SAMPLES

How to Start a Small Claims Case (for COVID-19 Rental Debt)

Rev. 1/1/2024

Use the samples to help you complete the packet of blank forms.

SC-500

Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt)

THIS IS AN ACTION TO RECOVER COVID-19 RENTAL DEBT AS DEFINED UNDER CODE OF CIVIL PROCEDURE, § 1179.02. ACCESS TO RECORDS IN THIS CASE IS LIMITED UNDER CODE OF CIVIL PROCEDURE, § 1161.2.5.

Notice to the person being sued:

- You are the defendant if your name is listed in **2** of this form or on form <u>SC-500A</u>. The person suing you is the plaintiff, listed in **1** .
- You and the plaintiff 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. (Note: This small claims case cannot result in your eviction.) Bring witnesses, receipts, and any other 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, and read <u>SC-500-INFO</u>, <u>COVID-19 Rental Debt in Small Claims Court</u> for more information, at <u>www.courts.ca.gov/forms</u>.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-500A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo. (Nota: Este caso de reclamos menores no puede resultar en un desalojo.) 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, y lea SC-500-INFO, La deuda de alquiler del COVID-19 en la corte de reclamos menores para más información, en www.courts.ca.gov/forms.
 Order to Go to Court

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

Trial Date Time Department Name and address of court, if different from above LEAVE THIS SECTION BLANK 3. LEAVE BLANK Clerk, by LEAVE BLANK , Deputy

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- **Before** you fill out this form, read forms <u>SC-500-INFO</u> and <u>SC-100-INFO</u> to know your rights. Get the forms at any courthouse or county law library, or go to <u>www.courts.ca.gov/forms</u>.
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the 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. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. See forms <u>SC-104B</u>.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

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

Court fills in case number when form is filed.

| Case Number: |
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| Leave blank |
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| Plaintiff's Last Name or Business |
| Name v. Defendant's Last Name |

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| The plaintiff (the person, business, or public entity that is suing) is: Name: Street add | intiff (list names): | Case | Number: | |
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| The plaintiff claims the defendant owes \$ (unpaid rent or other financial obligations of a tenant that) September 30, 2021). (Code Civ. Proc., § 1179.02.) (Explain a. Rent. List all rent you claim defendant owes that came due 2021. For each month you claim rent is due, include each an | List the total amount of COVID-19 rental debt owed by the defendant for |
| Here you need to provide specific details about which rent was fully or partially unpaid, the a Ex. March 2020, \$1,500 owed, due on 3/5/2020 | mount owed and when it was due. |
| b. Other amounts of COVID-19 rental debt. List all unpaid agreement (other than rent) that you claim defendant owes each month you claim other financial obligations are due, in was for (for example, parking fees or utilities included as particularly and the control of the con | and that came due during the period in (a) above. Finclude each amount, the date it came due, and what |
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| Read item 10, both statements must be tr | ue. |
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| 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. For these and other accommodations, contact the clerk's office for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

SC-500

Information for the defendant (the person being sued)

"Small claims court" is a special court where generally only claims for \$12,500 or less are decided. This limitation has been lifted for cases for recovery of COVID-19 rental debt.* The process is quick and cheap. The rules are simple and informal. You are the defendant—the person being sued. The person who is suing you is the plaintiff.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? Read form SC-500-INFO, COVID-19 Rental Debt in Small Claims Court. You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

Where can I get the court forms I need? Go to any courthouse or your county law library, or get forms at www.courts.ca.gov/forms.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, *Disability Accommodation Request*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300, Request for Interpreter (Civil), or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form <u>SC-140, Notice of Appeal</u>. You
 must file within 30 days after the clerk hands or mails you the
 judge's decision (judgment) on form <u>SC-200</u> or form <u>SC-130,
 Notice of Entry of Judgment</u>.
- If you were not at the trial, fill out and file form <u>SC-135</u>, <u>Notice of Motion to Vacate Judgment and Declaration</u>, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form <u>SC-140</u>.

For more information on appeals, see <u>www.courts.ca.gov/smallclaims/appeals.</u>

Do I have options? Yes. If you are being sued, you can:

Settle your case before the trial. If you and the
plaintiff agree on how to settle the case before the trial, the
plaintiff must file form <u>CIV-110</u>, <u>Request for Dismissal</u> or a
written and signed settlement agreement with the clerk. Ask the
Small Claims Advisor for help.

