

When you have a consumer complaint which can't be settled in a friendly way ...

When your letters and telephone calls to the individual or company don't bring satisfactory results ...

When the Mayor's Office of Consumer Services or other consumer agencies can't resolve the problem ...

*Then it may be time
to sue in Small Claims Court*

You can sue anyone who lives or works in Philadelphia.

Only corporations and unincorporated associations must have an attorney. Those corporations in matters of less than \$2,500 need not be represented by a lawyer. An officer of the corporation may file provided that proper documentation is supplied at the time of filing.

You can claim up to **\$10,000.00**.

You can bring a lawsuit easily, quickly and inexpensively.

You have a right to sue someone you think has cheated you. However, if you know the person has no money or property, you won't be able to collect, so there's not much point in suing him.

TO FILE A CLAIM

1. File your Statement of Claim in the First Filing Office, Room 500, 5th Floor, 34 South 11th Street, between 9:00 A.M. and 4:00 P.M., Monday through Friday. An interviewer will assist you and will set a time and location for a hearing. The hearing will be held in a courtroom

at 34 South 11th Street within 90 days.

2. The minimum cost of filing is **\$39.50** for claims up to **\$500.00**. The minimum cost of filing for claims over **\$500.00** is **\$45.50**. The minimum cost for claims over **\$2,000.00** is **\$65.50**. These costs will be added to the judgment if you win and collect your claim. No personal checks will be accepted for this or other fees. Additional costs will be incurred if you are suing more than one defendant or serving a complaint out of the county.
3. Bring three copies of bills, estimates, contracts or other documents pertaining to the case.
4. A court interviewer will assist you in preparing your Statement of Claim and the court will provide a typist to type the complaint. Remember, the Court is not staffed to do any investigation of the claim; therefore, you must have the correct name of the defendant and the correct address where service can be made. You should also be prepared to tell the interviewer the exact nature of your complaint, including dates, places and amounts involved in your claim.
5. If the defendant is a business, you must also be able to advise the interviewer of the nature of the business; i.e., whether it is a corporation, partnership, or individual proprietorship. Be prepared to provide the full name of the owner if the company is individually owned.
6. In case of personal injury or auto damage from an accident, you will be given an affidavit to be completed by a repairman. This should be completed and brought into court. Further, in the event of an automobile accident you must also have the defendant's date of birth, operator's number and automobile license number or the Prothonotary will not be able to certify the judgment to the Pennsylvania Department of Motor Vehicles.

7. The person you are suing (the defendant) must be served with a copy of the Statement of Claim, summoning him to court. You will receive a postcard indicating whether the defendant was served or not. In the event that service was not made, the writ server will leave his phone number.

AT THE HEARING

The courtroom procedure is simple and informal. You should appear at least 15 minutes prior to the hearing on the designated date and present your copy of the complaint to the court clerk.

If the defendant fails to appear in court, in most cases the judge will decide in your favor. This is a default judgment.

If both parties are present, the judge will listen to each side and will make a decision. You will also be offered the services of mediation if both parties agree.

WHEN YOU STATE YOUR CASE

- ♦ *Give the facts clearly*
- ♦ *Present pertinent documents*
- ♦ *Stay calm, don't get excited*

If you lose, you can appeal within 30 days by filing a Notice of Appeal in Room 278 City Hall, a copy of which must also be filed in Room 540, 34 South 11th Street. Be prepared to get a lawyer, however, because the case will go to the Court of Common Pleas.

If you win (the judgment is in your favor), the defendant has 30 days to appeal or to satisfy the judgment (that is, to do as the judge ordered).

If you win by default, the defendant may file a Petition to Open if there is a valid reason for missing the hearing. If this happens, you will receive notice from the Court.

AFTER THE HEARING

If the judgment is in your favor and you receive payment, you must sign and give to the defendant an ORDER TO SATISFY which he/she must file with the Prothonotary to end the case.

The Court Clerk should give you an order at the conclusion of your case if the judgment is in your favor. If you do not receive the form in the Courtroom, you can obtain one in Room 580, 34 South 11th Street.

If you do not receive satisfaction within 30 days, you may execute on the judgment. This means you may take action through the Sheriff's Office. The cost of execution is a minimum of \$84.00 which will be returned to you if and when you collect on your claim. If the 30th day from the hearing falls on a weekend or holiday, you will have to wait one extra working day before you can file the writ.

TO EXECUTE ON THE JUDGMENT

1. Take the copy of your complaint to Room 580, 34 South 11th Street, where you obtain a Writ of Execution.
2. Then take the Writ of Execution to the Sheriff's Office, 100 S. Broad St. This directs the Sheriff to put a levy on the defendant's property, which means he will list the items which can be sold if he does not pay the claim within 15 days. Be sure to write down the name of the Deputy Sheriff who will serve the writ so you can call him directly after 15 days if you do not hear from the Sheriff's Office.

WHAT NEXT?

If, after 15 days, however, you still have not received payment, you may have the defendant's goods sold at auction. To call for a Sheriff's Sale, return to 100 S. Broad St., where you will have to pay approximately \$25.00. The Sheriff will then have bills posted that indicate the time and place of the sale.

If you go through with the Sheriff's Sale, it is a good idea to attend the sale and bring others who might be interested in purchasing the defendant's goods. Otherwise, there may be no buyers. The buyer must be prepared to remove the goods after the sale. The proceeds of the sale will go toward satisfying the judgment.

REMEMBER

1. **You must file in Room 500, 5th Floor, 34 South 11th Street.**
2. **You can claim up to \$10,000.00.**
3. **You have to pay a minimum of \$39.50 if your claim is between \$.01 and \$500.00; you have to pay \$45.50 if your claim is between \$500.01 and \$2,000.00; and, finally, there is a court cost of \$65.50 if the judgment sought is over \$2,000.00 (no personal checks, please). If you are suing more than one defendant or if the defendant is out of this county, there will be additional filing fees.**
4. **You do not have to have a lawyer unless you are incorporated or are an unincorporated association.**

SMALL CLAIMS COURT IS A DIVISION OF MUNICIPAL COURT. THE TELEPHONE NUMBER IS MU6-7987/7988.



The Municipal Court complies with the Americans With Disabilities Act, which requires that all Court services and facilities be accessible to persons with disabilities on an equal basis to those without disabilities. If you have a disability, and require reasonable accommodations to file a claim, participate in a Municipal Court proceeding, or use any service provided by the Court, please call 686-7986.

Requests for reasonable accommodations must be made at least three business days before any hearing, or within three business days after service (delivery) of the notice of the hearing, whichever is later.

SMALL CLAIMS COURT

in the
City of Philadelphia



THE
PHILADELPHIA
MUNICIPAL
COURT

LOUIS J. PRESENZA
President Judge

SÉAMUS P. McCAFFERY
Administrative Judge