



SMALL CLAIMS COURT CHECKLIST for Plaintiff

1. Write a Demand Letter to the defendant (person who injured you/your property)

- a. Tell the defendant why you think they owe you money, and how much money is owed. Be sure to include: a demand for the money, a brief summary of what happened, copies of your proof – receipts, pictures, etc. –, a deadline for the defendant to respond (10-14 days), and a warning about taking legal action if they don't resolve the matter.
- b. Make and keep a copy, mail the original demand letter regular mail (certified to businesses).
- c. If situation cannot be settled, you may need to file suit in the appropriate small claims court.

2. Determine Your Legal Theory

- a. Why should defendant be held liable for your damages? (For example, Defendant's negligence, verbal obligation, written contract, conversion of property (theft), etc.)
- b. What are your monetary damages/injuries? Can you substantiate your injuries with receipts, estimates, witness statements, etc.?
- c. Translate your injuries into a dollar amount. (For example: "I incurred damages in the amount of \$2,500 in car repair bills for defendant's failure to stop at a red light.")

3. Find Your Defendant

- a. Get defendant's address and phone number.
- b. If a corporation, limited partnership (LP) or Limited Liability Company (LLC), check to see that you have the correct legal name and the name and address of the "Agent for Service of Process." An agent for service of process is the person or company who is responsible for receiving legal papers within the state of California. The California Secretary of State keeps a register of corporations, limited partnerships and limited liability companies. The easiest way to access this information is through the Internet: www.ss.ca.gov . If you don't have Internet access, you can request corporate information (correct legal name and "agent for service of process") from: California Secretary of State, Attn: IRC Unit, 1500-11th Street, Sacramento, CA 95814. Be sure to enclose a check/money order for \$4.00.
- c. If a sole proprietorship/partnership, then find the name of the owner(s). Contact the city, county business license offices and/or the County Recorder's Fictitious Business Name Statement office. In Alameda County, the County Recorder is located at 1106 Madison Street in Oakland. They do not answer questions about specific businesses over the

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Table of Contents Employment Law High Court Case Summaries High Court Case Summaries

1. Understanding the eBook Employment Law High Court Case Summaries High Court Case Summaries
 - The Rise of Digital Reading Employment Law High Court Case Summaries High Court Case Summaries
 - Advantages of eBooks Over Traditional Books
2. Identifying Employment Law High Court Case Summaries High Court Case Summaries
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Employment Law High Court Case Summaries High Court Case Summaries
 - User-Friendly Interface
4. Exploring eBook Recommendations from Employment Law High Court Case Summaries High Court Case Summaries
 - Personalized Recommendations

- Employment Law High Court Case Summaries High Court Case Summaries User Reviews and Ratings
- Employment Law High Court Case Summaries High Court Case Summaries and Bestseller Lists
- 5. Accessing Employment Law High Court Case Summaries High Court Case Summaries Free and Paid eBooks
 - Employment Law High Court Case Summaries High Court Case Summaries Public Domain eBooks
 - Employment Law High Court Case Summaries High Court Case Summaries eBook Subscription Services
 - Employment Law High Court Case Summaries High Court Case Summaries Budget-Friendly Options
- 6. Navigating Employment Law High Court Case Summaries High Court Case Summaries eBook Formats
 - ePub, PDF, MOBI, and More
 - Employment Law High Court Case Summaries High Court Case Summaries Compatibility with Devices
 - Employment Law High Court Case Summaries High Court Case Summaries Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Employment Law High Court Case Summaries High Court Case Summaries
 - Highlighting and Note-Taking Employment Law High Court Case Summaries High Court Case Summaries
 - Interactive Elements Employment Law High Court Case Summaries High Court Case Summaries
- 8. Staying Engaged with Employment Law High Court Case Summaries High Court Case Summaries
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Employment Law High Court Case Summaries High Court Case Summaries
- 9. Balancing eBooks and Physical Books Employment Law High Court Case Summaries High Court Case Summaries
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Employment Law High Court Case Summaries High Court Case Summaries
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Employment Law High Court Case Summaries High Court Case Summaries
 - Setting Reading Goals Employment Law High Court Case Summaries High Court Case Summaries
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Employment Law High Court Case Summaries High Court Case Summaries

- Fact-Checking eBook Content of Employment Law High Court Case Summaries High Court Case Summaries
- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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