

BOSSIER CITY COURT

620 Benton Road
Bossier City, Louisiana

SMALL CLAIMS DIVISION

WHAT IS SMALL CLAIMS COURT?

The Small Claims Division is a part of the Bossier City Court established pursuant to Louisiana Revised Statutes 13:5200-5212. You may sue to resolve minor civil disputes and to recover claims of up to **\$5,000.00**. A claim, generally speaking, asserts a legal right you may have.

You may use the Small Claims Court to sue someone who **LIVES** within the city limits of Bossier City. You may also sue in Small Claims Court if you were injured within the city limits of Bossier City, regardless where the party causing your injury may live. Otherwise, the Court's authority to handle cases affecting defendants who do not reside within the Bossier City limits depends on numerous factors that warrant professional legal advice.

You must be **EIGHTEEN** years of age to file a case in Small Claims Court, but minors may sue through a parent or guardian. Minors cannot be sued unless through their parent or guardian.

WHAT KIND OF SUITS MAY BE FILED IN THE SMALL CLAIMS COURT?

You may sue if you believe someone owes you money. For example, you may sue if:

- ◆ Someone fails to return a deposit to you;
- ◆ Products that you purchased are defective and the seller refuses to repair, refund or replace;
- ◆ You suffer loss or injury as a result of the negligence or intentional misconduct of another;
- ◆ Your employer fails to pay wages, salaries or commissions you are due;
- ◆ You seek possession of personal property you are due (but not real estate).

The following types of cases **MAY NOT** be instituted in the Small Claims Court:

- ◆ Suits involving annulment, separation, divorce, alimony, separation of property, temporary restraining order or injunction, succession, interdiction, receivership, liquidation, habeas corpus, or the title to real estate;
- ◆ Suits against a state agency, parish, municipality or other political subdivision;
- ◆ Suits against a public official performing official duties.

HOW DO I SUE IN SMALL CLAIMS COURT?

Come to the Bossier City Court which is located at 620 Benton Road, Bossier City, Louisiana, in the Bossier City Municipal Complex between the hours of 8:00 a.m. and 4:30 p.m. The court cost deposit for filing a Small Claim action is **\$65.00** for one defendant (person being sued); **\$20.00** for each additional defendant. **PLEASE BE ADVISED THAT THESE COURT COSTS ARE NON REFUNDABLE.**

PLEASE REMEMBER: THE CLERKS ARE NOT ALLOWED TO GIVE LEGAL ADVICE, THEREFORE, YOU MAY WISH TO CONSULT WITH AN ATTORNEY BEFORE YOU FILE YOUR CLAIM.

FILING YOUR CLAIM:

The Clerk will give you a form entitled "Statement of Claim and Citation". Be prepared to fill this form out completely by either printing or typing and to provide the following information:

1. Your name, address and daytime telephone number.
 2. The complete and proper **legal name** and **address** of the party you wish to sue. This party is called the "**DEFENDANT**". You will be the "**PLAINTIFF**".
- ◆ If a business is being sued, call the Corporation Division of the Louisiana Secretary of State at (225) 925-4704 to find out if the business is **incorporated** or if it is simply a "trade name" and is **not incorporated**.
 - ◆ If the business is incorporated, you should request the name and address of the **REGISTERED AGENT** for the corporation. That is the individual who will receive "service" or notice of the suit. You should also find out the address of the Registered Office of the corporation, as this is the corporation's "residence".
 - ◆ If the business is not incorporated, you must find the **NAME AND ADDRESS OF THE OWNER** of the business, not the name of the business itself.

If you are suing someone as a result of an **automobile accident** and you do not know the owner of the vehicle causing the injury, the license number is helpful for determining the name and address of the owner. You can write the Motor Vehicles Registration, 7701 Independence Blvd., Baton Rouge, Louisiana, and request this information.

3. A **SIMPLE** but **COMPLETE** statement of why you are suing. This should include dates, places, and persons as they relate to your claim and the total amount you are trying to recover with an itemization and explanation.

REMEMBER: The limit is **\$5,000.00**, **excluding** interest, and court costs.

A court date will be set at the time of the filing of your claim. This date is approximately four to six weeks from the filing date.

You may wish to file in the suit record copies of written evidence that would help support your claim in court such as:

| | |
|-----------|------------------------------|
| Contracts | Repair Estimates (2 or more) |
| Leases | Letter/Written Records |
| Paid Bill | Cancelled Checks |
| Receipts | Promissory Notes |

Bring any document or other evidence you believe will be helpful in proving your case to court at the time of your trial.

WHAT HAPPENS AFTER YOU FILE SUIT:

If the defendant is to be served at an address within the city limits, the Clerk's Office will forward the defendant's copy of your Statement of Claim and Citation to the City Marshal for "service" (or delivery). If the defendant is to be served at an address outside of the city limits, the papers will be sent to the appropriate marshal or sheriff for service. Please be advised that "outside" service may require additional court costs.

If the defendant files an answer to your claim, a certified copy of this answer will be mailed to you.

It is your responsibility to contact the clerk's office approximately two to three weeks after filing the claim to see if the marshal/sheriff was able to complete the service of the Small Claim. The defendant must have been served for the claim to proceed on the set court date.

If the marshal/sheriff is unable to complete service, it is **YOUR** responsibility to provide an alternate address (i.e., place of employment). This procedure is considered a Reissue of Service and has an additional fee of \$20.00.

It is the defendant's right to request that the action be transferred from the Small Claims Division to the regular civil docket. A Written motion requesting this transfer must be filed with the Clerk's Office within the same ten (10) calendar days allowed for the defendant's answer to be filed. Transferring the case to the regular civil docket preserves both parties' right to appeal an unfavorable judgment of the Court. An appeal would permit a review of the trial judge's ruling by a higher court to determine whether the judge properly applied the law to the facts of the case. Transfer to the regular trial division also means that there will be no relaxation of the rules of evidence. In such cases, you should be alerted to the advisability of hiring an attorney.

HOW DO I PREPARE FOR COURT?

You, as the plaintiff, have the burden of proving your case before the judge at a trial.

1. Arrange for **WITNESSES**. These are people who saw what happened or have personal knowledge that might help your case. Have them arrive in court on the hearing date. If a witness will not agree to appear voluntarily, you may ask the Clerk to subpoena him/her. The fee for having a witness subpoenaed is \$20.00, unless it is a police officer, in which case the fee is \$65.00. If a witness is not subpoenaed and does not appear at the hearing, his/her absence will not ordinarily constitute good grounds for a postponement or continuance of your case.
2. Gathering all the evidence that relates to your claim or your defense. This includes photographs, contracts, receipts, promissory notes, letters, cancelled checks, written agreements, or other written material as well as physical objects.
BRING THIS EVIDENCE WITH YOU ON THE TRIAL DATE.
3. Go over the facts and organize them in your mind. You may want to make a list of all important facts to bring out since this will probably be your only opportunity to present evidence. If settlement is reached prior to trial **NOTIFY** the Clerk's Office immediately so that your case may be taken off of the Court's docket.
4. If for any reason a case is continued, there is a \$20.00 fee for the defendant to be reserved due to lack of service or for a case to be reset on the docket due to a previous continuance.

WHAT HAPPENS AT TRIAL?

Arrive early and bring all court papers with you.

1. If you are the party **SUING** and arrive late, or do not appear at all, your case may be **DISMISSED**. If the other party is not there, you must still present proof of your claim before you can get a judgment in your favor.

If you are the party **BEING SUED** and arrive late, or do not appear at all, a judgment could be entered against you. In other words, **YOU MAY**

