



Community  
Legal Aid SoCal

Advocates for Justice in Orange and Los Angeles Counties

# Starting a Small Claims Case

In the Orange County Superior Court

# Introduction

Community Legal Aid SoCal is dedicated to meeting the civil legal needs of low-income people throughout Orange and Southeast Los Angeles Counties. We can help with legal issues related to immigration, family law, access to healthcare, public benefits including unemployment, tax, and housing. We also have a special unit dedicated to seniors. We offer a full range of legal assistance, including information and referrals, counsel and advice, workshops, clinics, and direct legal representation in each of these areas.

For legal help, call our Hotline at 800-834-5001.



# Disclaimers

The information contained in this presentation does not, and is not intended to constitute legal advice. All information and content included in this presentation is meant for general informational purposes only. The Orange County Small Claims Advisory can only provide general procedural information on Small Claims cases filed in Orange County, California. The Orange County Small Claims Advisory **cannot** give legal advice. This presentation does not create an attorney-client relationship between the viewer and any employee or volunteer of the Orange County Small Claims Advisory. The Orange County Small Advisory may assist all parties involved in a Small Claims matter. Viewers should consult an attorney to obtain advice for any particular legal matter. For information regarding Small Claims cases filed in counties outside of Orange County, California, viewers should contact the Small Claims Advisor of the appropriate county. This presentation is being recorded. By continuing to view this presentation the viewer agrees to all the terms above.

# COVID-10 Updates

For the latest information and updates check the  
Orange County Court's website

[www.occourts.org](http://www.occourts.org)

 **GO**

<b>Home</b>	<b>Online Services</b> Case Access, Pay Fines...	<b>Forms &amp; Filing</b> Forms, Fees, Local Rules...	<b>Self-Help</b> Self-Rep, Info, FAQs...	<b>Divisions</b> Civil, Criminal, Family...	<b>General Info</b> ADA, Maps...
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- File @ Home**
- Get OC Pay Number**
- Jury Service**
- My Court Portal  
Traffic & Criminal**
- Online Case Access**



**Quick Links :**

- Alternative Dispute Resolution (Civil Mediation)
- Alternative Dispute Resolution (Probate Mediation)
- Availability of Court Reporters
- Employment
- Family Court Services – Child Custody/Visitation Mediation
- Lawyers & Litigants
- Locations and Phone Numbers
- Traffic/Criminal Call Center
- Traffic School
- Unlimited Civil Courtroom Hearing Schedule

**Video Links :**

- For the best experience, use the Google Chrome browser.**
- [Courtroom Live Streaming](#)
- [OCBA Webinar: COVID-19 Update](#)
- [Get Your OC Pay Number](#)
- [Text-to-Pay](#)

## ATTENTION: COVID-19 UPDATES

**The courthouses of Orange County Superior Court are open for limited in-person services. However, members of the public should NOT visit a courthouse unless they have been notified by the Court that they have an in-person hearing scheduled on their matter or they have scheduled an appointment to enter the building for counter services.**

**The Court launched a new online scheduling tool to allow members of the public to self-schedule an in-person appointment at the public counters. [Click Here.](#)**

**For details and the latest information please visit our website's [COVID-19 webpage.](#)**

Click [HERE](#) to submit any questions you may have about the closure of the Court and how it may impact you.

**Court Closure Qs**

# What is Small Claims Used for?

## Sue for money

Individual or sole proprietor of a business can sue up to \$10,000

Other businesses can sue for up to \$5,000

Cannot file more than two cases over \$2,500 in a calendar year

Generally Small Claims Court cannot force the other party to do something, or stop doing something unless tied to a money judgment or allowed by statute.

# What is Small Claims Used for?

Covid-19 rental debt

Starting November 1, 2021

A plaintiff may bring a claim for more than the normal limits if seeking to recover COVID-19 rental debt.

A plaintiff is not limited to two claims of \$2,500 in a year if seeking to recover COVID-19 rental debt.

