

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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**Report**

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee  
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Small Claims and Limited Cases Subcommittee  
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DATE: October 4, 2006

SUBJECT: Small Claims Plain-Language Forms (revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, SC-120A; approve forms SC-105A and SC-108A) (Action Required)

Issue Statement

Small claims forms should be drafted in plain English so that they can be easily understood, completed, and filed by laypersons who are representing themselves in small claims court. Access to court may be denied if the forms are too complicated to be understood. The forms should guide the one-time user through the small claims process.

Previously, small claims forms have been revised to be in the plain-language format. Under this proposal, three more optional small claims forms would be revised in a plain-language format. Technical and suggested revisions would be made to six existing plain-language forms. Two new plain-language forms would be created to help self-represented litigants file claims and navigate the court system.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2007:

1. Revise *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) to make technical corrections at the end of the form;
2. Revise *Other Plaintiffs or Defendants* (form SC-100A) to add to the footer of the form the explanatory note “(Attachment to *Plaintiff's Claim and ORDER to Go to Small Claims Court*)”;
3. Revise *Proof of Service* (form SC-104) to add the scheduled hearing date, time, and department to page 1 of the form;
4. Revise *How to Serve a Business or Public Entity* (form SC-104C) to correct resource information on the form for obtaining the name of a state agency, add information for filing a government claim, add information for serving a state agency, and create a two-sided form with information on how to serve a business on page 1 and how to serve a public entity on page 2 of the form;
5. Revise *Notice of Motion and Declaration* (form SC-105) to be in a plain-language format and to be a two-sided form named *Request for Court Order and Answer*;
6. Approve new plain-language form *Order on Request for Court Order* (SC-105A);
7. Revise *Request to Correct or Vacate Judgment* (form SC-108) to be in a plain-language format and to be a two-sided form named *Request to Correct or Cancel Judgment and Answer*;
8. Approve new plain-language *Order on Request to Correct or Cancel Judgment* (form SC-108A);
9. Revise *Authorization to Appear on Behalf of Party* (form SC-109) to be in a plain-language format and be renamed *Authorization to Appear*, and add “Association” to the list of entities that may appear by a representative;
10. Revise *Defendant's Claim and ORDER to Go to Small Claims Court* (form SC-120) to make technical corrections at the end of the form; and
11. Revise *Other Plaintiffs or Defendants* (form SC-120A) to add to the footer of the form the explanatory note “(Attachment to *Defendant's Claim and ORDER to Go to Small Claims Court*).”

The new and revised forms are attached at pages 7–27.

### Rationale for Recommendation

Plain-language forms are designed to help self-represented litigants file claims and navigate the court system. The proposed forms have been revised in plain language to assist litigants, who must represent themselves in small claims cases. These plain-language forms are particularly important and useful because attorney representation is not allowed in small claims court and the revised, plain-language forms will help self-represented litigants have access to the courts.

A brief discussion of each form is provided below.

#### *Plaintiff's Claim and ORDER to Go to Small Claims Court (form SC-100) and Defendant's Claim and ORDER to Go to Small Claims Court (form SC-120)*

The Judicial Council's Rules and Projects Committee recommends that the forms be revised to make several technical corrections at the end of the forms. Syntax of the two bulleted statements under "I understand" have been corrected by making them into two independent statements of "I understand that by filing a claim in small claims court, I have no right to appeal this claim" and "I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year." The penalty under perjury declaration has also been modified to include a statement that the information "on any attachments to this form" is true and correct.

#### *Other Plaintiffs or Defendants (form SC-100A) and Other Plaintiffs or Defendants (form SC-120A)*

These two forms currently have the same title, which is confusing. The committee recommends that the forms be revised to identify in the footer that each of the forms is an attachment to another form. Therefore, SC-100A would state in the footer, "*(Attachment to Plaintiff's Claim and ORDER to Go to Small Claims' Court)*," and form SC-120A would state in the footer, "*(Attachment to Defendant's Claim and ORDER to Go to Small Claims Court)*." These changes are consistent with another attachment form, SC-101, which is attached to form SC-100 and has a similar statement, "*(Attachment to Plaintiff's Claim and ORDER to Go to Small Claims Court)*." Further technical revisions were made at the end of each form to conform to the technical revisions recommended on forms SC-100 and SC-120, which are discussed in the paragraph above.

The two attachment forms are not interchangeable because (1) the form numbers SC-100A and SC-120A correspond to the respective form numbers of the claim forms they are attached to, SC-100 and SC-120; (2) the instruction at the top of the page of form SC-100A tells the plaintiff to attach the form to form SC-100 and the instruction at the top of the page of form SC-120A tells the defendant to attach the form to form SC-120, and (3) an instruction on each form about the need to attach form SC-103, *Fictitious Business Name*, is under the plaintiff item 1 on form SC-100A and under the defendant item 2 on form SC-120A.

*Proof of Service* (form SC-104)

The old conventional format *Proof of Service* form had a space after the title that required the hearing date, day, time, and department to be filled in. The recently revised plain-language form does not include this information. But in some courts, including the Superior Court of Los Angeles County, small claims cases are filed by hearing date. Without the hearing date on the form, the clerk must research each proof of service to locate the hearing date, causing unnecessary additional work for the court.

Although last year the committee concluded that the information about the hearing date is not necessary, it agreed that for practical reasons it should be added to form SC-104. “Day” was dropped from the form as unnecessary in response to one comment and to be consistent with language for scheduling the trial on form SC-100.

*How to Serve a Business or Public Entity* (form SC-104C)

This instruction sheet was designed to assist self-represented parties on how to name and serve a state agency defendant, among other entities, including businesses and other public entities. The instruction sheet currently informs the public that the exact name of a state agency may be obtained from the Attorney General’s office and a toll-free telephone number is provided. However, the Attorney General’s office does not provide this service.

Research has disclosed that the names of state and county agencies may be obtained from certain Web sites and through toll-free telephone numbers. Accordingly, these have been added to the form. Further useful information on how to file a claim against the State of California or one of its agencies has been added. The address of the Office of the Attorney General for serving a state agency with a summons and complaint has been included.

The form has been made into a two-sided form with information on how to serve a business on the first page and how to serve a public entity on the second page to accommodate the additional information and to make the form more readable.

*Request for Court Order and Answer* (form SC-105) and *Order on Request for Court Order* (form SC-105A)

The *Notice of Motion and Declaration* (form SC-105) has been revised in plain-language format and renamed. This form incorporates provisions of proposed new rule 3.2107 of the California Rules of Court governing small claims motion procedure, including an opportunity for opposing parties to answer or respond to the request.<sup>1</sup> Page 1 of revised SC-105 is the request and page 2 is the answer.

