



EUCLID MUNICIPAL COURT

555 East 222nd Street
Euclid, Ohio 44123
Phone: 216-289-2888
Fax: 216-289-8254

Patrick J. Gallagher
Judge

Keith M. Hurley
Clerk of Court

SMALL CLAIMS FACT SHEET

1. Small Claims Court is for filing **MONEY CLAIMS ONLY** up to \$6,000.00.
2. Attorneys are allowed in Small Claims Court; however, you do not need an attorney. Corporations, however, must be represented by an attorney at the hearing.
3. The filing fee of \$65.00 is required at the time of filing. An additional fee of \$10.00 is required for each additional defendant. These fees are **non refundable**.
4. In order to file a claim, the Defendant, the party you are suing, must live in or conduct business in the city of Euclid, or the incident must have occurred in the city of Euclid. If filing through the mail, your signature must be notarized in order for your claim to be accepted.
5. A claim can be filed by or against any individual, business, company or organization. If you are filing against a business, you must know if it is incorporated. This information can be obtained by contacting the Secretary of State in Columbus. This number can be obtained from the Governmental Section of the telephone book. If the business is **NOT** incorporated, you must have the complete name of the owner.
6. You must have the complete name and address of the Defendant(s) and know the exact amount of your claim.
7. There is no limit to the number of small claims filed by an individual within one year.
8. If you are a Defendant and believe you have a claim against the Plaintiff, you may file a written counterclaim up to \$6,000.00. **The cost to file a counterclaim is \$40.00.** The counterclaim must be filed no later than 7 calendar days before the hearing date and a copy must be mailed to the plaintiff.
9. When attending the **hearing**, you need to bring **PROOF** of your claim; paid receipts, estimates, leases, contracts, or cancelled checks. If your claim is based upon a motor vehicle, you must bring your **TITLE** to the vehicle.

10. At the time of the **hearing**, bring with you all the evidence you feel you need to prove your case, including witnesses. If you wish to **SUBPOENA** a witness to appear, do so at least 1 week before the hearing. You must have the complete name and address of the witness and normally pay a fee of \$11.00 for the Clerk to issue the subpoena. Check with the Clerk's Office for further information on the subpoena process.
11. After the hearing, the Magistrate/Judge will render the decision entitled Findings of Fact and Conclusions of Law in writing, which will be mailed to all parties.
12. If you wish to object to the Findings of Fact and Conclusions of Law, you have 14 days from the date of the Findings to file a written objection with the Clerk. **The cost to file an objection is \$25.00.** At the conclusion of the 14 days, a written entry of the final decision signed by the judge will be mailed to all parties. A party has 30 days from the date of that entry to appeal.
13. If the decision is in your favor, the losing party becomes a judgment debtor. The Court **will not** collect this judgment for you – **that is your responsibility.**
14. If the losing party does not pay the judgment, you can garnish wages, if the losing party is employed, attach various bank accounts or file a lien against certain real property. In order to take any of these actions **YOU** must find out where the judgment debtor works, banks or owns property. The Clerk's Office can assist in the preparation of the various forms needed to do these things but **YOU** must provide the information. If the party you sue has no assets, you may not be able to collect.

Please keep in mind, the employees of the Clerk's Office are NOT attorneys and are PROHIBITED BY LAW to give legal advice. If you require legal advice, you must consult with an attorney. The employees of the Clerk's Office are also PROHIBITED from referring people to or recommending specific attorneys.

If you have any questions regarding Small Claims Court or a particular case, please contact the Clerk of Courts Office at **(216) 289-2888 and choose option 5.**