# Demanding Payment



You must ask the other party to pay you before filing your claim

In person

By phone

In writing

Program to help write a demand letter



# Statute of Limitations

The deadline for filing a lawsuit

A list of common statutes of limitations is available

[Statutes of Limitations](#)

You may need to consult with an attorney

# Starting a Claim

Plaintiff's Claim and Order to Go to Small Claims Court ([Form SC-100](#))  
([Form SC-100A](#)) For multiple Defendants

Information you will need:

- Defendant's name and address
- Total amount you are planning to sue for

# Naming the Defendant



# Suing a Person

Write the first name and last name  
(include the middle initial if known)

Example:

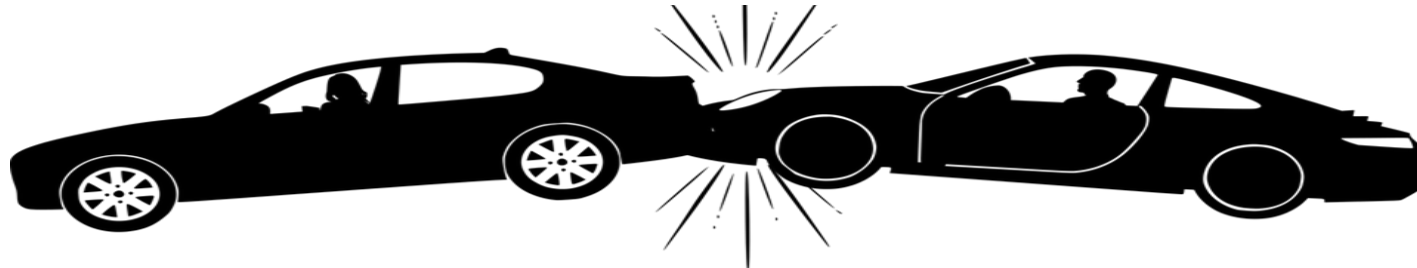
John A. Smith



# Suing due to a car accident

Write the name of the driver and the owners of the car.

For example: John A. Smith, driver  
Jane A. Jones, owner.



# Suing a business

## **Suing a business owned by one person** (sole proprietorship)

Name the owner and the business

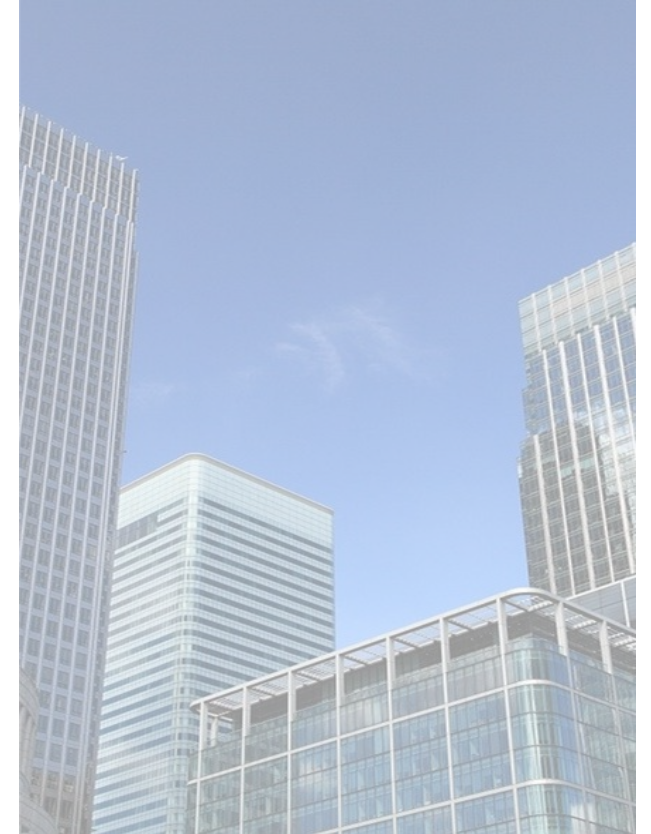
**Example:** John A. Smith individually, and dba Smith Carpet Cleaning

## **Suing a Partnership**

Name both partners and the business

**Example:** John A. Smith individually, and dba Smith Carpet Cleaning

Jane A. Smith individually, and dba Smith Carpet Cleaning



# Suing a corporation or LLC

**Suing a Corporation or LLC:** Write the exact legal name of the corporation.

For example: Speedy Carpet Cleaning Inc., a corporation.

Speedy Carpet Cleaning, LLC.

**Suing a business owned by a corporation:** Write the name of the corporation and the business.

For example: The Rose Corporation, individually and **dba** The Flower Store

Check the California Secretary of State's website

<https://businesssearch.sos.ca.gov/>

check who is listed as the agent for service of process.