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<sup>1</sup> Proposed new rule 3.2107 is discussed in a separate report. This rule was numbered as proposed rule 1707 when it was circulated for comment. However, at the June 30, 2006, meeting, the Judicial Council approved the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration. Under the newly reorganized California Rules of Court, rule 1707 has been numbered as rule 3.2107.

New form SC-105A is the *Order on Request for Court Order*. A clerk's certificate of mailing has been provided for both the request and the order, although the clerk has the option to attach a separate certificate of mailing. The form may be used for a pretrial motion or a posttrial motion. If the motion is made pretrial, the party making the request must serve the request. If the motion is made posttrial the clerk must serve the request and the responding party is given a minimum of 10 days to file a response or answer before the court issues a decision. If a hearing is scheduled, the court may instruct the party to bring evidence to support the request. The hearing must be scheduled at least 11 days after the request was served.

*Request to Correct or Cancel Judgment and Answer* (form SC-108)

Current *Request to Correct or Vacate Judgment* (form SC-108) has been revised in plain-language format and renamed. The form incorporates provisions of proposed new rule 3.2107 governing small claims motion procedure, including an opportunity for opposing parties to answer or respond to the request.<sup>2</sup> Page 1 is the request and page 2 is the answer.

The person making the request is instructed that he or she has 30 days to make the request after the clerk mails the *Notice of Entry of Judgment* (form SC-130). The party is also instructed that, if he or she did not go to the trial, the *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) must be used to cancel the judgment.

*Order on Request to Correct or Cancel Judgment* (form SC-108A)

This is a new form. If a hearing is scheduled on a request to correct or cancel the judgment, the court may order the party to bring evidence to support the request. The responding party must be given a minimum of 10 days to file an answer before the court issues a decision. The court may set the matter for hearing at least 11 days after serving the request and may mail notice of the hearing with the request. A hearing is required under Code of Civil Procedure section 116.720 if the request is to vacate the judgment for lack of appearance by the plaintiff.

*Authorization to Appear* (form SC-109)

The current *Authorization to Appear on Behalf of Party* (form SC-109) has been revised in a plain-language format and renamed. The only substantive change to the form is the addition of "Association" to the list of entities that may appear by a representative. New legislation effective July 1, 2006, authorizes an agent, management company representative, or bookkeeper to appear on behalf of an association (usually a homeowners association) created to manage a common interest development. (See Code Civ. Proc., §116.540(i).)

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<sup>2</sup> Proposed new rule 3.2107 is discussed in a separate report.

### Alternative Actions Considered

Although some commentators preferred the older small claims forms, the committee recommends proceeding with this proposal for the reasons explained in the report. While plain-language small claims forms are not statutorily required, self-represented parties could be misled and confused by the current forms, resulting in frustration with the judicial system as well as wasted time for both the parties and the courts. Because the new forms work better for self-represented parties, they should be made available to the public.

### Comments From Interested Parties

The forms proposal was circulated for statewide comment in spring 2006. Many thoughtful comments were received from a broad spectrum of 14 commentators, including process servers, local and state bar representatives, small claims service providers, and court staff. Five commentators supported the forms as drafted. Nine supported the forms with modifications. No one disagreed with the forms. Each comment was carefully reviewed by the committee and several suggestions for improving the forms were incorporated in the proposed forms. A chart of the comments and the committee's responses is attached at pages 28–42.

### Implementation Requirements and Costs

For the courts, some retooling of existing case management systems may be required to incorporate new plain-language forms. Longer plain-language forms will require additional copying and mailing costs, as well as storage costs if the forms are not scanned and stored in an electronic medium.

### Attachments

Clerk stamps date here when form is filed.

**Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of**

Clerk fills in case number and case name:

**Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must go to court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- *Before* you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number: \_\_\_\_\_

Plaintiff (list names): \_\_\_\_\_

**1 The Plaintiff (the person, business, or public entity that is suing) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-100A.

Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

**2 The Defendant (the person, business, or public entity being sued) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-100A.

Check here if any Defendant is on active military duty, and write his or her name here: \_\_\_\_\_

**3 The Plaintiff claims the Defendant owes \$ \_\_\_\_\_ . (Explain below):**

a. Why does the Defendant owe the Plaintiff money? \_\_\_\_\_

\_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_

If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) \_\_\_\_\_

\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names): \_\_\_\_\_

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? Yes  No

If no, explain why not: \_\_\_\_\_

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a.  (1) Where the Defendant lives or does business. (2) Where the Plaintiff's property was damaged. (3) Where the Plaintiff was injured.
- (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

6 List the zip code of the place checked in 5 above (if you know): \_\_\_\_\_

7 Is your claim about an attorney-client fee dispute?  Yes  No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

8 Are you suing a public entity?  Yes  No

If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ Plaintiff types or prints name here Plaintiff signs here

Date: \_\_\_\_\_ Second Plaintiff types or prints name here Second Plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Order. (Civil Code, § 54.8.)



“**Small claims court**” is a special court where claims for \$5,000 or less are decided. A “natural person” (not a business or public entity) may claim up to \$7,500. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

### Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

### How do I get ready for court?

You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and any evidence that supports your case. And read “Get Ready for Court” at: [www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm)

### What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

### What if I don’t speak English well?

Ask the clerk if the court can give you an interpreter for free. If not, bring someone—like an adult relative or friend—who can interpret for you in court. It is best if your interpreter is not a witness or listed in this case. Or ask the clerk for a list of interpreters. (Interpreters usually charge a fee.)

### Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

### What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

### What if I lose the case?

If you lose, you can appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see:

[www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm)

### Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-110 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



### Need help?

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. Una "persona natural" (que no sea un negocio ni una entidad pública) puede reclamar hasta \$7,500. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

### ¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

### ¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y lea “Prepárese para la corte” en:

[www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/preparearse.htm](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/preparearse.htm)

### ¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

### ¿Qué pasa si no hablo bien inglés?

Pregúntele al secretario si la corte le puede dar un intérprete sin costo. Si no, lleve consigo a alguien— ya sea un pariente adulto o amigo— que pueda servirle de intérprete en la corte. O pide del secretario una lista de intérpretes. Es mejor que su intérprete no sea un testigo ni una persona que figure en este caso. (Los intérpretes en general cobran un honorario.)

### ¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en:  
[www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

### ¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

### ¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea:  
[www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm)

### ¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

### ¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-110 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea “Información por condado” en:

[www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores)

This form is attached to Form SC-100, item 1 or 2.

**1 If more than 2 plaintiffs (person, business, or entity suing), list their information below:**

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Check here if more than 4 plaintiffs and fill out and attach another Form SC-100A.

**2 If more than 2 defendants (person, business, or entity being sued), list their information below:**

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check here if more than 4 defendants and fill out and attach another Form SC-100A.

