EUCLID MUNICIPAL COURT

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

Patrick J. Gallagher
Judge

Mitchell Perusek
Clerk of Court

SMALL CLAIMS FACT SHEET

1. Small Claims Court is for filing **MONEY CLAIMS ONLY** up to $6,000.00.

2. **If there are multiple plaintiffs, each person or entity must be separately listed and identified. If there are multiple defendants, each person or entity must be listed and identified.**

3. 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.

4. 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 **nonrefundable.**

5. 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.

6. 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.

7. You must have the complete name and address of the Defendant(s) and know the exact amount of your claim.

8. There is no limit to the number of small claims filed by an individual within one year.

9. 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, faxed, or emailed to the Plaintiff or their attorney in order for the Court to consider the counterclaim.

10. **When attending the hearing, you need to submit PROOF of your claim. You must bring hard copies of any documents, receipts, estimates, emails, text messages, photographs, video, or other evidence that you want the court to consider. The Court will not consider evidence contained on cell phones, tablets, or laptops. The Court will not make copies of your evidence for you. If your claim is based upon a motor vehicle, you must bring a copy of the title to the vehicle.**

11. If you need to testimony from a person to prove your case, you may wish to issue SUBPOENA **directing** the witness to appear. The subpoena must be filed with the Court 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.

12. After the hearing, the Magistrate/Judge will issue a written decision which will be mailed to all parties.

13. If you wish to object to the decision, you have 14 days from the date of the Decision is issues to file a written objection with the Clerk. The **cost to file an objection is $25.00. If no objection is filed within 14 days, a final judgment entry will be issued by the Court and mailed** to all parties. A party has 30 days from the date of that final judgment entry to file an appeal with The Cuyahoga County Court of Appeals.

14. 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**.

15. 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.**

4/24/23