

# Do you want to sue someone for a breach of contract

<b>Step 1</b>	<p><b>Complete the following forms</b> in blue or black ink:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> CM-010 Civil Case Cover Sheet</li> <li><input checked="" type="checkbox"/> SUM-100 Summons</li> <li><input checked="" type="checkbox"/> PLD-C-001 Complaint-Contract</li> <li><input checked="" type="checkbox"/> Causes of Action:             <ul style="list-style-type: none"> <li>• PLD-C-001(1) Cause of Action - Breach of Contract</li> <li>• Optional: PLD-C-001(2) Cause of Action - Common Counts</li> <li>• Optional: PLD-C-001(3) Cause of Action - Fraud</li> <li>• There may be other causes of action – talk to an attorney if you have questions</li> </ul> </li> </ul>
<b>Step 2</b>	<p><b>Copies:</b> Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies in addition to the original.</p>
<b>Step 3</b>	<p><b>File:</b> Turn in the original and copies to the Clerk’s Office located at:</p> <div style="display: flex; justify-content: space-around; text-align: center;"> <div> <input type="checkbox"/> 191 North First Street              San Jose, CA 95113         </div> <div> <input type="checkbox"/> 301 Diana Ave.,              Morgan Hill, CA 95037         </div> </div> <p style="text-align: center;"><i>Monday-Friday from 8:30am to 4:00pm.</i></p> <p><input type="checkbox"/> <b>If you are not asking for a fee waiver</b>, you will pay the filing fee and get filed-stamped copies back when you file.</p> <p><input type="checkbox"/> <b>If you are asking for a fee waiver</b>, your file-stamped copies may be returned immediately, OR you may be asked to return in 24 hours, OR your file-stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
<b>Step 3</b>	<p><b>Service:</b></p> <ul style="list-style-type: none"> <li>• When you file, the clerk will give you information about <b>Alternative Dispute Resolution</b> and paperwork telling you and the defendant the <b>date</b> of your first court appearance. <b>All</b> of this paperwork must be given to the the person you are suing when you serve them.</li> <li>• After filing the initial paperwork, you have 60 days to serve the legal forms.</li> <li>• <b>You must serve a copy to the other party in your case and their attorney if they have one.</b></li> </ul> <p><i>“Service” means that someone, <b>NOT YOU</b>, who is at <b>least 18 years old must hand-deliver</b> a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve (deliver) the papers for you or you can look in the yellow pages and hire a “process server” to deliver the papers for you for a fee. The attorney, if there is one, can be served by mail.</i></p> <ul style="list-style-type: none"> <li>• <b>After papers are delivered</b>, the <b>server</b> (person who delivered the papers) must complete the <b>POS-010 Proof of Service of Summons</b> form.</li> <li>• File the <b>Proof of Service of Summons</b> form with the Clerk’s Office.</li> </ul>
<b>Step 5</b>	<p><b>What happens next:</b></p> <ul style="list-style-type: none"> <li>• After you properly serve the paperwork:             <ul style="list-style-type: none"> <li>▪ The defendant has 30 days from the date they receive the paperwork to file an ANSWER.</li> <li>▪ If the defendant DOES NOT file an answer within 30 days (40 days if they were served by registered or certified mail), you can take their “DEFAULT.”</li> <li>▪ If the defendant DOES file an Answer you will need to file a request for trial.</li> <li>▪ A private attorney or the Self-Help Center can help you with the next step.</li> </ul> </li> </ul>

Self-Help Center/Family Law Facilitator’s Office  
 Superior Court, County of Santa Clara  
 99 Notre Dame Avenue, San Jose, CA 95113  
 (408) 882-2926

[www.scscourt.org](http://www.scscourt.org)  
 Superior Court, County of Santa Clara

[www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)  
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