**3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

**4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ *Type or print your name*  *Sign your name* \_\_\_\_\_

Date: \_\_\_\_\_ *Type or print your name*  *Sign your name* \_\_\_\_\_

Use this form to serve a **person, business, or a public entity.** To learn more about proof of service, read *What Is "Proof of Service"?*, Form SC-104B. To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity*, Form SC-104C.

To serve a **business**, you must serve **one** of the following people:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- Any person authorized for service with the Secretary of State (corporation, association, limited liability company (LLC), limited liability partnership (LLP), limited partnership)

To serve a **public entity**, you must first file a claim with that entity, then serve **one** of the following people:

- Clerk (of a city or county)
- Chief Officer or Director (of a public agency)
- Any person authorized for service by the entity

1 a. If you are serving a **person**, write the person's name below:

\_\_\_\_\_

b. If you are serving a **business or entity**, write the name of the business or entity, the person authorized for service, and that person's job title:

\_\_\_\_\_ Business or Agency Name Person Authorized for Service Job Title

2 Instructions to Server:

You must be at least 18 years old and **not be named in this case.** Follow these steps:

Give a copy of all the documents checked in 3 to:

- The person in 1, or
- A competent adult (at least 18) living with, and at the home of the person in 1, or
- An adult (at least 18) who seems to be in charge at the usual workplace of the person in 1, or
- An adult (at least 18) who seems to be in charge where the person in 1 receives mail, (but not a U.S. post office box), if there is no known physical address for the person in 1.

THEN,

- Mail a copy of the documents to the person in 1,
- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers.

3 I served the person in 1 a copy of the documents checked below:

- a.  SC-100, Plaintiff's Claim and ORDER to Go to Small Claims Court
- b.  SC-120, Defendant's Claim and ORDER to Go to Small Claims Court
- c.  Order for examination (This form must be personally served. Check the form that was served):

Note: The court can issue a civil arrest warrant if the served party does not come to court only if the order for examination was personally served by a registered process server, sheriff, marshal, or someone appointed by the court.

- (1)  SC-134, Application and Order to Produce Statement of Assets and to Appear for Examination
- (2)  AT-138/EJ-125, Application and Order for Appearance and Examination

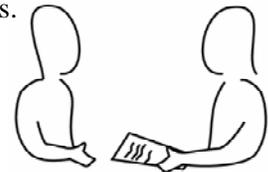
d.  Other (specify): \_\_\_\_\_

Clerk stamps date here when form is filed.

Fill in court name and street address: Superior Court of California, County of

Fill in case number, case name, hearing date, day, time, and department below:

Case Number: Case Name: Hearing Date: Time: Dept.:



Case name: \_\_\_\_\_

**4 Fill out "a" or "b" below:**

- a.
- 
- Personal Service:**
- I personally gave copies of the documents checked in
- 3**
- to the person in
- 1**
- :

On (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- b.
- 
- Substituted Service:**
- I personally gave copies of the documents checked in
- 3**
- (a, b, or d) to (check one):

 a competent adult (at least 18) at the **home** of, and living with the person in **1**, or an adult who seems to be in charge where the person in **1** usually **works**, or an adult who seems to be in charge where the person in **1** **receives mail**, or has a private post office box (not a U.S. post office box), if there is no known physical address for the person in **1**.I told that adult, "Please give these court papers to (name of person in **1**)." "I did this on (date): \_\_\_\_\_ At (time): \_\_\_\_\_  a.m.  p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name or description of the person I gave the papers to: \_\_\_\_\_

After serving the court papers, I put copies of the documents listed in **3** in an envelope, sealed the envelope, and put first-class prepaid postage on it. I addressed the envelope to the person in **1** at the address where I left the copies.I mailed the envelope on (date): \_\_\_\_\_ from (city, state): \_\_\_\_\_  
by leaving it (check one): \_\_\_\_\_a.  At a U.S. Postal Service mail drop, orb.  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service, orc.  With someone else I asked to mail the documents to the person in **1** and I have attached that person's completed Form SC-104A.**5 Server's Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fee for service: \$ \_\_\_\_\_

*If you are a registered process server:*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

- 6**
- I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name\_\_\_\_\_  
Server signs here after serving

# SC-104C How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the business and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, Form SC-104.

Business Type:	Sole Proprietorship (Only 1 owner)	Partnership	Landlord	Corporation, Association	Limited Liability Company (LLC), Limited Liability Partnership (LLP), Limited Partnership (LP)	Unknown Business Type
<b>Serve:</b>	The owner	If you are suing a <b>partnership</b> , serve one of the partners.  If you are suing a <b>partnership and</b> the partners, serve each partner.	The property owner ( <i>If you can't find the owner, read Civil Code sections 1962–1962.7 or talk to the Small Claims Advisor to see if you can serve the manager.</i> )	Agent for service listed with Secretary of State or any corporate officer (president, vice-president, secretary), chief executive officer (CEO), or general manager	Agent for service listed with Secretary of State  To serve a limited partnership, you can also serve the general partner.	Someone who seems to be in charge of the business during normal business hours
<b>Write on your Proof of Service form:</b>	<ul style="list-style-type: none"> <li>Business name</li> <li>Owner's name and job title</li> </ul>	<ul style="list-style-type: none"> <li>Partnership name</li> <li>Name of partner, general manager, or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Business name (if there is one)</li> <li>Owner's name and job title</li> </ul>	<ul style="list-style-type: none"> <li>Corporation name</li> <li>Name of corporate officer or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Company or partnership name</li> <li>Name of agent or partner for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Business name, form unknown</li> <li>Owner's name and job title (<i>if you know it</i>)</li> </ul>
<b>Check that you have the exact names of the owner and business with:</b>	<ul style="list-style-type: none"> <li>County Clerk–Recorder's Office (Ask to see the fictitious business name statement.) Your county's Web site may have this information. Check: <a href="http://www.csac.counties.org">www.csac.counties.org</a>.</li> <li>City Clerk's Office (Ask to see the business license.) Your city's Web site may have this information.</li> </ul>	County Tax Collector	Search under Corporation, LP and LLC at the California Secretary of State Web site: <a href="http://www.ss.ca.gov/business">www.ss.ca.gov/business</a>  Or call: <b>1-916-657-5448</b>  <b>OR</b>  County Clerk–Recorder's Office: (Ask to see the fictitious business name statement.) Your county's Web site may have this information.  <b>OR</b>  City Clerk's Office: (Ask to see the business license.) Your city's Web site may have this information.	Try the other resources listed on this page to see if they know more about the business's organization type, like corporation or sole proprietorship.		



