

## SMALL CLAIMS INFORMATION FOR FILING

Prior to the filing of your small claim the Court recommends that you attempt to resolve the matter by utilizing the services of Mahoning Valley Dispute Resolution Services (MVDRS) at 330-744-4244. Their services are free of charge. Should they not be able to resolve this matter for you, you can then proceed to the filing a small claim. You are not required to take this step and may proceed without contacting MVDRS.

### FILING

- You do not need an attorney to file a small claims case; however, if you do not retain one, you assume ALL RESPONSIBILITY of the filing of your claim.
- The small claims limit is \$6,000.
- A filing fee of \$75 is required at the time of filing. Each additional defendant (person you are suing) costs \$15.
- Our clerks can assist you with your claim during regular business hours, Monday thru Friday. In order for us to allow sufficient time to assist in preparation of your claim, please arrive by 3:30 p.m.
- If you are filing your case by mail, you must send along with the filing the following:
  - Additional copies of your small claim for all parties listed in your case.
  - Payment for the small claim in the form of cashier's check or money order.
  - A stamped, self-addressed envelope so we can send you a time-stamped copy with your hearing date affixed and your payment receipt.
- Please provide the complete names and addresses of all defendants and:
  - Proof of your small claim.
  - Paid receipts.
  - Written estimates of damages or loss should reflect the amount you are asking in your claim. (Although this information is not needed at the time of filing, please come prepared with documentation which will be presented to the judge at the hearing).
- If you file on behalf of a corporation, limited liability company or any other entity you may be prohibited from offering any testimony or exhibits in a contested hearing on the grounds that same constitutes the unauthorized practice of law in violation of R.C. §1925.17. You are urged to contact an attorney.
- If you are filing against a business, it is suggested that you contact the Ohio Secretary of State to verify the following:
  - Proper name of the business.
  - Proper name of the owner(s) of the business as registered with the Secretary of State's office.
  - Is there an attorney or agent that represents the corporation.

### JURISDICTION

- The defendant must live in or conduct business in the City of Struthers, Village of Poland, Township of Poland, Village of Lowellville, Township of Springfield or Village of New Middletown or the cause of action must have occurred in the City of Struthers, Village of Poland, Township of Poland, Village of Lowellville, Township of Springfield or Village of New Middletown.

### SERVICE/HEARING/JUDGEMENT

- Your case will be set for hearing approximately 6 to 8 weeks from the date of filing and a copy of the complaint and hearing notice will be sent to the defendant(s) by certified mail.
  - If certified mail is returned for a bad address, the Court will notify you to provide a better address. It is your responsibility to provide a good address. The Court will re-issue certified mail to the new address for an additional service fee of \$10.00 for each defendant.
  - If certified mail is returned unclaimed or refused, the Court will notify you to re-issue by regular mail with a certificate of mailing. Certificate of mailing is a \$10.00 fee for each defendant and mail will not be re-issued until the fee is paid.
  - If you require a continuance of your scheduled hearing, you will need to file a motion to continue with a certification that a copy has been mailed to the defendant or counsel, if any. Last minute continuances are not favored and may be denied absent compelling reasons. There is a \$30.00 fee for a Motion to Continue. Please see our local Court Rules on our website for exceptions.
- There is a dress code for Court appearances. Persons appearing before the Court must be clean and appropriately dressed. Clothing shall have no rips or tears as well as inappropriate slogans on any apparel. No t-shirts or midriff tops.
- If the defendant fails to appear at the time and date set by the Court, you will receive a default judgment upon presentation of your case to the Judge.
- If the defendant appears, the Judge will hear testimony and receive evidence and exhibits and issue a decision.
  - Once you receive judgment you may proceed to collect. Please note that we cannot assist you with collection.
- If you fail to appear, your case will be dismissed and you will be required to re-file.
- If the matter is settled, you must provide a written notification/dismissal. The Court will not accept a phone call.
- Each party has thirty (30) days from the date of judgment in which to file an appeal if your case is heard by a Judge or becomes a fine appealable order by the Judge AFTER a decision on objections.