



### **Small Claims Court**

#### Purpose

To enable individuals to recover, without retaining a lawyer, small sums from persons or corporations residing or having a place of business in New York City.

#### Who May Sue

Any individual. No corporation, partnership or association may sue in this court.

#### For How Much

A maximum of \$5,000. Remember, you can sue only for money..

#### How to Sue

1. Go to small claims court either in the borough where you live or where the person you are suing (the defendant) lives or works.
2. Fill out a statement of claim.
  - (a) You must supply your name, address, the reason for the lawsuit and the amount for which you are suing. Be sure to include any provable expenses or losses incurred because of what happened to you, such as the cost of using taxis while your damaged car was being repaired.
  - (b) You must supply the correct name and address, including zip code, of the person or company being sued. If the defendant does business under a trade name such as "Fizzle Appliances," you will be required to supply its legal name, which might be "Fizzle Appliance Stores, Inc." To learn the correct name of the business, go to the county clerk's office in the county where the business is located and lookup the certificate of doing business, photocopy it, and bring the photocopy with you to fill out the statement of claim.
3. There will be a fee of \$15 or \$20, depending upon the amount of the claim.

#### Preparing your Case

You will need originals or copies of all relevant documentation, such as receipts, contracts, cancelled checks, etc. You may also wish to prove damages by bringing the damaged items to court, showing photographs of the item before and after the damage occurred, or submitting the report of a repair person. You may present witnesses so long as they have knowledge of the facts. Witnesses essential to your case may be subpoenaed if necessary.

#### The Trial

The case is heard by the judge, or if all parties consent, by an arbitrator, who is a lawyer. If you choose an arbitrator, your case will be heard much sooner than with a judge and in an informal setting rather than a courtroom. An arbitrator's decision is binding and may not be appealed. Proceedings are simple, with each side having the opportunity to explain its positions, produce witnesses and documentation.

#### The Judgement

If a judgment is awarded in your favor, it is up to you to advise the defendant. If the defendant fails to pay you, you should go to the sheriff of the county in which the defendant lives or works. The sheriff will attempt to collect from the defendant for you, charging you an advance fee of approximately \$15.00 for mileage. Supply the sheriff with as much information as possible concerning the defendant's correct address, bank account, property that might be seized, or salary that might be garnished. When your money has been collected, the sheriff will mail you a check for the correct amount.

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<b>Bronx County</b>	851 Grand Concourse, Bronx, NY 10451	(718) 618-2518
<b>Kings County</b>	141 Livingston Street, Brooklyn, NY 11201	(347) 404-9021
<b>New York County (Harlem)</b>	170 East 121 Street, New York, NY 10035	(212) 360-4113
<b>(Manhattan)</b>	111 Centre Street, New York, NY 10013	(646) 386-5484
<b>Queens County</b>	89-17 Sutphin Blvd., Jamaica, NY 10013	(718) 262-7123
<b>Richmond County (Staten Island)</b>	927 Castleton Ave., SI, NY 10310	(718) 390-5421

**For information regarding Court and Clerk's hours, contact offices listed above or telephone the New York City Civil Courts' general information number at (646) 386-5700.**