

Snohomish County District Court – Small Claims Information

Cascade Division
415 E Burke
Arlington, WA 98223
(360) 435-7700 Fax: (360) 435-7701

Everett Division
3000 Rockefeller M/S 508
Everett, WA 98201
(425) 388-3331 Fax: (425) 388-3565

Evergreen Division
14414-179th Ave SE
Monroe, WA 98272
(360) 805-6776 Fax: (360) 805-6755

South Division
20520-68th Ave W
Lynnwood, WA 98036
(425) 744-6800 Fax: (425) 744-6820

Introduction: This information is intended to address frequent procedural questions regarding the Small Claims process in Snohomish County District Court. It is not comprehensive and should not be construed as legal advice. Court staff are prohibited by law from providing any type of legal advice.

Dollar Limits for Claims: The court cannot award more than \$10,000.00 on a small claim or counterclaim brought by a natural person (human being) and \$5,000.00 in all other cases.

Where to File a Small Claim: Court rules typically require a small claim to be filed in the District Court division in which the defendant resides, but please refer to Rule 3 of the Snohomish County Local Civil Rule for Courts of Limited Jurisdiction if you have any questions. Other questions regarding proper jurisdiction may be answered by referring to RCW 3.66.020 and RCW 3.66.040. Questions regarding statutes of limitation for Small Claim suits may be answered with reference to RCW Chapter 4.16. If your small claim case is filed in the wrong Division, the Court may order the case to be transferred to another Division.

Procedure: Plaintiff must prepare a Notice of Small Claim on a form provided by the Court. Plaintiff must provide the name and address of the defendant(s), a concise description of the claim and must sign the Notice of Small Claim. It is Plaintiff's responsibility to provide complete and accurate information regarding the name and address of the defendant. Once the Notice of Small Claim is completed and the filing fee is paid, the court staff will provide a pre-trial hearing date and time. Attendance at the pre-trial hearing is mandatory. Plaintiff must have the Notice of Small Claim served upon Defendant(s).

Service of the Notice of Small Claim: The Plaintiff must serve the Notice of Small Claim upon each Defendant at least ten days prior to the pre-trial hearing. A Notice of Small Claim may be served by (1) a registered process server, (2) a person eighteen or older who is not connected with the case as a party or witness or (3) by certified mail with a return receipt signed by the defendant. Plaintiff must file proof of service. Proof of service may be made by a Declaration of Service, testimony or a return receipt from certified mail bearing defendant's signature. The court staff will provide a blank Declaration of Service form upon request. The same procedures apply to service of counterclaims. This small claims information form shall be served with the claim and any counterclaim.

Mandatory Pre-Trial Hearing: Attendance at the pre-trial hearing is mandatory. The parties will have the opportunity to participate in dispute resolution. Trained mediators from the Dispute Resolution Center will meet with the parties to facilitate a settlement. Most Small Claims are resolved through mutually agreed-upon resolution of the dispute. It is not necessary to bring witnesses to the pre-trial hearing. A trial date will be scheduled if both sides attend the pre-trial hearing, but are unsuccessful in reaching a resolution. For more information regarding mediation, please visit www.voaww.org/drc.

Failure to Appear for Pre-Trial Hearing: If Plaintiff fails to appear for the pre-trial hearing or trial, the Defendant may request that the Small Claim be dismissed and that a default judgement be entered on any counterclaims. If Defendant fails to appear for the pre-trial hearing or for trial, Plaintiff may request that a default judgment enter against the Defendant. Prior to a default judgment being entered on a claim or counterclaim, the moving party must provide:

- (1) Proof of proper service of the Notice of Small Claim or Counterclaim.
- (2) A factual basis supporting the claim (usually documents and/or testimony).
- (3) Plaintiff's proof of compliance with the Servicemembers Civil Relief Act.

Servicemembers Civil Relief Act: The Servicemembers Civil Relief Act (SCRA) is a Federal law that provides for the temporary suspension of judicial proceedings that may adversely affect the civil rights of servicemembers and their dependents during active duty military service. No judgment may be entered against servicemembers or their dependents during active duty military service. The plaintiff has the burden to establish defendant's military service status. One method of determining defendant's military service status is the use of the Defense Manpower Data Center website at: <https://scra-w.dmdc.osd.mil>. RCW Chapter 38.42 addresses the application of the SCRA in Washington State and provides additional information.

Continuances : The pre-trial hearing and trial may be continued by agreement of the parties or by Court order.

1. Agreed Continuance: The parties may agree to continue a pre-trial or trial date. An agreed continuance must be in writing, signed by both parties and filed with the court prior to the hearing date. The Court Clerk will notify the parties of a new pre-trial or trial date.

2. Plaintiff's Motion to Continue to Allow Service: A request by the Plaintiff to continue the pre-trial hearing because the defendant has yet to be served with the notice of claim will be heard at the pre-trial hearing.

3. Continuance Not Agreed: If you are requesting a continuance and the opposing party does not agree, a Judge must determine whether the hearing will be continued. You must first obtain a hearing date and time from the court clerk. Your motion to continue must be written, signed and dated. The motion must contain the reason(s) for the requested continuance and the hearing date and time provided by the court clerk. You must file the motion with the Court and serve the motion and notice of the hearing date on the opposing party at least one week prior to the hearing. The opposing party may file and serve a written objection to the continuance. At the hearing, the Judge will hear from both sides and then determine whether a continuance will be granted. Motion forms are available from the court clerk. If there is not sufficient time to provide notice to the opposing party, the motion to continue will be heard by the Judge at the next hearing scheduled for your case.

Trial: Small Claim trials are heard by a Judge. Each side will have an opportunity to present their case. The Plaintiff must prove by a preponderance of the evidence that judgment should be awarded in their favor. A Defendant pursuing a counterclaim must also prove their claim by a preponderance of the evidence. No attorney, legal professional or other person is allowed to represent either side during the trial. The parties should bring witnesses, documents, records and photographs necessary to support their claims or defenses. The prevailing party may be awarded their filing fee and costs of service.

Collection of Judgment: A judgment entered in Small Claims Court is certified as a District Court civil judgment and immediately enforceable. You may also request the clerk to file the judgment in Superior Court for entry in the Superior Courts' lien dockets. If you have questions about Superior Court Proceedings, please call the County Clerk's office at (425) 388-3466. The Court does not collect a judgment for you. You may wish to consult your attorney or a collection agency to proceed with a method of collections.

Appeal: No appeal is allowed from a judgment where the amount awarded is less than \$250.00. No appeal shall be permitted by the plaintiff where the amount claimed is less than \$1,000.00. If you wish to appeal, the appealing party is required to follow the procedures set out in RCW 12.36, RCW 12.40 and RCW 36.18. You may obtain the appeal information and forms from the District Court Clerk.

<u>Fee Schedule:</u>	Filing of Claim or Counterclaim:	\$ 50.00
	Appeal:	\$ 230.00

Interpreters: Snohomish County District Court is dedicated to providing access to justice for all persons. Upon request by a party or witness, the Court at its own expense will attempt to locate and appoint a qualified interpreter in the requestor's native language to interpret court proceedings.

Please note that pursuant to order of the Presiding Judge, *all Small Claims filed in the Everett division are automatically transferred to the Evergreen or Cascade divisions for mediation, motions and trial.*