KING COUNTY SMALL CLAIM
INFORMATION FOR THE PARTIES
AUGUST 2019

Disclaimer

This brochure is intended to be a general statement of small claims procedure. For more detailed information, please consult applicable provisions of the Revised Code of Washington (RCW) Chapters 3.66, 4.16, 4.28, 12.40, 59.18, and applicable provisions in the Civil Rules for Courts of Limited Jurisdiction, Rule 5 (CRLJ 5). RCWs and court rules can be found at libraries and the following websites: www.leg.wa.gov (for RCWs) and www.courts.wa.gov (for court rules). Court contact information can be found at www.courts.wa.gov. Small claim forms are located on the King County District Court website: http://www.kingcounty.gov/courts/district-court/small-claims.aspx

Who Can Sue And Be Sued?

Any human being may bring a small claims suit for *recovery of money only* for an amount up to $10,000. Any business, partnership, or corporation (with a couple of exceptions) may bring a small claims suit for *recovery of money only* for an amount up to $5,000. Only the person who is owed the money can file the small claim case. You cannot assign a small claim to someone to file in the court. In general, the claim must be filed in the district court of the county in which the defendant(s) reside. Exceptions and specific rules can be found at RCW 3.66.040. The state of Washington may not be sued in Small Claims Court. Attorneys and paralegals are excluded from appearing or participating with the plaintiff or defendant in a small claims suit unless the judge grants permission.

How Much Does It Cost?

You must pay the court clerk a filing fee at the time the suit is filed. The filing fee for King County District Court is $50. You may have some additional fees payable to the sheriff or process server to have the Notice of Small Claim served on the defendant. Alternatively, you may serve notice on the defendant by registered or certified mail, return receipt mailing, which

contains the signature of the party served. If you win your case, you are entitled to recover the filing fee and the cost of service as allowed by statute. If you want to file your small claim with the court by mail, review the court's website.

How Long Do I Have To File My Case?

Time limits range from one (1) to ten (10) years. See Chapter 4.16 RCW to determine which time limit applies to your type of case.

How Do I Get Started?

First you will prepare a Notice of Small Claim form. You can obtain the form in person at any King County courthouse or you can download one from the King County District Court web site http://www.kingcounty.gov/~/media/courts/DistrictCourt/civil-forms/Notice_of_Small_Claim.ashx?la=en (here). It is your (the plaintiff) responsibility to accurately identify the defendant(s), provide a proper address and, if possible, a phone number.

After you complete the Notice of Small Claim form, you must sign the form under penalty of perjury. The clerk will enter the court date, time, and location on the form.

The clerk will prepare a packet for you and a separate packet for each of the defendants. You must serve each defendant with the following three documents: (1) your written Notice of Small Claim; (2) a copy of the materials from the Dispute Resolution Center (DRC), and (3) the Notice to Service Members and their Dependents.

Serving the Notice of Small Claim

The clerk will assist you with forms and general information about the process. The clerk is not allowed to give legal advice. Service of the Notice of Small Claim form can be accomplished by any of the following:

1. The Sheriff's Office: (206) 263-2600 Civil.KCSO@kingcounty.gov

2. A process server;

3. Any person of legal age (18) who is not connected with the case either as a witness or as a party; or

4. By mailing the copies to the defendant by registered or certified mail with a return receipt (e-delivery/green card) requested.

The Notice of Small Claim must be served promptly after filing the claim. Service must be complete at least ten (10) days before the first hearing for all cases except those involving out of state landlords. A return of service, or mail return receipt bearing the defendant's signature, must be filed at or before the time of the first hearing.

You cannot personally serve the claim. See RCW Chapters 4.28 and 12.40, 59.18, and CRLJ 5 for more detailed information.

When will the case be heard?

Cases are generally heard between 40 and 90 days from the date of filing. You will be given a date and time to appear for your hearing. There will be other small claims hearings scheduled for the same date and time as yours.

Mediation

In many cases, neither party is one hundred percent right or wrong. Therefore, you are encouraged to try to settle your case before trial by participating in mediation. The King County District Court works in partnership with the Dispute Resolution Center of King County (DRC) to make professional mediation service available to you at no additional cost. The Dispute Resolution Center is an independent non-profit organization. It is not part of the Court. Please read the DRC informational handout for more information about mediation.

What If We Settle?

If you settle the dispute before the hearing date, and the settlement is paid, you (the plaintiff) must inform the Court in writing so the hearing can be canceled and your case dismissed. If the other party agrees to pay at a later date, you may ask the Court for a continuance. If the other party pays before the postponed date, ask the Court to cancel the hearing and to dismiss your case. If you do not receive your money by the time of the continued hearing, proceed with the case in court. If you drop the suit, your filing fee and service costs are not returned.

Preparing For the Pre-trial Hearing

In some courthouse locations, your case will initially be set for a pre-trial hearing. All parties are required to appear at the pre-trial hearing unless otherwise instructed by the Court. Bring written proof of service of the Notice of Small Claim to the pre-trial hearing and 2 (two) copies of any evidence supporting the party's claim or defense. You will be asked to provide one of those copies to the opposing party. For example: statements, receipts, invoices, photographs, electronic files.

