

GENERAL INSTRUCTIONS FOR SMALL CLAIMS

Our forms are designed to address the most common claims. They are not designed for a specific case. Neither the judge nor staff is allowed to give legal advice or assist in completing the forms. If you need more detailed assistance, you should consult an attorney. The forms are available at our office, located at 800 South C Street, Virginia City, Nevada, or on our county's website at storeycounty.org

In order to file a case in the Justice Court of Virginia Township, the defendant must:

Reside, work, or do business in Storey County at the time the cause of action arose or at the time the complaint is filed.

If the case involves injury to person or property, the case must be filed in the township where the injury was committed. *(The Virginia Township Justice Court serves the entire county.)*

In a case involving a person who has contracted to perform an obligation at, or relating to, a particular place, the case must be filed in the township in which the obligation is or was to be performed. *(The Virginia Township Justice Court serves the entire county.)*

A party cannot sue in Small Claims court for more than \$10,000.00, excluding interest and costs.

While attorneys are allowed to appear on behalf of the parties in small claims proceedings, with very few exceptions, attorney fees may not be awarded by the court.

RESPONDING TO A SMALL CLAIMS CASE IN THE VIRGINIA TOWNSHIP JUSTICE COURT

If you are the person a claim has been filed against, you are the **DEFENDANT**. The person filing the claim against you is the **PLAINTIFF**.

DEMAND LETTER

Before filing a Small Claims case with our court, a Demand Letter with return receipt requested must first be sent to the defendant. The Demand Letter must notify the defendant that the plaintiff will file a Small Claims case if payment of the amount due is not received within 10 days of the date that the letter is sent.

After waiting 10 days, the plaintiff can file a Small Claims case against the defendant.

If you are the defendant and you have received a **SMALL CLAIMS COMPLAINT**, you will see that a hearing date has been set. If you do not show up at the hearing, the judge can issue a default judgment against you.

If you feel the case should be dismissed, you may file a **MOTION TO DISMISS**. You may even file a **COUNTERCLAIM** if you believe that the plaintiff owes you money. There will be a filing fee and it's your responsibility to have the other party properly served. There may be other options and you are encouraged to speak to an attorney if you have more questions. Remember, the judge and office staff cannot offer legal advice and the assistance of an attorney can be very valuable.

PREPARE FOR THE HEARING

Small Claims hearings are informal and are designed to promote fair and speedy justice. Parties may offer documents, pictures, statements, etc., and witnesses to support their arguments.

Documents, photographs and videos: If you plan to refer to documents, photographs, or video at the hearing, you must have one set for you, the other party, and the court. You must make copies of text messages or emails. Contact the court prior to the hearing date to ensure that your video format will operate with our system.

Witnesses: Subpoena forms are available on our website or at our office. A court clerk will sign the subpoena once you have filled it out. You must arrange to have the original subpoena served on your witness. Keep at least one copy of the subpoena. On one of the copies, the declaration must be filled out by the person who served the subpoena on the witness. After the declaration has been completed, file the subpoena and declaration with our Court.

At the close of the hearing, the judge will make a decision. You will receive a copy. You have the right to appeal the decision to the First Judicial District Court. You must file your appeal within five (5) court business days of the entry of judgment.