# Where to find a Business Name

California Secretary of State  
Corporations, LLCs

[www.sos.ca.gov](http://www.sos.ca.gov)

Orange County Clerk Recorder  
List of fictitious business names

<https://cr.ocgov.com/FBOnlineNet/>

City Hall of the city where the business is located  
Business license





# Alex Padilla California Secretary of State



## Business Entities (BE)

### Online Services

[File LLC Statement of Information](#)

[File Corporation Statement of Information](#)

[Business Search](#)

[Publicly Traded Disclosure Search](#)

[Current Processing Dates](#)

### Service Options

[Name Availability](#)

[Forms, Samples & Fees](#)

[Statements of Information \(annual/biennial reports\)](#)

[Filing Tips](#)

[Information Requests \(certificates, copies & status reports\)](#)

[Service of Process](#)

[FAQs](#)

## Business Search

This search provides access to available information for corporations, limited liability companies and limited partnerships of record with the California Secretary of State, with **free PDF copies** of imaged business entity documents, including the most recent imaged Statements of Information filed for corporations and limited liability companies.

Currently, information for limited liability partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), general partnerships, associations, and other entity types are **not contained** in the Business Search. If you wish to obtain information about these entity types, download, complete, and submit a [Business Entities Records Request Form](#) to request copies of filings for these entity types.

Note: This search is not intended to serve as a name availability search. For information on checking or reserving a name, refer to [Name Availability](#).

To conduct a search:

- Select the applicable search type.
- In the "Search Criteria" box, enter the entity name or number you wish to search. Note: If entering the entity number of a corporation, the number must begin with the letter C.
- Select the search filter you wish to use to locate the entity if searching for an entity name.
- Select the Search button.
- For help with searching an entity name or number, refer to [Search Tips](#).

All fields marked with an asterisk (\*) are required.

Search Type \*

Corporation Name  LP/LLC Name  Entity Number

Search Criteria \*  Search Filter  Keyword



[Home](#) | [Options](#) | [Help](#)

Please click on the Help link at the top of the page for the latest frequently asked questions (FAQ).

**PLEASE NOTE:** Adobe reader is required to print the order from your cart. Please click on the following link <http://get.adobe.com/reader/> to ensure you have the latest version installed on your computer.

- [New Fictitious Business Name Statement](#)
- [Renew a Fictitious Business Name](#)
- [Change a Fictitious Business Name](#)
- [Abandon a Fictitious Business Name](#)
- [Withdraw a Partner](#)
- [Modify Request of Fictitious Business Name](#)
- [Search, View and Order Copies](#)



## FICTITIOUS BUSINESS NAME STATEMENTS

Welcome to the Orange County Clerk-Recorder's online Fictitious Business Name Statements (FBN) Portal. This portal will allow you to access the following services:

- Complete your fictitious business name statement application
- Search fictitious business name statements filed within the last 10 years
- Re-file a fictitious business name statement
- Abandon a fictitious business name statement
- Make allowable changes to a fictitious business name statement
- Complete an application to withdraw from a partnership

The search feature will provide you with the registration number, business name, file date, expiration date and business owner name(s). It is recommended that you search the business name that you wish to file for availability, before creating an application to ensure that the business name is available.

Please note that this portal will allow you to print your completed application(s). However, you will still need to bring the completed and signed application(s) to one of our offices for filing; or mail the completed and signed application(s) with the appropriate [fees](#) to the following address:

Orange County Clerk-Clerk-Recorder Department  
 Attn: Clerk Operations  
 601 N. Ross Street  
 Santa Ana, CA 92701

Please make checks or money orders payable to the **Orange County Clerk-Recorder**

Thank you and we look forward to serving you.

# Completing the (SC-100)



# Where to file

Due to Covid-19, all Small Claims related services will only be provided in Santa Ana

## Central Justice Center

700 Civic Center Drive West  
Santa Ana, CA 92701

# Filing the Claim

- By electronic filing (e-filing)
- By drop-box located by the front entrance of the Central Justice Center.  
(include a check and self addressed stamped envelope)
- By US Mail:(include a check and self addressed stamped envelope)
- In person Counter service

# Filing Fees & Fee Waivers

Suing for \$1,500 or less = \$30 fee

More than \$1500 up to \$5,000 =\$50 fee

More than \$5,000 up to \$10,000 = \$75 fee

More than 12 cases in the last 12 months = \$100 fee

Fee Waivers are available

([FW-001](#) ), ([FW-003](#) )

# Information for Defendants

No response required

Submit your evidence to the courtroom prior to trial date

Defendant's Claim and order to go to Small Claims Court

([Form SC-120](#))

# Serving the Defendant

Each Defendant must be properly served before the trial

You cannot serve the Defendant yourself!

