

# Getting sued in Small Claims Court

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If someone sues in you small claims court, you should get a Notice of Small Claim and have an opportunity to go to court and defend yourself. You may be able to bring a counterclaim against the person suing you if they owe you money. You also may be able to settle out of court. (Forms and instructions)

## **1. Fast facts**

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### **Why did I get a Notice of Small Claim?**

If someone sues you in Small Claims Court, you'll receive a [data-entity-type="media" data-entity-uuid="eecbd031-3b64-4716-9753-aabdea2ea198" data-entity-substitution="media" title="Notice of Small Claim">Notice of Small Claim form](#) from them.

You may receive the Notice of Small Claim form by mail or hand delivery. You may have already received a demand letter from the person suing you (the other party), claiming you owe them money.

## **( )Do I have to respond or go to court?**

Yes, you should both respond and, if you can't settle the matter, go to court for the trial. The Notice of Small Claim should state the date and time of the Small Claim Court trial. If you don't show up at the trial, you may lose automatically (by default). The other party may win a default money judgment against you and try to collect money from you by garnishing your wages or your paycheck.

If you get the Notice of Small Claim by mail, you should receive it at least **13 days** before the trial date. If you get the Notice by hand delivery (in person), you should receive it at least **10 days** before the trial date.

If you receive the Notice with fewer than 13 days (by mail) or 10 days (by hand delivery), contact the court clerk immediately. Tell the court clerk when you got the notice and ask for a later trial date.

If you don't get a new notice with a new trial date, you should go to the original trial date anyway. At the trial, you may explain to the judge that you didn't get enough time to prepare for the trial because the other party didn't serve you properly. The judge may set a new trial date or dismiss the case.

## **2. Settle**

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Some courts may require you to take part in a settlement conference or mediation before going to trial.

Many people consider working out a settlement instead of going to a Small Claims Court trial. Going to court can be stressful. Settling your dispute may save you time, money, and stress.

You may offer to go to mediation with the other party, where a neutral third party can help you both come to an agreement. Resolution Washington (<https://www.resolutionwa.org/locations>) has a list of Dispute Resolution Centers (<https://www.resolutionwa.org/locations>) you may contact to find out about mediation options in your county.

If you come to an agreement about the money dispute, prepare a written agreement with the other party that states how much you'll pay, and how. You may set up a payment plan with the other party to pay over time.

The other party should then take the settlement agreement to the court and dismiss the Small Claims Court case and cancel the trial. You can contact the court clerk to make sure the other party dismissed the case.

### 3. Respond

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1. Read the Notice of Small Claim. Figure out your deadline to respond.
2. Try to talk to a lawyer.

3. Gather your evidence and prepare your response. If you don't think you owe the other party money, you must go to the trial date with evidence that disproves the other party's claim.
4. If you think the other party owes you money, you may also **file a counterclaim**. You should file your counterclaim as soon as possible before the trial date. If you wait until the trial, the judge may not allow you to bring the counterclaim.

Go to the court listed on the other party's Notice of Small Claims Court form. Tell the court clerk you want to file a counterclaim and ask for the form to do this. It may be the same form the other party used. Fill out the form with your counterclaim. Explain the facts of what happened when, who did what, and why you think the other party owes you money.

5. Make a copy of your counterclaim. You'll generally need a copy of your completed paperwork for your own records, and one for each other party to the case.
6. Serve a copy of your counterclaim on the other party.
7. File the originals.
8. Get ready for and go to your hearing.

## 4. Serve other party

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Form attached:

**Certificate of Service (Small Claims Court)** (MISC 05.0200)

If you're filing a counterclaim, you must properly serve the other party with a copy. You must also be able to prove you had the other party served. Ask the court clerk if your small claims court has its own form for this. If it doesn't, use the Certificate of Service here.

- If you're **personally serving** the other party, your counterclaim must reach the other party at least **10 days** before the trial date.
- If you're **mailing it** to the other party, mail it at least **13 days** before the trial date.

After delivery of your counterclaim, you must file the signed Certificate of Service with the court clerk to prove you served the other party on time.

**If you're mailing the other party the Notice of Small Claim form containing your counterclaim,** ask at the post office counter to send it by Registered or Certified Mail, Return Receipt Requested. This means the other party must sign a receipt when they get the form in the mail and mail the receipt back to you.

When you get the Return Receipt with the other party's signature (or signature of someone living with them, or a registered or

managing agent), make a copy. Keep the original receipt. Attach the copy to the signed Certificate of Service and file it with the court clerk.

Bring all your receipts and copies of forms to the Small Claims Court trial.

## 5. Trial and after

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Gather evidence to bring to trial. Gather important documents, photos, receipts, and other evidence that can prove that you don't owe the other party money and, if you filed a counterclaim, that the other party owes you money.

Get more tips about how to get ready for trial, and what happens at and after trial.

If you don't attend the trial, you'll probably lose automatically.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

District Court of Washington, County of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant.

No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, (*Name*) \_\_\_\_\_ declare that I am not the plaintiff, defendant, or a witness, and I served the *Notice of Small Claim* on:

**Name of Defendant**

**Address Where Served**

**Date of Service**

\_\_\_\_\_  
☐ Defendant is a LLC, corporation, or other business entity.

**Title and Name of Person Served**

By:

☐ **PERSONAL SERVICE**

I served the above by delivering a true copy to the defendant personally in \_\_\_\_\_ County, State of Washington at the above address.

☐ **SUBSTITUTE SERVICE**

I served the above by delivering a true copy to the defendant's usual place of abode as listed above in \_\_\_\_\_ County, State of Washington, and leaving it with a person over 12 years of age residing there, as follows:

**Name of Person Receiving a Copy**

**Date of Service**

\_\_\_\_\_  
☐ **SERVICE BY MAIL** (Attach to this form both the postal receipt and the return receipt signed by the defendant.)

I served the Notice by depositing in the United States Post Office in \_\_\_\_\_ County, State of Washington, a true copy of the Notice enclosed in a sealed envelope having adequate postage and sent Certified or Registered Mail, Restricted Delivery, Return Receipt Requested, as follows:

**Address of Post Office**

**Date Mailed**

**Addressed to (Name of Defendant):**

\_\_\_\_\_  
**Mailing Address of Defendant**

\_\_\_\_\_  
I declare under penalty of perjury that the foregoing is true and correct and that I was, at the time of service of the above notice(s), a resident of the State of Washington over the age of 18 years and not a party to the above-numbered claim.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Server

Server's Phone No. \_\_\_\_\_

\_\_\_\_\_  
Address of Server