

**IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON
SMALL CLAIMS NOTICE OF COUNTERCLAIM**

Small Claim Case #: _____

PLAINTIFF'S NAME (1) - <i>full/legal name</i>	PLAINTIFF'S NAME (2) - <i>full/legal name</i>
Doing Business As – <i>Company Name if you are a business</i>	Doing Business As – <i>Company Name if you are a business</i>
ADDRESS	ADDRESS
CITY STATE ZIP	CITY STATE ZIP
EMAIL	EMAIL
CELL/HOME PHONE NO WORK PHONE NO	CELL/HOME PHONE NO WORK PHONE NO

Vs

DEFENDANT'S NAME (1) - <i>full/legal name</i>	DEFENDANT'S NAME (2) - <i>full/legal name</i>
Doing Business As – <i>Company Name if you are a business</i>	Doing Business As – <i>Company Name if you are a business</i>
ADDRESS	ADDRESS
CITY STATE ZIP	CITY STATE ZIP
EMAIL	EMAIL
CELL/HOME PHONE NO WORK PHONE NO	CELL/HOME PHONE NO WORK PHONE NO

TO THE PLAINTIFF(S): YOU ARE HEREBY NOTIFIED that the above-named Plaintiff has filed a claim for money damages against you amounting to \$ _____ in this Court; the reasons for which are stated below. *(Don't include the cost to file and serve. YOU CANNOT INCREASE THIS AMOUNT AT TRIAL.)*

TO THE PARTIES: YOU ARE HEREBY NOTIFIED to appear for TRIAL on: _____, at _____ a.m./p.m.

- Spokane District Courtroom 203, **BROADWAY CENTER BLDG.**, 721 N. Jefferson, Spokane, WA
- Spokane District Courtroom **VALLEY COURT**, 12710 E. Sprague, Spokane Valley, WA

CLERK OF COURT: _____

DEFENDANT'S STATEMENT OF CLAIM

I am an **individual** (not a business) and the Plaintiff in this matter. **Individuals** are limited to suing for \$10,000 in Small Claims Court. If you sue for more than **\$10,000** the case will be dismissed. RCW 12.40.010.

I am a **business** and the Plaintiff in this matter. **Businesses, Corporations, partnerships, HOAs, and other legal businesses** are limited to suing for **\$5,000** in Small Claims Court. If you are a business suing for more than \$5,000 your case will be dismissed. RCW 12.40.010.

MEDIATION ASSISTANCE

If you would like to mediate your claim, assistance can be provided from Gonzaga University School of Law. Please view the Mediation video at www.youtube.com/watch?v=kMCsoHP8a8 . Once your Claim has been filed with the Court, you will be contacted by a law student from Gonzaga University School of Law.

WHAT IF THE PLAINTIFF DOES NOT APPEAR AT THE HEARING?

If the Plaintiff is properly served with the claim and does not appear at the hearing, you can ask the Court to issue a default judgment. However, **the law requires defendants to file a Declaration of Service Re: Servicemembers Civil Relief Act RCW 38.42 before a court can proceed with a default judgment hearing.** See information at www.usmilitary.about.com. This document is required by Federal law to ensure a person is not unavailable due to military service. For more information regarding RCW 38.42 visit www.jagcnet.army.mil. The Court Clerk will provide you with a copy of this Declaration for each person you are suing.

The REASON(S) I Claim the Plaintiff(s) Owes Me Money:		
<input type="checkbox"/> Landlord Claim against Tenant	<input type="checkbox"/> Property Damage (<i>not vehicle</i>)	<input type="checkbox"/> Vehicle was Not Properly Repaired
<input type="checkbox"/> Tenant Claim against Landlord	<input type="checkbox"/> Item Purchased Does Not Work	<input type="checkbox"/> Vehicle Not Repaired/Repaired Not Paid
<input type="checkbox"/> Services Not Properly Performed	<input type="checkbox"/> Item Not As Advertised/Warranted	<input type="checkbox"/> Vehicle was Damaged / in Accident
<input type="checkbox"/> Services Performed but Not Paid	<input type="checkbox"/> Business Transaction Issue	<input type="checkbox"/> Purchase/Sale of Vehicle
<input type="checkbox"/> Faulty Workmanship	<input type="checkbox"/> Wages Not Paid	<input type="checkbox"/> Loan was Not Re-Paid
<input type="checkbox"/> Breach of Contract	<input type="checkbox"/> I Was Injured (<i>personal injury</i>)	<input type="checkbox"/> Other: (<i>be specific</i>)
<i>Please Explain your Claim:</i>		

LIST EACH ITEM and AMOUNT of MONEY DAMAGES YOU ARE SEEKING from the PLAINTIFF

You must provide evidence at the hearing for each item you want money damages for – failure to list items you want money for may result in the Court not considering those items.