Service can be either:

Personal Service

Substitute Service



# Service Options

Sheriff

Registered Process Server

Anyone over 18 years old and not a party of the case

Certified Mail by the Court Clerk



# Service Timeline

## Personal Service

- At least 15 days before court date in Orange County
- At least 20 Days before court date outside Orange County

## Substitute Service

- Add 10 Days



# Proof of Service

([Form SC-104](#))

Must complete a separate Proof of Service for each Defendant

Filed at least 5 days before the court date

([Form SC-104C](#)) Information on how to serve a business or public entity

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([Form SC-104C](#)) Information on how to serve a business or public entity

# Pretrial Options

Online Dispute Resolution: [ODR.legal-aid.com](https://www.odr.legal-aid.com)

Avoid having to go to court if the case is resolved

Mediation is available on the trial date

# Orange County Small Claims Online Dispute Resolution



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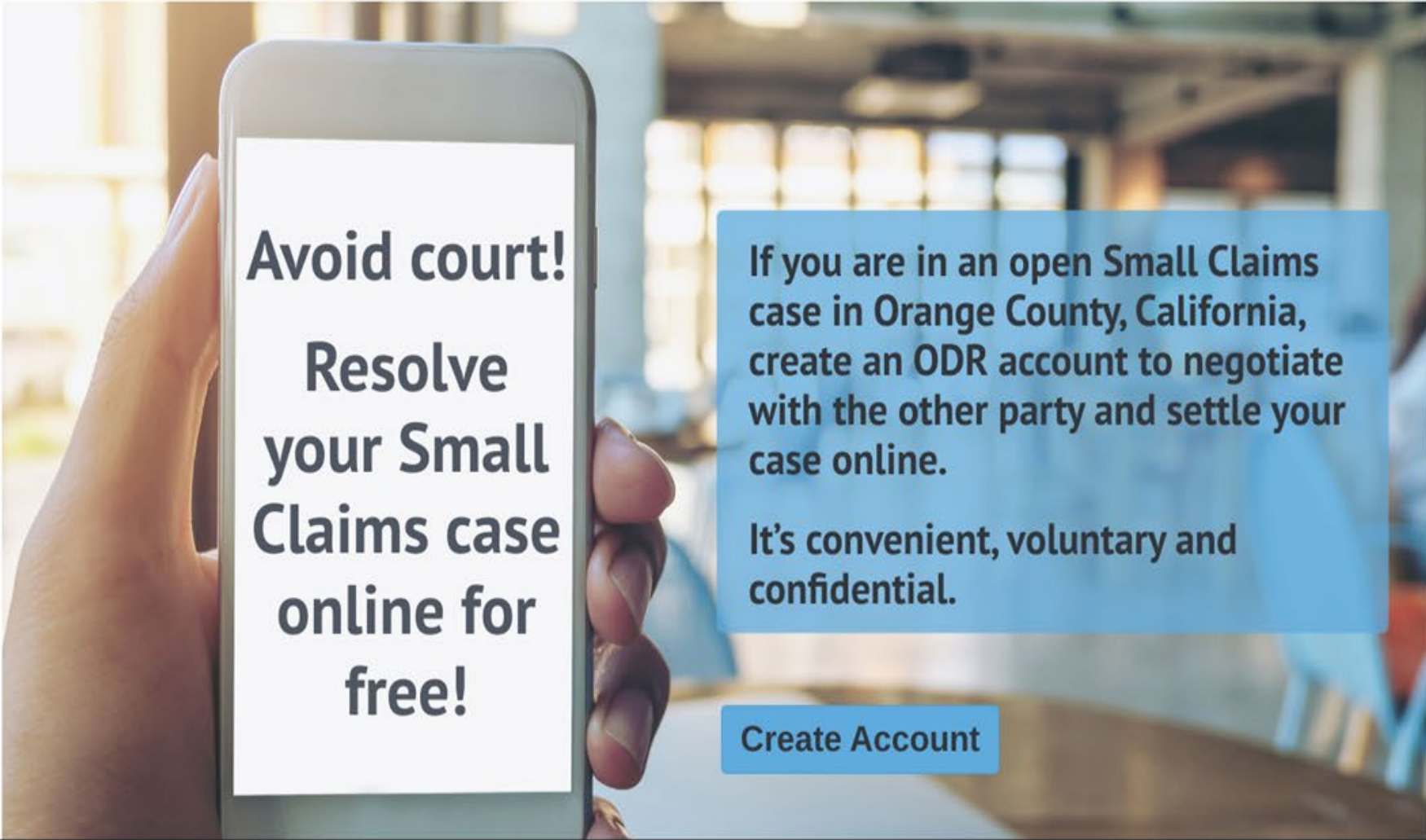
[Home](#)

