

Do you want to sue someone for a breach of contract

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> CM-010 Civil Case Cover Sheet <input checked="" type="checkbox"/> SUM-100 Summons <input checked="" type="checkbox"/> PLD-C-001 Complaint-Contract <input checked="" type="checkbox"/> Causes of Action: <ul style="list-style-type: none"> • PLD-C-001(1) Cause of Action - Breach of Contract • Optional: PLD-C-001(2) Cause of Action - Common Counts • Optional: PLD-C-001(3) Cause of Action - Fraud • There may be other causes of action – talk to an attorney if you have questions
Step 2	<p>Copies: Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies in addition to the original.</p>
Step 3	<p>File: 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 style="width: 45%;"> <input type="checkbox"/> 191 North First Street San Jose, CA 95113 </div> <div style="width: 45%;"> <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"/> If you are not asking for a fee waiver, you will pay the filing fee and get filed-stamped copies back when you file.</p> <p><input type="checkbox"/> If you are asking for a fee waiver, 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>
Step 3	<p>Service:</p> <ul style="list-style-type: none"> • When you file, the clerk will give you information about Alternative Dispute Resolution and paperwork telling you and the defendant the date of your first court appearance. All of this paperwork must be given to the the person you are suing when you serve them. • After filing the initial paperwork, you have 60 days to serve the legal forms. • You must serve a copy to the other party in your case and their attorney if they have one. <p><i>“Service” means that someone, NOT YOU, who is at least 18 years old must hand-deliver 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"> • After papers are delivered, the server (person who delivered the papers) must complete the POS-010 Proof of Service of Summons form. • File the Proof of Service of Summons form with the Clerk’s Office.
Step 5	<p>What happens next:</p> <ul style="list-style-type: none"> • After you properly serve the paperwork: <ul style="list-style-type: none"> ▪ The defendant has 30 days from the date they receive the paperwork to file an ANSWER. ▪ 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.” ▪ If the defendant DOES file an Answer you will need to file a request for trial. ▪ A private attorney or the Self-Help Center can help you with the next step.

Self-Help Center/Family Law Facilitator’s Office
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www.scscourt.org
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www.courts.ca.gov/selfhelp
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