

All parties must appear on time in the assigned courtroom on the day of the trial. All parties should leave enough time to pass through security on the ground floor and get to the 4th Floor. **COURT STARTS ON TIME.**

If you are late or fail to appear, a default judgment will be entered against you. The court will send you a notice that a default judgment has been entered against you. You may file a petition to open the default judgment on the 10th Floor of 1339 Chestnut Street. You must have a good reason for missing or being late for the trial, must file the petition promptly after learning of the default judgment, and must have a valid, meritorious claim or defense.

Before trial, the parties are given the opportunity to reach an agreement with or without the court's mediation program. The mediators are trained to help the parties to reach a binding agreement. They do not represent either side.

All agreements are in writing and must be signed by all parties. They are binding and cannot be appealed. A party should not sign an agreement unless it is completely clear and understood by that party. A mediator, member of the mediation program or a judge is always available.

If an agreement is not reached, the case will proceed to trial before a judge. The documents filed with the complaint must be brought to court. The defending party should also bring all relevant documents. A trial is a formal court proceeding. You should following these guidelines:

- Maintain your composure and be polite.
- Address your comments and questions to the judge unless the judge permits you to ask a question of another party.
- Do not interrupt the judge or another party. You will have the opportunity to explain your case.

The court will make an oral decision immediately after the trial or send the parties a written decision shortly after the trial. The court will give the parties information about the options available to them.



THE MUNICIPAL COURT COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT, WHICH REQUIRES THAT ALL COURT SERVICES AND FACILITIES BE ACCESSIBLE TO PERSONS WITH 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 215-686-7986. 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.

PHILADELPHIA MUNICIPAL COURT



INFORMATION FOR SMALL CLAIMS COURT

INFORMATION ABOUT SMALL CLAIMS COURT

The Philadelphia Municipal Court hears cases for parties seeking a money award up to \$12,000, exclusive of interest and costs. The court cannot hear a case against a Commonwealth party such as SEPTA. The court also cannot order a party to do something, such as return property or make repairs.

The court generally hears two types of cases. They are negligence actions and contract actions. The court has a web site (<http://fjdclaims.phila.gov>) where you can find case histories and documents filed in any case.

A contract is an agreement between two or more parties. The agreement may be written or oral. Common examples of contracts are agreements between homeowners and contractors to make repairs; between insurance companies and insureds to provide property, liability or life insurance; between vendors and purchasers to provide goods or services; between lenders and borrowers to loan money; and between credit card companies and credit card holders to provide credit. In each of these examples, the homeowner, insured, borrower and credit card holder agrees to pay money in return for what the other party provides. A breach of a contract occurs when one party does not do what it promised.

Negligence is based on the responsibility to use reasonable care to protect others from harm. When that duty is broken and damages occur, the injured person may file a claim. One example of a negligence action is when a person drives through a red light striking another vehicle. As a result of the accident, those in the other car may file a negligence action for personal injuries and property damages.

HOW TO START A SMALL CLAIMS CASE

If an attorney does not represent you, you must come to the court's first filing office on the 10th floor of 1339 Chestnut Street. Only the parties who entered into a contract or the person who suffered a personal injury or property damage normally have the right to bring an action. A person who has the right to bring an action may, however, authorize someone with knowledge of the case to bring the action. The court has an Authorized Representative Form for that purpose. Before coming to the first filing office, the form must be completed and signed by the authorized representative and the person who could have brought the action. The form may be found on and downloaded from the court's web site.

The court has interviewers to assist in completing the necessary papers. The interviewers cannot provide legal advice. There is a charge to file an action and a charge to serve the legal papers on the opposing party. If you can demonstrate that you cannot afford these charges, the court may allow you to file an action without having to pay the initial filing fee.

Before coming to court, you must know the name and address of the party you want to sue. The court cannot accept post office boxes. If the party being sued is not an individual, you should make sure that you have the correct name of the corporation, partnership, limited liability entity. For assistance with locating Pennsylvania entities, you may wish to contact Pennsylvania's Corporation Bureau (www.dos.state.pa.us/corps/cwp/view.asp) at 717-787-1057. For assistance in locating an entity that does business in Philadelphia, you may wish to check to see if the entity has a Philadelphia business privilege license by contacting the Department of Licenses and Inspections' License Issuance Unit. It is located in the Concourse Level of the Municipal Services Building, 1401 JFK Boulevard and may be reached by calling 311.

I. Required documents, if they exist, when bringing a breach of contract action

- Documents explaining the agreement between you and the party you are suing.
- Correspondence between you and the party you are suing.
- Documents such as photographs, diagrams, invoices, estimates, contracts and cancelled checks showing the damages you suffered or which help explain your case.

II. Required documents, if they exist, when bringing a negligence action

- Correspondence between you and the party you are suing.
- Documents such as photographs, diagrams, medical records, invoices, estimates, contracts and cancelled checks showing the damages you suffered or which help explain your case.

If you have documents you intend to use at trial that were not attached to your original filing, they must be sent to the party you sued or to his/her/its attorney at least **ten (10)** days before trial. Such documents may include the following:

- Bills, records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses, physical therapists or other licensed health care providers;
- Bills for drugs, medical appliances and prostheses;
- Affidavits of a repairman setting forth the actual or estimated cost to repair damaged property and of the fair market value of that damaged property and affidavits of treating physicians setting forth the amount charged for professional services (preprinted affidavits may be obtained from the court);
- Estimates of the value of damaged property and bills and estimates setting forth the cost to repair or replace damaged property;
- A report of the rate of earnings and time lost from work or lost compensation prepared by an employer;
- An official weather or traffic signal report or standard United States government life expectancy table; and
- A document that appears to have been made in the regular course of business.

THE SMALL CLAIMS TRIAL

Small Claims trials are heard on the 6th Floor of 1339 Chestnut Street. The date, courtroom and time will be stated on the original filing, which is called a statement of claim.

Continuance requests must be made in writing at least ten (10) days before the scheduled trial. All requests should be addressed to Patricia McDermott, Deputy Court Administrator, 1339 Chestnut Street Room 1020, Philadelphia, PA 19107. A copy must be sent to all parties. The request must specify the reason why a continuance is needed and provide a telephone number. Any continuance request not made ten (10) days before trial must be made in person at the time of trial. The requesting party must contact all other parties before trial to notify them that such a request will be made.