



## PIERCE COUNTY DISTRICT COURT

930 Tacoma Ave S, Room 239, Tacoma, WA 98402  
(253)798-7487

[www.piercecountywa.gov/districtcourt](http://www.piercecountywa.gov/districtcourt)

### FILING A SMALL CLAIMS CASE

#### FILING A CLAIM

- ❑ Small claims cases being filed must be for the recovery of *money only*, not to exceed \$10,000 when filed by a natural person or \$5,000 when filed by a business or other entity.
- ❑ File the case in the District Court of the county where the party or business being sued lives or operates\*.
  - \*If the claim is the result of a traffic accident or other property issue, the case may be filed in the District Court of the county where the accident occurred or where the property in question is located (RCW 3.66).
- ❑ Do not obtain attorney representation without prior judicial approval.
- ❑ In Pierce County, initiate the claim online at [www.piercecountywa.gov/districtcourt](http://www.piercecountywa.gov/districtcourt) or at one of the kiosks in the law library at the County-City Building, located at 930 Tacoma Ave S., Tacoma WA 98402.
- ❑ The name and designation (i.e., individual, sole proprietorship, partnership, corporation, etc.) of the defendant (the person being sued) must be correct on the claim.
- ❑ If you are filing on behalf of a business, the following criteria must be met:
  - If filing a claim on behalf of a private business, sole proprietor business, or partnership, the business owner must file the claim and represent the business during the entire small claim process.
  - If filing a claim on behalf of a corporation or limited liability corporation (LLC), an “Affidavit of Corporate Authority” *must* be filed (available from the clerk or online) with each claim, authorizing the named individual(s) to represent the corporation.
- ❑ After the petition has been submitted, contact the court within 72 hours of completing the online process in order to schedule mediation or trial.
  - Contact may be made in-person at the County-City Building; via LiveChat ([www.piercecountywa.gov/districtcourt](http://www.piercecountywa.gov/districtcourt)), or by telephone at (253) 798-7487.
- ❑ A \$50.00 non-refundable filing fee must be paid prior to scheduling the mediation or trial.

- ❑ Arrange service of the “Notice of Small Claim” on the defendant no less than ten (10) calendar days prior to the mediation/trial date. An affidavit or declaration of service must be filed with the Court no less than five (5) calendar days prior to the mediation/trial date or the mediation/trial date may be cancelled.
  - Service on the defendant(s) (natural person or business) can be arranged in the following ways:
    - A licensed process server (a fee will be charged).
    - Personal service by someone who is at least 18 years old and is not connected to the case as a witness or party. An affidavit or declaration of service must be filed.
    - By certified or registered mail with a return receipt with restricted delivery (signed by the named defendant(s) or the appropriate person associated with the business).
    - No out of state service will be accepted, unless the case is a landlord/tenant case (RCW 3.66.100).
  - Service on a business will depend on how they are licensed. Information regarding how a business is licensed may be accessed through the Secretary of State Corporations Division at (360) 725-0377 or <https://www.sos.wa.gov/corps/>. (See [RCW 4.28.080](#))
- ❑ Affidavit Regarding Military Service of Defendant(s) must be filed when requesting a default judgment. The Court requires that the plaintiff provide an affidavit affirming that the defendant is not active military. This form will be provided at the time of filing. See information posted at <https://scra-w.dmdc.osd.mil/> or consult with an attorney.
- ❑ Proof of service must be filed to proceed with a default judgment or trial.

## **COUNTERCLAIM**

If a claim has been filed against you and you believe that the plaintiff (the person who filed a claim against you) owes you money, you may file a counterclaim.

- ❑ Print and complete the counterclaim form, found online at [www.piercecountywa.gov/districtcourt](http://www.piercecountywa.gov/districtcourt).
- ❑ Complete the filing in person at the Pierce County District Court by paying a \$50.00 non-refundable filing fee.
- ❑ Follow the same service steps as above to serve the plaintiff.



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### SMALL CLAIMS MEDIATION

#### MEDIATION<sup>1</sup>

Mediation is the confidential process of resolving disputes between parties. The parties will meet with a Mediator who is trained in dispute resolution and is an impartial third party from the Pierce County Center for Dialog & Resolution. Per Pierce County District Court Local Administrative Rule (LARLJ) 6A, mediation is mandatory for all small claims cases filed, unless there is a No Contact or Anti-Harassment Order in place, or the case requires an interpreter for a language other than Spanish, in which the case will immediately be set for trial.

- ❑ Bring documents relevant to your case to mediation.
  - This could include statements, contracts, photographs, estimates, etc.
- ❑ No witnesses are allowed in the mediation.
- ❑ Do *not* hire an attorney to represent you at mediation unless approved in advance by the Judge.
- ❑ Attend mediation.
  - Mediations are held at the Pierce County Center for Dialog and Resolution, 717 Tacoma Ave S, Tacoma, WA 98402. *Please note that this facility is designated a weapons free zone per RCW 9.41.300.*
- ❑ If both parties are present and no agreement is reached during mediation, the case will be set for trial.
- ❑ If an agreement is reached, a stipulation will be prepared. This is a legally binding agreement. Both parties will sign and receive a copy.

