

SMALL CLAIMS INFORMATION SHEET

1. The Small Claims Court hears all cases at law in which the demand or value of property involved does not exceed \$5,000.00, exclusive of costs, interest and attorney's fees.
2. Pinellas County Small Claims Court uses a two (2) hearing procedure; a pre-trial conference and a final hearing, if required.
3. Plaintiff is the party who brings the lawsuit. Defendant is the party being sued.
4. For filing instructions, please see the *Small Claims Filing Instruction Sheet*.
This sheet is available online at www.mypinellasclerk.org or in the Civil Court Records Office located at 315 Court Street, Clearwater or at the St. Petersburg Branch Office located at 545 1st Avenue North, St. Petersburg.
5. If the claim is based upon a written document, a copy or the material part thereof, shall be attached to the statement of claim.
6. Always bring originals of documents to be used in your case to all designated court appearances. Remember, originals are retained by the court as evidence in proof of claims or defense so have copies to offer if you wish to retain originals.
7. You may be ordered to mediate at the pretrial conference. Mediation means "a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement." **YOU OR YOUR ATTORNEY MUST HAVE FULL AUTHORITY TO SETTLE WITHOUT FURTHER CONSULTATION AT PRE-TRIAL MEDIATION.**
8. If the controversy is not settled at the pre-trial conference, you must appear at trial date assigned for your case by the court with all witnesses and proof that you need to present or defend your case.
9. All Plaintiffs need to appear at the Pre-Trial Conference. If you are represented by an attorney, your attorney may appear for you at this hearing if your attorney has full settlement authority, however you can not appear in lieu of your attorney.
10. If you are a defendant and fail to appear on the designated date, in person or by an attorney, a judgment may be entered against you. If you are a plaintiff and fail to appear on the designated date, in person or by an attorney, your case may be dismissed for want of prosecution.
11. A corporation must be represented at every proceeding by an attorney, a corporate officer, or an authorized employee. Appearance by anyone else may result in the corporation having its case dismissed or having a default judgment entered against it. An employee's authorization to represent a corporation must be in a notarized statement by a corporate officer or a notarized Board of Director's resolution.
12. Any claims of the Defendant against the Plaintiff arising out of the same transaction or occurrence which is the subject matter of Plaintiff's claim, shall be filed in writing not less than five (5) days prior to the pre-trial conference appearance date, or within such time as the court designates at pre-trial conference. When a counterclaim or set-off exceeds the jurisdiction of the court (\$5,000.00) exclusive of costs, interest, and attorney fees, it shall be filed in writing before or at the pre-trial hearing, and the action shall then be transferred to the court having jurisdiction thereof. As evidence of good faith, the counterclaimant shall deposit with the Clerk a sum sufficient to pay the filing fee in the court to which the case is to be transferred with the Counterclaim. **FAILURE TO MAKE DEPOSIT WAIVES THE RIGHT TO TRANSFER.**
13. A copy of any paper that you file at any time with the Clerk or the Judge, other than the Statement of Claim, **MUST** be sent by you to each attorney appearing in the case and to each party not represented by an attorney. You must set forth the date and to whom you sent the copy (or copies) of the paper filed, which should be followed by your signature.
EXAMPLE: I certify that a copy hereof has been furnished to (name of all other parties or their attorneys with their (addresses) by (mail) or (hand delivery) this _____ day of _____, _____ .

Your signature
14. If you are the Plaintiff and you decide at any time in the proceedings to dismiss your case, you will need to file a Notice of Voluntary Dismissal form or signed written notification to the Clerk's Office stating you want to dismiss your case.
15. If at any time in the proceedings the parties reach a settlement, the Plaintiff should notify the Clerk's office in writing; if the case has been set for hearing or trial, the judge's office before whom trial is set should also be notified.
16. You must advise the Clerk in writing of any change in your mailing address.

17. At the trial you may: (a) Tell your story of the case to the judge; (b) Ask the other person in the case any questions you wish concerning the claim; (c) Show the papers or photos discussed at the pre-trial conference to help explain your story; (d) Call on your witnesses to help explain the case. Do not be afraid to talk to the judge. The judge is there to be fair to all parties.
18. Judgment: This is the official judicial finding by the judge that a party is or is not entitled to the damages asked for in the small claims lawsuit. The party who wins the case is called the Judgment Creditor and the one who loses is called the Judgment Debtor. The judgment gives the winner additional legal rights, such as a lien on the judgment debtor's non-homestead property, the right to have the Sheriff levy on personal property, garnishment rights and other complex rights. The court does not collect money damages for you, that is up to you. You may wish to consult with an attorney for advise on how to collect your judgment.
19. New Trial: Either party may move for a new trial no later than ten (10) days after the return of a jury verdict or the date of filing of the judgment in a non-jury judgment. See the Clerk for instructions.
20. Appeals: Either party can appeal the judgment within thirty (30) days after it is rendered. You should always consult an attorney if you are considering an appeal. Appeals are seldom taken since it is extremely difficult to have a judgment reversed on appeal unless the proceedings before the small claims judge were recorded and transcribed by a court reporter.

If you have any questions regarding procedures, the Clerk's office will assist you. We cannot furnish you legal advice. Please consult your attorney for legal advice.