### Need help?

For free help, contact your county's Small Claims Advisor:

[\[space for local info here\]](#)

Or, go to "County-Specific Court Information" at: [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



# SC-104C

## How to Serve a Business or Public Entity (Small Claims)

You must serve the *right* person and write the *exact* name of the public agency and the person to be served. Use this form to make sure you serve correctly, and follow the instructions on *Proof of Service*, Form SC-104.

	City, County, or Public Entity	State of California, State Agency	Federal Agency
<b>Serve:</b>	City or county clerk, chief officer or director of public agency, or agent authorized to accept service	Use this general address for service: Office of the Attorney General 1300 I Street Sacramento, CA 95814  <i>Exception:</i> if your claim involves California Department of Transportation (Caltrans), serve it at: California Department of Transportation 1120 N Street Sacramento, CA 95814	<i>You cannot sue a <b>federal</b> agency in small claims court.</i>
	<b>Important!</b> <i>Before you sue, you must <b>first</b> file a claim with the public entity. Contact it and ask for the claim procedures.</i>	<i>Note:</i> <i>Before you sue, you must first file a claim with the state or the state agency. To file a claim, see:</i> <b><a href="http://www.boc.ca.gov/govclms.htm">www.boc.ca.gov/govclms.htm</a></b> <i>Or call: 1-800-955-0045</i>	
<b>Write on your Proof of Service form:</b>	<ul style="list-style-type: none"> <li>Name of city, county, or public entity</li> <li>Name of city clerk, county clerk, chief officer, or agent for service and job title</li> </ul>	<ul style="list-style-type: none"> <li>Name of the agency you are suing</li> <li>Name of agent for service</li> </ul>	
<b>Check that you have the exact names of the agency and agent for service with:</b>	Call the city or county clerk. See the government pages of your phone book.  Or search under the California Roster at the California Secretary of State Web site: <b><a href="http://www.ss.ca.gov/executive">www.ss.ca.gov/executive</a></b>	Call the agency to confirm the name and address for service. Use the State Directory: <b>1-800-807-6755</b> Or search: <b><a href="http://www.cold.ca.gov">www.cold.ca.gov</a></b> under "agency information"	



### Need help?

For free help, contact your county's Small Claims Advisor:

[\[space for local info here\]](#)

Or, go to "County-Specific Court Information" at: [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Clerk stamps date here when form is filed.

**Request**

This form is used to ask the court to make an order before or after the trial in a small claims case. The court will notify all plaintiffs and defendants in this case about its decision by mail, at the trial, or at a hearing (depending on when the request is filed).

**If you are the person asking the court to make an order**, ask the Small Claims Advisor if this is the right form for the kind of order you want. If so, follow these steps:

- Fill out page 1 of this form and file it at the clerk’s office.
- If you are making this request *before* your trial, you must mail (or deliver in person) a copy of this form to all other plaintiffs and defendants in your case. *Exception:* If the plaintiff’s claim has not been served, you do not have to serve this request on the other plaintiffs and defendants in your case.
- If you are making this request *after* the judge has decided your case, the clerk will mail a copy of this form to all other plaintiffs and defendants in your case. The court will give the other plaintiffs and defendants at least 10 days to answer this *Request*.

**If you receive this form**, read below, then fill out ⑦–⑩ on page 2.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in your case number and case name below:

**Case Number:**

**Case Name:**

**① The person asking the court to make an order is:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Check one:  A defendant in this case  A plaintiff in this case  
 Other (explain): \_\_\_\_\_

**② Notice to:** (List names and addresses of all other defendants and plaintiffs in your case.)

Name	Address
a. _____	_____
b. _____	_____
c. _____	_____

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 2" on top.

If your request is made before the trial and after the claim was served, fill out below:

I  mailed  delivered in person a copy of this form to everyone listed in ② on (date): \_\_\_\_\_

**③ I ask the court to make the following order** (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 3" on top.

**④ I ask for this order because** (explain and give facts of your case here):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 4" on top.

**⑤ In making its order**, I ask the court to consider the information on this form, any records on file, and, if the court holds a hearing, the evidence presented at that hearing.

**⑥ I declare under penalty of perjury under California state law** that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Sign your name



Clerk stamps date here when form is filed.

**Answer**

The person listed in ① on page 1 of this form has asked the court to make an order in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- Read page 1 to see what the person in ① is asking for.
- Fill out ⑦–⑩ below.
- Mail your completed form to the court right away.
- Mail a copy of this form to each plaintiff and defendant listed in ① and ② on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants in this case or will make a decision at a court hearing or trial.

If you do nothing, the court may make the order without hearing from you.

**⑦ The person filing this answer is:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Check one:  A defendant in this case  A plaintiff in this case

**⑧ Tell the court what you want to do about this request.**

*(Check all that apply):*

- a.  I agree to the order requested in ③.
- b.  I do not agree to the order requested in ③. *(Explain below:)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 8" on top.

c.  I ask the court to have a hearing to decide this matter.

**⑨** I mailed a copy of this form to everyone listed in ① and ② of this form on *(date)*: \_\_\_\_\_

**⑩** I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

**? Need help?**

For free help, contact your county's Small Claims Advisor:

[space for local info here]

Or, go to "County-Specific Court Information" at [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

*If the request on page 1 was made after the hearing, the clerk fills out below.*

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and *(check one)*:

- A Certificate of Mailing is attached.
- The *Request for Court Order and Answer* was mailed first class, postage paid, to all parties at the addresses listed in ②.

On *(date)*: \_\_\_\_\_

From *(city)*: \_\_\_\_\_, California

[space for clerk's stamp here]

Clerk, by \_\_\_\_\_, Deputy

Fill in court name and street address:

**Superior Court of California, County of**

Fill in your case number and case name below.

**Case Number:**

**Case Name:**

Clerk stamps date here when form is filed.

- 1 The court has received and considered (*check all that apply*):
- Request for Court Order and Answer, Form SC-105 (page 1) filed on: \_\_\_\_\_
  - Answer on Request for Court Order and Answer, Form SC-105 (page 2) filed on: \_\_\_\_\_
  - Other (*specify*): \_\_\_\_\_

Clerk fills in court name and street address:

**Superior Court of California, County of**

Clerk fills in case number and case name below:

**Case Number:**

**Case Name:**

2 **The court makes the following orders:**

- a.  The request is granted.
- b.  The request is denied.
- c.  **You must go to court if you want to be heard.**

A hearing on this request is scheduled as follows:

<b>Hearing Date</b>	→ Date	Time	Dept.
	_____	_____	_____
Name and address of court if different from above			
_____			
_____			

- d.  Bring evidence to the hearing to support your request.
- e.  Other orders (*specify*): \_\_\_\_\_
- f.  Explanation for decision (*if any*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Judge or Judicial Officer)

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and (*check one*):

- A Certificate of Mailing is attached.
- This Order was mailed first class, postage paid, to all parties at the addresses listed in 1 and 2 on the Request for Court Order and Answer.