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<sup>1</sup> Attendance at mediation and trial is mandatory. If the plaintiff fails to appear at mediation or trial, the case will be dismissed. If the defendant fails to appear for mediation or trial, the plaintiff may request that a default judgment be entered by the Court.



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### SMALL CLAIMS TRIAL

#### HOW TO PREPARE FOR YOUR SMALL CLAIMS CASE

##### ❑ Observe a trial

It may be helpful to observe a small claims trial before your trial (contact the court for dates and times). You may view small claims trials by viewing Courtroom 607's livestream feed at <https://www.piercecountywa.gov/Live-Courtroom-Feed>.

##### ❑ Prepare a compelling statement

It may be helpful to write down, ahead of time, the facts of the case in the order that they occurred. This will help you organize your thoughts and make a clear presentation.

##### ❑ Gather documents and evidence

Examples: a contract, sales receipt, photo (of a broken appliance, house damage, car accident damage, etc.), diagram, drawing, lease, canceled check, repair bills, or written damage estimates.

- If you want the judge to consider images, you must print them.
- The judge will not consider images stored on a device such as a telephone, camera or laptop, because it cannot be made part of the court record.
- If you want the judge to look at a video recording, you must have a copy of the video on a CD that can be kept in the court record.
- Organize the exhibits you want to introduce in the order you will use them.
- Bring three (3) copies (plus one for each additional named defendant) of all documents supporting your case to trial. Do not place the documents in a binder.

##### ❑ Select reliable witnesses

A witness must have personal knowledge of the events in question. Someone who saw what happened or is an expert on the subject matter of the claim involved.

Your witness must come to court to tell what they have seen or heard.

##### ❑ Decide on the order in which you will present your evidence

You should outline the points you plan to make so you don't miss anything.

##### ❑ Practice

Practice presenting your case. Your presentation should be organized and brief.

#### WHAT TO EXPECT ON THE DAY OF TRIAL

- ❑ Bring the following items with you on the date of trial:
  - All your documents and evidence/exhibits;
  - Proof of Service, including the Declaration of Service or registered mail Return Receipt; and
  - Your witnesses.
- ❑ Be sure to arrive on time.
- ❑ Your case will be heard in a courtroom with other people who have been scheduled for that day.
- ❑ If both parties are present when the case is called, the case will go forward unless there is good cause to continue it. If you are ready to go forward and the other party wants a continuance, make sure you tell the judge that you object.

### **WHAT TO EXPECT DURING THE TRIAL**

- ❑ When your case is called, you and the other party will move to the front of the room.
- ❑ The judge will ask the plaintiff to give his or her side first, then will ask the defendant for his or her explanation. The plaintiff must prove by a preponderance of the evidence that judgment should be awarded.
- ❑ Be brief and stick to the facts. The judge may interrupt you with questions, which you should answer to the best of your knowledge.
- ❑ Be polite (don't interrupt) - not just to the judge, but also to the opposing party. Whatever happens, stay calm. Good manners and even tempers help the fair, efficient conduct of the trial and make a good impression.

### **COLLECTION OF JUDGMENT**

- ❑ A certified copy of the judgment will be prepared immediately upon the conclusion of the trial.
  - Consultation with an attorney may be considered for collection purposes.
  - The Court is not responsible for collection efforts.



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### SMALL CLAIMS JUDGMENT APPEALS

#### APPEALING A SMALL CLAIMS JUDGMENT

Small claims judgments may be appealed by either party within 30 days of the entry of the judgment. No appeal is permitted if the amount originally claimed was less than \$250. Additionally, if a party who brought a claim or counterclaim wants to appeal a judgment, the amount originally claimed must have exceeded \$1,000.

The appeal will be heard in Pierce County Superior Court. Small claim cases are appealed “de novo” upon the record of the case, meaning that the Superior Court Judge will hear the case based upon evidence and facts presented during the original proceedings. New evidence may not be filed.

To appeal a judgment, the following must be completed within 30 days of the judgment date:

- ❑ File the Notice of Appeal in Pierce County District Court.
  - This form is available online or from the counter in Room 239.
- ❑ Pay the appeal fees at the time the Notice of Appeal is filed.
  - The non-refundable filing fee of \$390 includes the following:
    - \$20.00 Transcript Fee
    - \$40.00 Appeal Preparation Fee
    - \$230.00 Superior Court Filing Fee
    - \$100.00 Appeal Bond
    - To request suspension of the judgment in District Court pending appeal, you must post a bond equal to twice the judgment and costs or twice the amount in controversy (whichever is greater) in lieu of the \$100 Appeal Bond.
  - A fee waiver may be requested from the counter in Room 239.
- ❑ Serve the other party with a copy of the Notice of Appeal.
- ❑ File a Declaration/Affidavit of Service of the Notice of Appeal in the Pierce County District Court.
  - This form is available online or from the law library at the County-City Building.

Within 14 days of filing the appeal, the District Court will file the record with the Superior Court and mail you a case schedule with the new Superior Court case number. When the appeal is transmitted to Superior Court, the appellant (the person appealing the decision) may ask that the Superior Court suspend enforcement of the judgment until after the appeal is heard.