

SMALL CLAIMS

BE PREPARED FOR YOUR HEARING

1. It is the Plaintiff's responsibility to contact the **sheriff's office or licensed process server** prior to your court appearance to make sure your paperwork has been properly served and that Proof of Service is filed with the Court.
2. The **court appearance** you have been provided with is the date and time for you to appear at Sparks Justice Court to present your case. You must be fully prepared to present any evidence and/or witnesses you may have on that date. Generally, you will not be able to present your case at any other time.
3. At least five (5) judicial days before your court date, please provide to the Court, an original and one copy of any **exhibits** (documents, pictures, statements, invoices, etc.) you wish to use to prove your claim at your court appearance. You must also provide a copy of your evidence to the plaintiff at least five (5) judicial days before your court date. Once you have provided the opposing party their copy, you will need to file a certificate of service with the Court. Failure to follow these steps may result in a continuance of your court appearance or a dismissal of your case.
4. To **subpoena a witness** who will not voluntarily appear at your hearing, you may request a Subpoena be prepared and issued from the Sparks Justice Court civil department. When subpoenaing a witness, you must provide them with a \$25.00 witness fee plus mileage for their travel to and from the courthouse. These fees are payable at the time the subpoena is served. These fees are considered part of your court costs and will be added to the judgment if you prove your case. Subpoenas must be served at least 10 judicial days before your court date. Please contact the local sheriff's office or a licensed process server to arrange for service of the subpoena. NOTE: No witness is obligated to appear unless the fees have been paid prior to the hearing.
5. If your case involves **damages resulting from an automobile accident**, at least five (5) judicial days before your court date you must provide to Sparks Justice Court, a copy of the police report along with three estimates for repair and the outcome on the citation or criminal complaint resulting from the collision, if any. If you provided these items with your Small Claims Application, you do not need to provide them again.
6. You must file your **Memorandum of Costs** with the Sparks Justice Court civil department at least ten days prior to your court appearance. A copy of your Memorandum should also be provided to the opposing party. This form can be found on the Sparks Justice Court website.
7. If your **case settles prior to the court appearance date**, it is important that you notify Sparks Justice Court in writing of that fact. The parties can request a "Stipulation and Judgment" form from the Sparks Justice Court civil department. This form must be completed, signed by both parties, and filed with the Court prior to the hearing. If a defendant fails to make their payments after this agreement, the plaintiff will automatically have a judgment for the full amount owed by the defendant per the settlement agreement and may execute upon any appropriate assets of the defendant to try to collect the judgment. See ¶ 14, below.

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8. **If you should move at any time during your Small Claims action**, please notify the Court of your new address to ensure you receive correspondence regarding your case.
9. You may be **represented by an attorney**, but you are responsible for the attorney fees as they are not awarded as court costs in Small Claims.
10. **Continuances of your hearing will not be granted unless they are requested at least 72 hours in advance, unless there is a medical emergency.** If you are coming from out of town, you should confirm your court date 72 hours before your scheduled appearance. The Request for Continuance form can be found on the Sparks Justice Court website.
11. **If the plaintiff is not personally present for their court appearance**, their case will be dismissed. If there is a valid reason as to why you failed to appear, you may file a “Motion to Set Aside Dismissal.” This motion must be filed within six (6) months of the missed court appearance. If this motion is granted, the Court will set a new court date and notify the parties. Please contact the Sparks Justice Court civil department for this form.
12. **If the defendant is not personally present for their court appearance**, the plaintiff will be awarded judgment by default. If there is a valid reason as to why you failed to appear, you may file a “Motion to Set Aside Default Judgment.” This motion must be filed within six (6) months of the missed court appearance. A filing fee may be required to file this motion. If this motion is granted, the Court will set a new court date and notify the parties. The issuance of any execution on the default judgment may be stayed until the outcome of the new hearing. Please contact the Sparks Justice Court civil department for this form.
13. **If you do not agree with the outcome of this case**, you may appeal a judge’s decision within five (5) judicial days from the entry of judgment. Judicial days do not include the date of the judgment, weekends, or judicial holidays). Appeal forms can be found on the Sparks Justice Court website.
14. **Getting a judgment in Court does not guarantee** you will receive the money that a judge ordered be paid to you. If a party does not voluntarily pay the judgment amount, you may have to locate attachable assets such as place of employment, bank account, property etc. The Court does not locate these assets for you. If you are unable to locate these assets, you may request the Court schedule a Supplementary Hearing to bring the party owing money before the Court for you to question them about the location of their assets. Please reach out to the Sparks Justice Court civil department for more information.
15. When **the judgment amount has been paid in full** a “Satisfaction/Dismissal” must be signed and filed with the Court to release the defendant and conclude the case for the Court’s records. This form may also be used if at any time, the plaintiff wishes to release the defendant for any reason, such as bankruptcy or improper jurisdiction. Please be sure to notify your process server of the dismissal if the case is dismissed before the defendant is served with the Small Claim. Please contact the Sparks Justice Court civil department for this form.