

Instructions For Filing The Plaintiff's Claim Forms

Who Needs To Sign

In filing a small claims lawsuit, certain plaintiffs **MUST** sign the Plaintiff's Claim.

Below is a list of guidelines to help you determine which plaintiff(s) must sign the form.

- If there is only one plaintiff designated as an Individual, then he or she must sign.
- Each Individual plaintiff must sign. If the plaintiffs include a husband and wife, then only one needs to sign.
- For Minors, all minors and their guardian ad litem must sign.
- For each plaintiff that is an Association, one employee from each association must sign.
- For each plaintiff that is a Corporation, one employee from each corporation must sign.
- For each plaintiff that is an Other Entity, one employee from each entity must sign.
- For each plaintiff that is a Partnership, only one of the partners from each partnership must sign.
- If there is a plaintiff that is a Government Agency, then one employee from that agency must sign.

Filing Fee

If you have not filed more than 12 small claims lawsuits in the last 12 months and:

- Your filing claim is \$1,500 or less, the filing fee is \$30.00.
- Your filing claim is more than \$1,500, but less than or equal to \$5,000, the filing fee is \$50.00.
- Your filing claim is more than \$5,000, but less than or equal to \$7,500, the filing fee is \$75.00. **(Natural person only)**

If you have filed more than 12 small claims lawsuits (including this one) in the last 12 months, the filing fee is \$100.00

Fee Waiver – If you cannot afford to pay the filing fee you may request a waiver of fees. The fee waiver form is available at www.courtinfo.ca.gov – download the form, complete it, and include it with your small claims forms.

Attachments and Additional Forms

Guardian Ad Litem – If any of the plaintiffs is a minor, the clerk's office at the court will give you a form to ask the court to assign a guardian ad litem (someone who will file forms on behalf of the minor) for the minor.

Fictitious Business Name Declaration (SC-103) – Based on the type of plaintiff that you said you are (example, an Association), the program may have generated the Fictitious Business Name Declaration form (SC-103). If there is more than one plaintiff that may be a fictitious business, then the program generates a Declaration form for each one.

Attorney-Client Fee Dispute (SC-101) – If you indicated that your lawsuit is related to an attorney-client fee dispute, the program will generate this form for you. Please fill it out and take it to the Court with your other forms.

Proof of Service (SC-104) – Your server needs to complete this form (along with the **SC-104A, SC-104B, SC-104C** if applicable) only **AFTER** you have done the following:

- Filed your papers with the court, **AND**
- You have served the other party (see form SC-150 for information about serving the other party)

NOTE: You only need to fill out the **SC-104** forms if you are serving the party by personal service only

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Additional Plaintiffs and Defendants (SC-100A) – If the program generates this form, you **MUST** print it and include it with your filing. If there are many plaintiffs and/or defendants, the program may generate several copies of this form to list all the people involved. Be sure to print all copies of this form.

Additional Defendants in the Military (MC-025) – If the program generates this form, you **MUST** print it and include it with your filing.

What To Do Next

Your County's Website – Local Forms & Other Requirements – **AFTER** you have printed all your forms, check the local court's website where you plan to file your paperwork. The "Court Info" link (located at the top right-hand corner) in this program will show you the court's website address. There you can see if that court requires any local forms or has other requirements specific to that court. If the court has more than one courthouse, check their website to see where you should go to file your papers.

Making Copies – Before filing, you should make a photocopy of all your forms and attachments.