These documents help the other party understand your position and concerns, and allow the parties to make informed decisions, knowing the evidence that will be presented at a trial.

The trial will not occur on the pre-trial hearing date. Witnesses are not needed for the pre-trial hearing. The District Court requires all small claim parties to participate in a mediation session, prior to a case being set for trial. If the parties cannot resolve the dispute through mediation, the Court will set a trial date.

If the parties do reach an agreement, the mediator will write down the details of the parties' agreement in their own words. Both parties will sign the agreement and receive copies. The parties will ask the Court to dismiss the case.

If the other party does not appear at the pre-trial hearing, the judge will review the case to determine whether there was proper service. If service was proper the judge may hear evidence and enter a judgment against the person who did not appear, dismiss the case, or continue the case to another date.

Preparing For the Trial

You can help yourself by being well prepared. To prepare for the trial, collect all papers, photographs, receipts, estimates, canceled checks, or other documents relevant to your case. To be considered, your evidence must be admitted and is kept by the Court until the case is finally resolved. If your case has not gone through pre-trial mediation, bring the original and 2 (two) copies of any evidence supporting the party's claim or defense to the trial. If you've already provided your evidence to the opposing party at the pre-trial mediation, bring the original and 1 (one) copy for the Court. You may bring witnesses with you to the trial.

Be prepared to make a clear and concise presentation of your story to the judge. Time is often limited in small claims trials. It is also a good idea to sit through a small claims court session before the date of your hearing. This will give you first-hand information about the way small claim cases are heard.

What Happens At The Trial?

When you arrive at the courthouse, report to the courtroom where your case is assigned. When your case is called by the judge, come forward to the counsel table. Before and party or witness presents testimony, the judge will place that person under oath to tell the truth.

Try not to be nervous—remember a trial in small claims court is informal. The judge will ask the plaintiff to give his or her side first, then will ask the defendant for his or her explanation. You

will have a limited time to present your side of the case. Be brief and stick to the facts. The judge may interrupt you with questions, which you should answer truthfully and to the best of your knowledge. Be polite to the judge, your opponent, and court staff. Follow the judge's instruction, do not interrupt your opponent or the judge, and try to be patient.

After both sides have been heard by the judge, he or she will normally immediately announce the decision, prepare and sign a judgment. All parties receive a copy of the judgment.

What If My Opponent Does Not Appear For Trial?

If the plaintiff appears and the defendant fails to appear for trial, the plaintiff will be granted judgment for the amount of the claim proven in court, plus allowable costs—provided the plaintiff can show proof of service. If the plaintiff fails to appear, the claim is dismissed. In some instances, the Court may permit the plaintiff to start over if good cause is shown for the plaintiff's non-appearance.

How Do I Collect My Money Judgment?

A money judgment in your favor does not necessarily mean that the money will be paid. The Court does not collect the judgment for you. If no appeal is taken and the judgment is not paid within 30 days, the case is transferred to the civil docket and you may proceed with a method of collection such as garnishment of wages, bank accounts, and other monies of the defendant or an execution may be issued on cars, boats, or other personal property of the judgment debtor. Remember, the clerks cannot give you legal advice. You may need the assistance of an attorney or collection agency at this point.

If you wish to record the District Court civil judgment with a Superior Court, you may file with Superior Court the certified judgment previously provided to you by the Court Clerk at the time of judgment. (If you need additional copies of the certified judgment, there will be additional court fees.) Other fees may be required by the Superior Court clerk or county auditor. Filing a copy of the judgment with the Superior Court places a lien against all real property in the name of the judgment debtor that is located in that county.

When the judgment has been paid in full you must send written notice to the District Court that the judgment has been satisfied. If the judgment was filed in Superior Court, you must send written notice to the Superior Court that the judgment has been satisfied.

Can You Appeal A Case If You Lose?

The party who files a claim or counterclaim cannot appeal unless the amount claimed exceeds $1,000. No party may appeal a judgment where the amount claimed in less than $250. If an appeal is taken to the superior court, the appealing party is required to follow the procedures set out in the Revised Code of Washington (RCW) 12.36 and applicable rules of appeals. The following steps must be taken within 30 days of the entry of the judgment:

1. Prepare a written Notice of Appeal and file it with the district court.
2. Serve a copy of that Notice on the other parties and file acknowledgement or affidavit of service in district court.
3. Deposit at the district court the $230 Superior Court filing fee by money order, or cashier's check payable to the Clerk of the Superior Court and pay a $40 appeal preparation processing fees to the district court.
4. Post a bond in a sum equal to twice the amount of the judgment and costs, or twice the amount in controversy, whichever is greater, (case or surety) at the district court.

When the appeal and bond are transferred to superior court, the appellant (person appealing the decision) may request that the Superior Court suspend enforcement of the judgment until after the appeal is heard.

Within 14 days of the filing of the Notice of Appeal, the district court clerk will transmit the court record to the superior court clerk who will assign a new case number and notify the district court. The district court clerk will advise the appellant of that number, and the appellant must then contact the superior court for further instructions.

Disability Accommodations

King County District Court will provide reasonable accommodations to people with disabilities upon request. If you want to request an accommodation, please contact Patricia Kohler at: patricia.kohler@kingcounty.gov or call 206-255-5068.