On (date): \_\_\_\_\_

From (city): \_\_\_\_\_, California

[space for clerk's stamp here]

Clerk, by \_\_\_\_\_, Deputy



**Need help?**

For free help, contact your county's Small Claims Advisor:

[space for local info here]

Or, go to "County-Specific Court Information" at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



**Requests for Accommodations** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). Civil Code, § 54.8

**This is a Court Order.**

Clerk stamps date here when form is filed.

**Request**

This form is used to ask the court to correct or cancel a small claims judgment. You must file this form no later than 30 days after the clerk mailed Form SC-130, *Notice of Entry of Judgment*. Filing this form does **not** extend the deadline to file an appeal.

**If you are the person asking the court to correct or cancel a judgment**, fill out ①–⑤ on this page, then file it at the clerk’s office. The clerk will mail a copy of the form to all other plaintiffs and defendants in your case. The court will give the other plaintiffs and defendants at least 10 days to answer this *Request*. The court will mail its decision to you or tell you to go to a court hearing. If you did not go to the trial, you must use Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*.

**If you receive this form**, read below, then fill out ⑥ and ⑨ on page 2. The court will mail its decision to you or tell you to go to a court hearing.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in your case number and case name below:

**Case Number:**

**Case Name:**

**① The person asking the court to correct or cancel a judgment is:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Check one:  A defendant in this case

A plaintiff in this case

**② Notice to:**

(List names and addresses of all other defendants and plaintiffs in your case.)

Name Address

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-108, Item 2" on top.

**③ I ask the court to (check one):**

a.  Correct the following clerical error in the judgment.

List the error: \_\_\_\_\_

Change to: \_\_\_\_\_

Explain why this correction is needed: \_\_\_\_\_

\_\_\_\_\_

b.  Cancel the judgment because the court applied the wrong law to this case. (Explain):

\_\_\_\_\_

\_\_\_\_\_

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-108, Item 3" on top.

**④** In making its order, I ask the court to consider the information on this form, any records on file, and, if the court holds a hearing, the evidence presented at that hearing.

**⑤** I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name



Clerk stamps date here when form is filed.

Answer

The person listed in (1) on page 1 of this form has asked the court to correct or cancel the judgment in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- Read page 1 to see what the person in (1) is asking for.
• Fill out (6) - (9) below.
• Mail your completed form to the court right away.
• Mail a copy of this form to each plaintiff and defendant listed in (1) and (2) on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants at least 10 days after the Request was mailed. If you do nothing, the court may make the order without hearing from you.

Fill in court name and street address:

Superior Court of California, County of

Fill in your case number and case name below.

Case Number:

Case Name:

6 The person filing this answer is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Check one: [ ] A defendant in this case [ ] A plaintiff in this case

7 Tell the court what you want to do about the request.

(Check all that apply):

- a. [ ] I agree to the correction requested in (3) a.
b. [ ] I agree to the cancellation of judgment requested in (3) b.
c. [ ] I do not agree with the request in (3) a. (Explain): \_\_\_\_\_

d. [ ] I do not agree with the request in (3) b. (Explain): \_\_\_\_\_

e. [ ] I ask the court to have a hearing to decide this matter.

[ ] Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-108, Item 7" on top.

8 I mailed a copy of this form to everyone listed in (1) and (2) of this form on (date): \_\_\_\_\_

9 I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

Type or print your name

Sign your name

The clerk fills out below.

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and (check one):

- [ ] A Certificate of Mailing is attached.
[ ] The Request to Correct or Cancel Judgment and Answer was mailed first class, postage paid, to all parties at the addresses listed in (2).

On (date): \_\_\_\_\_

From (city): \_\_\_\_\_, California

[space for clerk's stamp here]

Clerk, by \_\_\_\_\_, Deputy

Need help?

For free help, contact your county's Small Claims Advisor:

[space for local info here]

Or, go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims

# SC-108A

## Order on Request to Correct or Cancel Judgment (Small Claims)

Clerk stamps date here when form is filed.

- 1 The court has received and considered (check all that apply):
- Request to Correct or Cancel Judgment and Answer, Form SC-108 (page 1) filed on: \_\_\_\_\_
  - Answer on Request to Correct or Cancel Judgment and Answer, Form SC-108 (page 2) filed on: \_\_\_\_\_
  - Other (specify): \_\_\_\_\_

Clerk fills in court name and street address:

Superior Court of California, County of \_\_\_\_\_

- 2 The court makes the following orders:
- a.  The request to correct a clerical error in the judgment is granted.
  - b.  The request to cancel the judgment is granted.
  - c.  The request is denied.
  - d.  **You must go to court if you want to be heard.**  
A hearing on this request is scheduled as follows:

Clerk fills in case number and case name below:

<b>Hearing Date</b>	→ Date _____ Time _____ Dept. _____
Name and address of court if different from above: _____ _____	

Clerk fills in case number and case name below:

**Case Number:** \_\_\_\_\_

**Case Name:** \_\_\_\_\_

- e.  Bring evidence to the hearing to support your request.
  - f.  Other orders (specify): \_\_\_\_\_
  - g.  Explanation for decision (if any): \_\_\_\_\_
- Date: \_\_\_\_\_

\_\_\_\_\_  
(Judge or Judicial Officer)



### Need help?

For free help, contact your county's Small Claims Advisor:

[space for local info here]

Or, go to "County-Specific Court Information" at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and (check one):

- A Certificate of Mailing is attached.
- This Order was mailed first class, postage paid, to all parties at the addresses listed in ① and ② on the Request to Correct or Cancel Judgment and Answer.  
On (date): \_\_\_\_\_  
From (city): \_\_\_\_\_, California

[space for clerk's stamp here]

Clerk, by \_\_\_\_\_, Deputy



**Request for Accommodations** Assistive listening systems, computer-assisted real-time captioning or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). Civil Code, § 54.8

**This is a Court Order.**

This form is used to tell the court you are authorized to appear for a plaintiff or defendant in a small claims case. You may also use this form to ask the court for permission to help a plaintiff or defendant who cannot properly speak for himself or herself.

You cannot appear for a defendant or plaintiff if your only job is to represent him or her in small claims court. If you are a lawyer, you can appear only as authorized by section 116.530 of the Code of Civil Procedure.

Fill out ① – ④ on this page, then file it with the small claims clerk at or before the trial.

Clerk stamps date here when form is filed.

