



Small Claims Temporary Judge Checklist
All Calendars, General

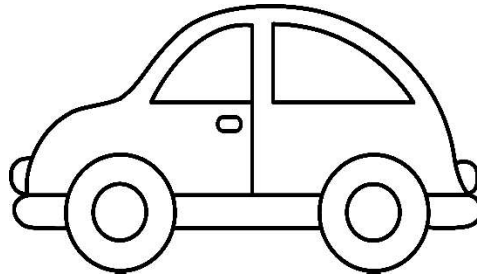
The following are items that apply to all Small Claims matters being heard by Temporary Judges. The list includes procedural issues that may be relevant, other issues may also be applicable to a specific claim.

1. Any Disqualification or disclosure required?
(ethics issues & requirements)
2. Jurisdictional amount issues?
Various statutory limits applicable. CCP §§116.231,220, 221
3. Venue Issues? / Make a finding regarding Venue.
CCP §116.370
4. Service Issues? / Make a finding regarding service.
CCP §116.340
5. Proper Party Issues? Minors, DMV registered owner, property manager,
CCP §116.420, active plaintiff corporation → <https://businesssearch.sos.ca.gov/>
6. Any Fictitious Business Name Issues? CCP §§116.430, 116.560
For this county → <http://scccroselfservice.org/web/>
7. Related Cases? (on the same calendar, on a different calendar, previously heard, related Civil, related Criminal)
8. Interpreter Needs? Ask clerk to contact interpreter office.
9. Any ADA requests filed and orders made?
10. Any Defendant's Claim? Any service issue, any jurisdictional amount issue?
CCP §116.360
11. Any Statute of Limitations issue? CCP §312 et seq.
12. Stipulation to Temporary Judge
13. Any requests filed late? Ask clerk, check Odyssey.



Small Claims Temporary Judge Checklist
Landlord/Tenant

1. Residential or Non-residential?
2. Proper parties? (Same as named in the rental agreement?)
3. Lease for specific time period or month to month?
4. Written lease?
5. Any UD?
6. Security Deposit issue, residential: CCP §1950.5
(Itemization provided, notice of right to request initial inspection (f)(l), bad faith (l))
7. Security Deposit issue, non-residential: CCP §1950.7
8. Any local rent control ordinances apply?



Small Claims Temporary Judge Checklist

Motor Vehicle Collisions

The following are factors that apply to most motor vehicle collision Small Claims matters.

1. Proper Plaintiff? Driver? Owner? Passenger?

What damages are being sought?

If damage to vehicle → DMV registration

If P&S → Proof of insurance

2. Proper Defendant? Driver? Owner?

3. Negligence?

4. Comparative Negligence?

5. Is Defendant a public entity?

If so the Plaintiff must first file the claim with the public entity. Govt. C §945.4.

If the claim is denied, case must be commenced within 6 months of the notice of denial.
Govt. C §945.6(a)(1).

If the claim is deemed denied by the public entity's inaction (see Govt. C §912.4(c)), the case must be commenced within 2 years from when the cause of action accrued. Govt. C §945.6(a)(2).

6. **Judgment:** make a finding that "Box 10" on the judgment form should be marked by the clerk, if applicable. Determine whether the judgment resulted from a motor vehicle accident occurring on a California highway caused by the judgment debtor's operation of a motor vehicle. CCP §116.880(a)