[Create Account](#)

[FAQ](#)

[Help](#)

[Log In](#)



**Avoid court!**  
**Resolve  
your Small  
Claims case  
online for  
free!**

If you are in an open Small Claims case in Orange County, California, create an ODR account to negotiate with the other party and settle your case online.

It's convenient, voluntary and confidential.

[Create Account](#)

# Trial

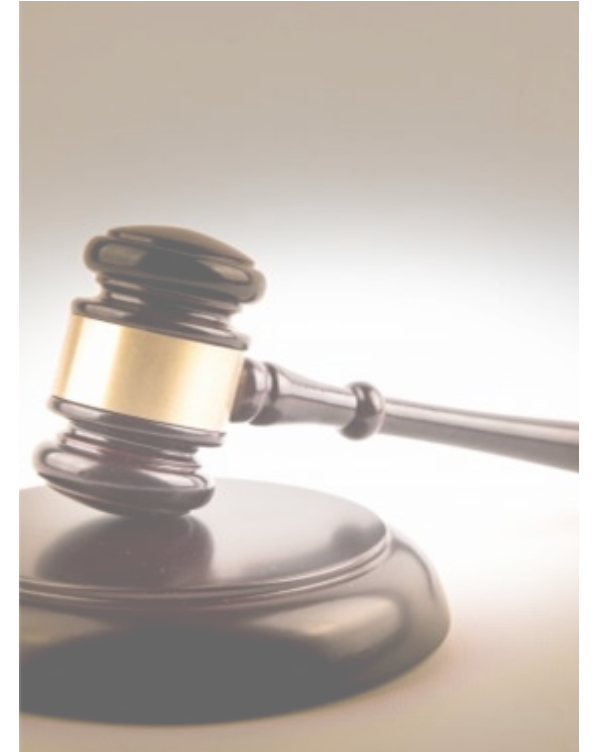
Trials are conducted remotely by Zoom

Self-represented (no attorneys)

Trials are short around 15-20 minutes

Evidence must be uploaded into the [Electronic Evidence Portal](#)

Can subpoena witnesses and evidence if needed ([SC-107](#))





# Trial Continued

The Judge will ask questions

Temporary Judges (pro tem) may be used

The Notice of Entry of Judgment (SC-130) will be mailed to all the parties

Live court proceeding can be viewed on the Court's website

[www.occourts.org](http://www.occourts.org)

# Post Judgement Waiting Period

30 day waiting period

Not able to enforce the judgment during this time

Motion to Vacate ([SC-135](#))

(If you did not attend the trial)

Appeal ([SC-140](#))

# Appeal

New trial

Must present all your evidence again

May be represented by an attorney

Cannot appeal your own claim

Appeal decision is final

# Collecting the Judgement

Up to you to collect your money!

Judgement expires after 10 years

Can be renewed for an additional 10 years

Interest at a rate of 10% per year



# Collection Options

- Bank Levy
- Wage Garnishment
- Real Property Lien
- Till Tap
- Keeper Levy
- Debtor's Exam



# Satisfaction

You must notify the court when your case has been paid

(SC-290)

(EJ-100)



# Resources

Small Claims Advisory:

(714) 571-5277

(800) 963-7717

Lawyer Referral Service:

(714)571-5204

(888)571-4255

Community Legal Aid SoCal Hotline:

(714) 571-5200

(800)834-5001

# Questions?



**Community**  
**Legal Aid SoCal**

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