Fill in court name and street address:  
**Superior Court of California, County of**

Fill in your case number and case name below:  
**Case Number:**  
  
**Case Name:**

**① List the name, address, and position of the person appearing:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Job title or relationship to the defendant or plaintiff you want to appear for: \_\_\_\_\_

**② Who are you appearing for?**

A defendant in this case (*name*): \_\_\_\_\_  
 A plaintiff in this case (*name*): \_\_\_\_\_

**③ Tell us about the defendant or plaintiff you are appearing for.**

I am appearing for a (*check one*):

- Corporation** and I am an employee, officer, or director of that corporation.
- Partnership** and I am an employee, officer, director, or partner of that partnership.
- Other business** (not a corporation, partnership, or sole proprietorship) and I am an employee, officer, or director of that business.
- Government agency or other public entity** and I am an employee, officer, or director of that agency or entity.
- Sole proprietorship** and I am an employee of that business. I am qualified to testify about business records made in the regular course of business at or near the time of the event. The content of the business records is the only issue in this case. (*Evidence Code, § 1271*).
- Plaintiff who was assigned to out-of-state active duty in the U.S. armed forces for more than 6 months** after filing this claim. I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- Defendant or plaintiff who is in a jail, a prison, or another detention facility now.** I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- Owner of rental property in California** who employs me as a property agent. This claim is about the rental property I manage.
- Association** created to manage a common interest development and I am an agent, management company representative, or bookkeeper for that association.
- Husband or wife** and my spouse and I are both listed on this claim and agree that either spouse can appear for the other.
- Other** (*explain*): \_\_\_\_\_

**④ I declare under penalty of perjury under California state law that the information above is true and correct.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

Clerk stamps date here when form is filed.

**Notice to the person being sued:**

- You are being sued by the person you are suing.
- You must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached, to understand the claim against you and to protect your rights.

**Aviso al demandado:**

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas, para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number and case name:

**Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must go to court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- *Before* you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number:

Defendant (list names): \_\_\_\_\_

**1 The Plaintiff (the person, business, or public entity that sued first) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-120A.

Check here if any Plaintiff is on active military duty and write his or her name here: \_\_\_\_\_

**2 The Defendant (the person, business, or public entity suing now) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-120A.

Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103.

**3 The Defendant claims the Plaintiff owes \$ \_\_\_\_\_ . (Explain below):**

a. Why does the Plaintiff owe the Defendant money? \_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_

If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) \_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-120, Item 3" at the top.



Defendant (list names): \_\_\_\_\_

4 You may ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue. Have you done this?  Yes  No

5 Is your claim about an attorney-client fee dispute?  Yes  No  
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

6 Are you suing a public entity?  Yes  No  
If yes, you must file a written claim with the public entity first.  A claim was filed on (date): \_\_\_\_\_  
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

7 Have you filed more than 12 other small claims within the last 12 months in California?  
 Yes  No If yes, the filing fee for this case will be higher.

8 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

9 If I do not have enough money to pay for filing fees or service, I can ask the court to waive those fees.

10 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ Defendant types or prints name here Defendant signs here

Date: \_\_\_\_\_ Second Defendant types or prints name here Second Defendant signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk’s office for Form MC-410, Request for Accommodations by Persons With Disabilities and Order. (Civil Code, § 54.8.)



**Need help?**

Your county’s Small Claims Advisor can help for free.

\_\_\_\_\_  
\_\_\_\_\_

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

This form is attached to Form SC-120, item 1 or 2.

**1 If more than 2 plaintiffs (person, business, or public entity being sued), list their information below:**

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check here if more than 4 plaintiffs and fill out and attach another Form SC-120A.

**2 If more than 2 defendants (person, business, or public entity suing), list their information below:**

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this defendant doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this defendant doing business under a fictitious name?  Yes  No If yes, attach Form SC-103.

Check here if more than 4 defendants and fill out and attach another Form SC-120A.

**3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

**4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_  
Type or print your name

▶  
Sign your name

Date: \_\_\_\_\_  
Type or print your name

▶  
Sign your name

**SPR06-21**  
**Small Claims Plain Language Forms**  
(revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120,  
SC-120A; approve forms SC-105A and SC-108A)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Mr. Tony Klein Process Server Institute Attorney Service of San Francisco San Francisco	AM	N	<p><u>SC-100A Other Plaintiffs or Defendants</u></p> <p>This form is too cumbersome and unnecessarily adds pages to the 6-page small claims package. There is too much detail (address, mailing address, and telephone) that bulks up the form and adds to the necessity of copying.</p> <p>Why is it necessary to include the directives in item 3 that are already on the claim form it is to be attached to?</p> <p>If this is an attachment to the claim, which is signed, why does this page need to be signed again?</p>	<p>The main form, SC-100, was recently revised to increase space for two plaintiffs' and two defendants' names, which should suffice for most claims, eliminating the need to attach this form as an additional page. Detailed contact information is needed, as it is on the main form, SC-100. An additional sheet for additional parties would be needed in any event.</p> <p>Item 3 is directed to plaintiffs 3 and 4, who must sign the attachment sheet under penalty of perjury. Or if just defendants are added, the plaintiff must still declare that the added defendant information is true and correct.</p> <p>See response immediately above.</p>

**SPR06-21**  
**Small Claims Plain-Language Forms**  
(revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, SC-120A; approve forms SC-105A and SC-108A)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p><u>SC-104 Proof of Service</u></p> <p>I like the addition of the hearing date, day, time, and department on the front of the form. This will save countless hours for clerks of court who now have to research every case for each proof of service that crosses their desk.</p> <p>This form, though, is also cumbersome. I made the same comment last year and am repeating it. As a process server who fills these forms out daily, they are just too poorly organized. To read it and to fill it out, one must flip from page 1 to 2, then back to 1. The response I received from the committee last year was that the form is not for professional process servers, who have their own forms, but for pro pers who are not familiar with them. This form, plus the additional page explaining, “What is proof of Service?” only makes the process of filling it out more time consuming.</p>	<p>No response needed.</p> <p>Committee comment from the SPR-05-10 comment chart is as follows:</p> <p>“It [form SC-104] follows the format of domestic violence proof of service form DV-250, which is working well.</p> <p>“Because the form is not geared to the professional service provider, the committee believes that instructions are needed on the form to assist the self-represented litigant. The form is optional, and professional</p>

