi Check the one that applies 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 Information

Name: Name of person who served the forms and their phone number

Address: Server's Street Address

City: City, State and Zip Code

Fee for s

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 server signed the form

Date:

Server's Name

Type or print server's name

Server's Signature

Server signs here after serving