Description of Amount Owed:	Amount Claiming:
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	TOTAL AMOUNT

***Attach an additional page if necessary*

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.
 Signed in Spokane, Washington on _____ [Date].

 Signature of Plaintiff (1)

 Print or Type Name

 Signature of Plaintiff (2)

 Print or Type Name

The Defendant(s) must arrange for **service** of this Notice of Small Claim on the Plaintiff(s) and file the completed **SMALL CLAIMS DECLARATION OF SERVICE** form with the Court **prior** to the hearing. ***The Defendant cannot serve or mail the documents and cannot complete the Declaration of Service.*** RCW 12.40.040, RCW 4.28.080. The Notice of Claim **must be served** on the Plaintiff not less than **10 days before the trial date**.

INSTRUCTIONS FOR YOUR TRIAL

WHAT IS AN EXHIBIT? Exhibits are document(s) you present to the Court to help prove your side of the case. Exhibits can be written statements, email/text messages, documents, photographs, and videos. Please read and follow these instructions carefully to make sure that your exhibits are admissible at trial.

1. **Exhibits Are Limited to 20 Single-sided Printed Pages.** The Court must have printed copies of all exhibits to maintain a full record of the trial. This means that photographs, text messages, and other evidence must be printed out and copies given to the Court and the Opposing Party at the time of trial. Contracts, including rental/lease agreements do not count towards the 20-page limit.
2. **All Written Testimony or Statements Must be Signed Under Oath.** All testimony, whether in court or outside of court, must be under oath to be admissible at trial. Written statements must be signed by the person making the statement, under the following attestation: “These statements are made under penalty of perjury under the Laws of the State of Washington.”
3. **Video Requirements.** The Court prefers you submit printed screenshots from a video as exhibits rather than submitting a video, to make things simpler at trial. If a video is necessary to prove your case, it must be **edited** to about one minute in length with a Media USB log describing the one-minute video. You must provide copies of the USB and the log to the Court and Opposing Party at the trial. **YOU ARE NOT PERMITTED TO PRESENT VIDEOS OR AUDIO FILES AS EVIDENCE SIMPLY BY DISPLAYING THEM ON YOUR CELL PHONE OR COMPUTER.**

HOW SHOULD I ORGANIZE MY EXHIBITS? Number your Exhibit packet pages 1 to 20. ****DO NOT STAPLE or use a folder/binder for exhibits**** Confidential Information: You must redact (black out) any confidential information (i.e., bank account, social security, and driver’s license numbers). Filed documents are PUBLIC RECORDS. All exhibits must be on **8.5 x 11 inch paper**.

HOW MANY SETS OF EXHIBITS ARE REQUIRED? **THREE (3) exact identical complete sets** of exhibits with pages numbered 1 to 20. (1. Court Copy; 2. Opposing Party Copy; 3. Your Copy) **DO NOT WAIT until the hearing to ORGANIZE your exhibits.** [Copies may be obtained through the Clerk’s Office at a cost of 50 cents per page]

HOW MUCH TIME WILL I HAVE TO PRESENT MY CASE? Each side will have a total of about **ten minutes to present your case** so you **must** organize your arguments and exhibits before trial. The hearing and disposition of the actions shall be informal, with the *sole object of dispensing speedy and quick justice between the litigants.* RCW 12.40.090.

RETRIEVING YOUR EXHIBITS AFTER TRIAL: Exhibits will be held for a **30-day appeal period**. If no appeal is filed, Exhibits can be picked up after 30 days. ***Exhibits not picked up within 60 days after trial WILL BE DESTROYED WITHOUT FURTHER NOTICE***

SETTLEMENT PRIOR TO COURT: If this claim is settled prior to the hearing date, the **PLAINTIFF** must notify the Court and the opposing side immediately in writing so the Court can dismiss the case and cancel the court date. You may email the Court at DCCIVIL@SPOKANECOUNTY.ORG to notify of settlement (you must copy the opposing side on the email to the Court).

LEGAL ADVICE: *Staff and the Judge cannot give you legal advice. For more information on Small Claims filing and processes you must do your own research or consult a lawyer. See also, RCW 12.40, RCW 3.66, RCW 4.16., and RCW 36.18. Additional information is available at www.spokanecounty.org/2847/Civil-and--Small-Claims-Cases.*