**SPR06-21**  
**Small Claims Plain-Language Forms**  
 (revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120,  
 SC-120A; approve forms SC-105A and SC-108A)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>The fee for service should accompany language that a registered process server's fee is a recoverable cost under C.C.P., § 1033.5. Some judges and pro tempore judges are not awarding fees in excess of the statutory fee, and most litigants don't know the law well enough to ask for them when they are entitled to recovery. Therefore, plaintiffs are penalized by not recovering fees for service in excess of the statutory fees which could amount to as much as \$50 per defendant served.</p>	<p>service providers can use their own form if they wish. The committee recommends that the form be field-tested after its approval. The committee also put on its work plan for review a suggestion that a separate proof of service form be drafted for different types of entities (e.g., individual, corporation, etc.)."</p> <p>Item 5 on the form, which is the section titled, "Server's Information," has a line "Fee for service: \$ _____."</p> <p>Form SC-104 is completed by the server, not the small claims party. The party is directed to read form SC-104B, <i>What Is "Proof of Service"?</i> Form SC-104B describes service by a process server or sheriff under the heading, "Who can serve?" The last sentence states, "You must pay the server, unless you</p>

**SPR06-21**  
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 SC-120A; approve forms SC-105A and SC-108A)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<p>qualify for a fee waiver.” The form does not describe reimbursement of service costs. Perhaps form SC-104B could be amended to include information about reimbursement of service costs. The committee agreed to put this proposed form SC-104B change on its work plan and will pursue it as resources permit.</p> <p>Code Civ. Proc., § 116.610(g)(1) provides: “The prevailing party is entitled to the costs of the action, including the costs of serving the order for the appearance of the defendant.” The CJER Benchbook (16th ed.) at section 7.20 states, in part, that the court “may in its discretion and on a party’s application, award the sum actually incurred. Code Civ. Proc., § 1033.5(a)(4).” However, 1033.5(a) (4) (B) states that if service is by a registered process</p>

**SPR06-21**  
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SC-120A; approve forms SC-105A and SC-108A)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Although this form is adopted for optional use, San Diego and Orange County’s small claims courts are currently rejecting proofs of service submitted for filing on any proof of service not completed on the current SC-104 form.</p> <p>If the proposed Rule of Court in SPR06-18 is adopted, more courts will be rejecting proofs of service completed on a non-SC-104 form.</p> <p>To that end, a memorandum from the</p>	<p>server, “the recoverable cost is the amount actually incurred in effecting service, including, but not limited to, a stakeout or other means employed in locating the person to be served, unless such charges are successfully challenged by a party to the action.” The statutory fee is \$30. (Gov. Code, § 26721.)</p> <p>The committee agrees that courts should not be rejecting proofs of service that are not on optional form SC-104.</p> <p>SPR06-18 proposes that a court may not reject for filing a Judicial Council form if the form is not the latest version of a form adopted or approved by the Judicial Council.</p> <p>The commentator can contact</p>

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**Small Claims Plain-Language Forms**  
(revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, SC-120A; approve forms SC-105A and SC-108A)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				Judicial Council reemphasizing that the form is indeed optional will help process servers by reducing rejections, saving time in effort in re-preparing the proof of service, and reduce a process server's liability when a hearing can't be heard because a proof of service was not filed timely because it was rejected.  Alternatively, I would like to see a return to the previous 2005 form.	staff to the Civil and Small Claims Advisory Committee if there is an ongoing problem.  No response required.
2.	Mr. David Mandel Supervising Attorney Senior Legal Hotline Sacramento	AM	N	<u>SC-105 Request for Court Order and Answer</u>  My understanding is that a small claims case must start with a demand for monetary damages and can add requests for other orders that are related. If this is no longer true, I need to educate myself. If it is still true, then form SC-105 should say so.	Plaintiffs will be following instructions on how to file a small claims case. The committee changed the first sentence on the form to read, "This form is used to ask the court to make an order <u>before or after the trial</u> in a small claims case." (Emphasis added.)
3.	Ms. Geri Wilson	AM	N	<u>SC-104 Proof of Service</u>	The form that circulated for

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SC-120A; approve forms SC-105A and SC-108A)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
	Process Server Attorney Support Service Bishop			Name of case should appear on first page.	comment was corrected to include this information. The name of the case is on the first page immediately below the case number.
4.	M. Julie M. McCoy President Orange County Bar Association Irvine	A	Y	No comments.	No response required.
5.	Ms. Janet Garcia Manager Planning and Research Unit Superior Court of California, County of Los Angeles Los Angeles	A	N	No comments.	No response required.
6.	Ms. Cheryl Kanatzar Deputy Executive Officer Superior Court of California, County of Ventura Ventura	AM	N	<u>SC-104 Proof of Service</u>  Consider modifying SC-104—In box-extend “hearing date” line and remove “day” box.  <u>SC-105 Request for Court Order and Answer</u>  SC-105 is awkward; combining two forms is confusing.	The committee agreed and made this change. Now form SC-104 is also consistent with form SC-100, <i>Plaintiff’s Claim and ORDER to Go to Small Claims Court</i> , which gives the Date, Time, and Department only.  The committee spent

**SPR06-21**  
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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
					considerable time thinking about how to draft the request and answer forms. It decided to combine the request and answer so that the party answering can respond to the requested orders on page 1 of the form instead of having to repeat them in a stand-alone answer form. If, after some experience with the new form, it appears that the form is not working well, the committee can make further revisions to the form.
7.	Ms. Cindy Avila Supervising Legal Clerk II Small Claims Division Superior Court of California, County of Stanislaus Modesto	AM	N	<u>SC-105 Request for Court Order and Answer</u>  <u>SC-108 Request to Correct or Cancel Judgment and Answer</u>  On form SC-105, no. 2 and form SC-108, no. 2, there is not enough space to list the names and addresses of plaintiffs or defendants. There should be 2 lines for each plaintiff's or defendant's name and address.	The committee believes that there is sufficient space to list the name and address on one line, thereby providing for a list of four names and addresses without using an attachment

**SPR06-21**  
**Small Claims Plain-Language Forms**  
(revise forms SC-100, SC-100A, SC-104, SC-104C, SC-105, SC-108, SC-109, SC-120, SC-120A; approve forms SC-105A and SC-108A)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
					page. If more space is needed, there is the option of attaching additional information. After experience with the new form, if it appears that more space is needed, the committee can make further revisions to the form.
8.	Ms. Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services State Bar of California San Francisco	AM	N	Simplification of Forms  The Standing Committee on the Delivery of Legal Services (SCDLS) generally supports the proposed changes in the spring 2006 cycle that will simplify court forms. We commend the Judicial Council for its ongoing effort to revise court forms into plain and simple English, which greatly improves access to California's courts for unrepresented persons and others who have difficulty reading and understanding legal documents. We support the simplification efforts in the following proposal: SPR06-21: Small Claims Plain-Language Forms.	No response required.
9.	Mr. Michael M. Roddy Executive Officer	AM	Y	SC-100A and SC-120A: Agree with changes. It is important and helpful to show	No response required.

