



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

Employment Law High Court Case Summaries High Court Case Summaries

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