

BE PREPARED FOR YOUR SMALL CLAIM HEARING

1. The **hearing date** you receive today is the date and time for you to present your case. You must be prepared to fully present all witnesses and evidence at your court date. Generally, you will not be able to present other evidence at any other time. Check with the process server who served your document prior to your hearing date to make sure the defendant has been properly served.
2. To **subpoena a witness** who will not come voluntarily, the subpoena should be prepared and served at least two weeks prior to the hearing date. Subpoena forms are available at the Civil Department and can be prepared by the clerks. There is a \$25.00 witness fee plus mileage for every mile the witness must travel to get to the Court. These fees are payable at the time the subpoena is served. These fees are considered as part of the court costs and will be added to the judgment if you prevail in your suit. Please contact a process server or the Washoe County Sheriff for service of the subpoena. NOTE: No witness is obligated to appear unless the fees have been paid prior to the hearing.
3. If your case involves **damages resulting from an automobile accident**, you must provide to the court, at least five days prior to the hearing date, the police report along with three damage estimates and, if applicable, the outcome on the citation or criminal complaint.
4. At least 10 days prior to your hearing, mail a copy of your documents, pictures and statements to the opposing party and bring to the court the certificate of mailing and the originals of your documents, pictures and statements. This will assist the Judge in being prepared to hear your case. Failure to do so will result in dismissal or continuance of your case, or assessment of copy fees at your expense.
5. If the defendant, after being served, would like to make an **out-of-court settlement**, the Court can provide a “Stipulation / Judgment” form. This form must be completed, signed by both parties and filed with the Court prior to the hearing. Should the defendant default after agreeing to settlement, the plaintiff will automatically have judgment for the full amount owed by the defendant pursuant to the settlement agreement and may execute upon any appropriate assets of the defendant to try to collect the judgment.
6. If your **case settles prior to the trial date**, it is important that you notify Sparks Justice Court in writing. When **the defendant has paid the judgment amount in full**, there is a “Satisfaction/Dismissal” form available at the Court that the plaintiff **must** sign to release the defendant and conclude the case for the Court’s records. If the defendant is properly served and wishes to pay prior to the Court date, the defendant is also responsible to pay the filing and service fees unless otherwise agreed. If the plaintiff wishes to release the defendant for any other reason such as bankruptcy or improper jurisdiction, the same dismissal may be used. Mail or deliver this form to the court as follows: Sparks Justice Court, Attn: Civil Division, 1675 E. Prater Way # 107, Sparks, NV 89434. 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.
7. If **you as the plaintiff are not personally present on the hearing date**, the case may be dismissed. If there is legal cause as to why you failed to appear, you can file a “Motion to Set

Aside Dismissal”. The clerk can provide you with this form; there is a \$46 filing fee. This motion must be filed within 6 months of the court date. If this motion is granted, the court will set a new court date and notify both parties.

8. If **you as defendant are not present on the hearing date**, the plaintiff may be awarded judgment by default. You also have 6 months from the court date to file a motion with the Court to have the default judgment set aside; there is a \$71 filing. If this motion is granted, a new hearing will be set and both parties will be notified by mail of the new date. The issuance of any execution may be stayed until the outcome of the new hearing.
9. **If you should move**, please notify the court of your new address to ensure you receive any correspondence regarding your case.
10. A plaintiff or defendant who is **dissatisfied with the decision** in the case may **appeal** within 5 “judicial” represented days (excluding the court date, weekends, and judicial holidays). See the clerk for more information on appeals.
11. You may be **represented by an attorney**, but you are responsible for the attorney fees as they are not allowed as court costs in Small Claims.