**SPR06-21**  
**Small Claims Plain-Language Forms**  
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SC-120A; approve forms SC-105A and SC-108A)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
	Superior Court of California, County of San Diego San Diego			<p>the name of the corresponding form in the footer.</p> <p>SC-104: Agree with changes. The hearing date information is critical.</p> <p><u>SC-105 Request for Court Order and Answer</u></p> <p>SC-105: Agree with changes if modified as follows:</p> <ul style="list-style-type: none"> <li>• Third bullet above item 1 should tell the party that the court may set a hearing as an alternative to waiting the 10-day period and issuing an order on the request.</li> </ul>	<p>No response required.</p> <p>See also SPR06-20, comment 9, by this commentator with a similar proposal to amend rule 3.2107 (circulated as rule 1707). The committee agrees that rule 3.2107 (circulated as rule 1707(b)) should be amended, but does not believe that it is necessary to amend the form. If the court decides to schedule a hearing it can complete form SC-105A with a hearing date no sooner than 11 days after mailing by the clerk.</p>

**SPR06-21**  
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SC-120A; approve forms SC-105A and SC-108A)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<ul style="list-style-type: none"> <li>• Item 1 should include a box for “Other” for instances when a third party submits a request. Common examples of third party requests include: executor of estate, persons whose credit reports were adversely affected, etc.</li> <li>• Item 6 should include a POS section to allow the party requesting an order to state under penalty of perjury that a pre-hearing request was served on all other plaintiffs and defendants.</li> </ul> <p><u>SC-105A Order on Request for Court Order</u></p> <p>SC-105A: Clarification is needed with regard to the notice to a party within item 2, explaining to the party that an appearance is necessary if item (c) is marked and a hearing date is scheduled.</p> <p><u>SC-108 Request to Correct or Cancel Judgment and Answer</u></p> <p>SC-108: Instructions above item 6 are incorrect. If the court is holding the request</p>	<p>The committee agreed and made this change.</p> <p>The committee agreed. The declaration of service was added under item 2 on page 1. The second bullet was amended to add “serve <u>this request</u> on.”</p> <p>The committee agreed. Item 2c was amended to add, “You must go to court if you want to be heard.” This instruction should go on all motion <i>order</i> forms, including form SC-108A.</p> <p>The committee agreed that the form should be revised to be</p>

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SC-120A; approve forms SC-105A and SC-108A)

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				for 10 days, the matter will be submitted to the judicial officer for review on the 10th day and it may not be decided for several days thereafter. The instructions should be rephrased to be clearer to the litigant.	consistent with proposed rule 3.2107(b) (circulated as rule 1707(b)) and form SC-105: The <i>Request</i> was amended to add, “The court will give the other plaintiffs and defendants at least 10 days to answer this Request.” The <i>Answer</i> was amended to add, “The court will mail its decision to all plaintiffs and defendants <u>at least</u> 10 days after the <i>Request</i> was mailed.”
10.	Ms. Iris Stuart Court Operations Manager Superior Court of California, County of Sonoma Santa Rosa	AM	N	<u>SC-104 Proof of Service</u>  1. On form SC-104: We strongly support the inclusion of the hearing date and time on the proof of service. This information is critical at the time of filing and during the prioritizing of work by court staff.  2. On form SC-104: Please add an instruction informing the litigant that they must file the proof of service with the court. Litigants frequently do not realize they are responsible for filing these with the court	No response required.  This form is intended for the server. The lead-in sentence advises, “To learn more about proof of service, read <i>What Is “Proof of Service”?</i> , form SC-

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				<p>prior to the hearing. They often arrive at the hearing with them in hand or else they leave them at home. This results in delay in the courtroom.</p> <p>3. On form SC-104: The top of page 1 tells people that to learn more about how to serve a business or entity to read, “How to Serve a Business or Public Entity, form SC-104C” —then goes on to explain how to serve a business. The space where the explanation is could be better utilized by inserting the name and address of the submitting party. Because this form is used by both plaintiffs and defendants at various stages during the small claims process, we need the name and address of the submitting party to appear on this form to make it readily apparent on whose behalf it is being filed.</p> <p>4. On form SC-104: Top of page 2—item 4, should include an instruction “to be completed by Server at least 18 years old and not named in this case.”</p> <p><u>SC-108 Request to Correct or Cancel</u></p>	<p>104B.” Form SC-104B advises “You need to file the original completed Proof of Service form <b>5 days before</b> your trial.”</p> <p>This form is for the server and must be completed by the server. The documents served are listed under item 3. After considerable discussion, the committee concluded that it is not necessary to know who requested service. Adding this to the form may cause unnecessary confusion. The server is instructed to return the form “to the person who asked you to serve the papers.”</p> <p>Item 2, Instructions to Server, already gives this information.</p>

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				<u>Judgment and Answer</u>  5. Form SC-108: Aside from the signature line, this form does not contain any identifying information for the person filing the document. This information needs to be included on this form. An addition in the style of item 7 on form SC-105 would fill this need on SC-108.	The committee agreed and made this change. Item 1 identifies “the person asking the court to correct or cancel a judgment.” However, the <i>Answer</i> does not ask for identifying information. New item 6 was inserted on page 2 and the remaining items were renumbered.
11.	Ms. Kim E. Baskett Referee Superior Court of California, County of Santa Cruz Santa Cruz	A	Y	No comments.	No response required.
12.	Ms. Pam Moraida Civil/Small Claims Program Manager Superior Court of California, County of Solano Fairfield	A	N	The forms would be very “user friendly,” if proposed changes are approved.	No response required.
13.	Ms. Tressa S. Kentner and Ms. Debra Meyers Executive Officer and Chief of	A	N	No comments.	No response required.

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	Staff Counsel Services Superior Court of California, County of San Bernardino San Bernardino				
14.	AOC Copyeditors	AM	Y	<p><u>All forms</u></p> <p>Instead of attach “a <u>separate</u> sheet of paper” say “a <u>plain</u> sheet of paper”? (See form SC-105, items 2, 3, &amp; 4.)</p> <p>Perjury declaration: add, “I declare under penalty of perjury under California state law that the information above <u>and on all attachments</u> is true and correct.” (See SC-105, item 6.)</p> <p>Add: “<u>Judge</u> or Judicial Officer” to the signature line consistent with AOC format, e.g., DV forms.</p> <p><u>SC-104C How to Serve</u> Some URLs and phone numbers are bold and others are not. What is our preference?</p> <p><u>SC-105A Order on Request for Court Order</u> Add to item 2, immediately below hearing</p>	<p>The committee agreed and made this change.</p> <p>The committee agreed and made this change.</p> <p>The committee agreed and made this change.</p> <p>The committee bolded all URLs and phone numbers.</p> <p>The committee agreed and made</p>

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				box, another box consistent with Form SC-108A, “[ ] Bring evidence to support your request.”	this change.  Other minor technical changes were made.