- Prove this is the wrong court. Send a letter to the court
 before your trial explaining why you think this is the wrong court.
 Ask the court to dismiss the claim. You must serve (give) a copy
 of your letter (by mail or in person) to all parties. (Your letter to
 the court must say you have done so.)
- Go to the trial and try to win your case. Bring
 witnesses, receipts, and any evidence you need to prove your
 case. To have the court order a witness to go to the trial, fill out
 form <u>SC-107</u>, <u>Small Claims Subpoena and Declaration</u> and have
 it served on the witness.
- Sue the person who is suing you. If you have a claim against the plaintiff, and the claim is for \$12,500 or less, you may file Defendant's Claim and ORDER to Go to Small Claims Court (form SC-120) and bring the claim in this action. If your claim is for more than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court,"
- Agree with the plaintiff's claim and pay the money. Or, if you can't pay the money now, go to your trial and say you want to make payments.
- Let the case "default." If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment. (But not your rental unit; this is not an eviction case.)

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form <u>SC-150</u> (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



*Limits do not apply in an action to recover COVID-19 rental debt, which is unpaid rent or other financial obligations of a tenant that are due between March 1, 2020, and Sept. 30, 2021. (See Code Civ. Proc., §§ 116.223 & 1179.02.) Read SC-500-INFO, COVID-19 Rental Debt in Small Claims Court.

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Información para el demandado (la persona demandada)

La "Corte de reclamos menores" es una corte especial donde generalmente se deciden casos por \$12,500 o menos. Se suspendió este límite para acciones para reclamar una deuda de alquiler del COVID-19.* El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? Lea el formulario SC-500-INFO, La deuda de alquiler del COVID-19 en la corte de reclamos menores. No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio los testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparese.

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, puede llenar el formulario MC-410, Solicitud de modificaciones para discapacidad. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, Aviso de apelación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, Aviso de publicación del fallo (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

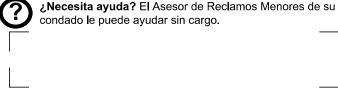
Resolver su caso antes del juicio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 Solicitud de desestimación (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, Citatorio de reclamos menores (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, Reclamo del demandado (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos iuntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- No ir al juicio y aceptar el fallo por falta de comparecencia. Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo. (Pero no su hogar alquilado; esto no es un caso de desalojo.)

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (o 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



O visite www.courts.ca.gov/reclamosmenores/asesores.

*Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19, que se define como alquiler u otras obligaciones financieras impagas de un inquilino que vencieron entre el 1 de marzo de 2020 y el 30 de septiembre de 2021. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02.) Lea el formulario SC-500-INFO, La deuda de alquiler del COVID-19 en la corte de reclamos menores.

Proof of Service

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)

Defendant's name

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

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 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:

Case Number Plaintiff's Last Name or Business Name v. Defendant's Last Name Hearing Date: Hearing date, time and deptartment

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. 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/FI-125 Application and Order for Appearance and Framination
- d. Other (specify): SC-500 (if you completed form SC-500A or SC-103, add the form numbers here.)



| Case name: | Plaintiff's Last Name or Business Name v. Defendant's Last Name | | Case Number |
|------------------------|--|------------|---|
| 4 Fill ou | ut "a" or "b" below: | | |
| | At this address: City: Tersonal Service: I person on (date): If the forms were handed to in person, your server will man fill in this section. Then skip to server will man on the section of the sect | ırk b | oox "a" and p.m. |
| I tol I dio At t | If the forms were handed to an home or place of business, you and fill in this section. They also same address. Id that adult, "Please give these court papers to (name of person in this address: Fill in the date, time and address of the this address: | nee | erver will mark box "b" ed to mail a copy to the vate in 1. |
| - | y: | the | home or business? |
| | er serving the court papers, I put copies of the documents listed in | | |
| left I ma | put first-class prepaid posta the copies. ailed the envelope on (date) eaving it (check one): At a U.S. Postal Ser U.S. Postal Service With someone else I With someone else I Date copy of forms were mailed to defendant (city, state) | ⊬ <u>w</u> | and deposited with the |
| • | completed Form SC-104A. | | |
| 5 Serve | r's Information | | |
| If you a | Name and contact information of the third party served the forms to the defendant. If they charted they will list it here as well. The aregistered process server: To fregistration: Registration | rged | d a fee, _{zip:} |
| 6 I declar case an | re under penalty of perjury under California state law that I am at d that the information above is true and correct. | least | 18 years old and not named in this |
| Date: | Date server signs | | |
| _ | er's name Server's signs he Server signs he | | |