

SMALL CLAIMS
INFORMATION FOR FILING

MEDIATION

Prior to the filing of your small claim the Court recommends that you attempt to resolve the matter by utilizing the services of Mahoning Valley Dispute Resolution Services (MVDRS) at 330-744-4244. Their services are free of charge. Should they not be able to resolve this matter for you, you can then proceed to the filing of a small claim. You are not required to take this step and may proceed without contacting MVDRS.

FILING

- You do not need an attorney to file a small claims case; however, if you do not retain one, you assume ALL RESPONSIBILITY of the filing of your claim.
- The small claim monetary limit is \$6,000.00 in actual damages.
- The filing fee of \$35.00 is required at the time of filing. Each additional defendant (person you are suing) costs \$10.00. Two (2) parties being served at the same address are two (2) defendants.
- Please provide the complete names and home addresses of all defendants (we will not serve an individual at their work address) (the Clerks cannot advise you of who to file against) and:
 - Proof of your small claim ie: Paid receipts, written estimates of damages or loss should reflect the amount you are asking in your claim and any other documentation or photos.
 - Keep the originals for yourself and bring enough copies to file/present at the time of the hearing to each party. Please note that it is not the responsibility of the Clerk's office to make copies you may need for your case. You MUST PROVIDE A MINIMUM of three (3) copies (The original for the Court, one for service and one for your records - additional copies for each defendant).
- If you are filing against a business, it is suggested that you contact the Ohio Secretary of State to verify the following:
 - Proper name of the business if incorporated or a limited liability company.
 - Proper name of the statutory agent for service of process as registered with the Secretary of State's office
 - Is there an attorney or agent that represents the corporation
 - Check Secretary of State Corporations Section 1-877-767-6446 or www.sos.state.oh.us to see if your defendant is listed. If the business is not incorporated, you must determine the owner or owners name (s), then file the complaint against the owners doing business as the name of the business (example: John Doe dba John Doe's Plumbing).
- If you file on behalf of a corporation, limited liability company or any other entity you may be prohibited from offering any testimony or exhibits in a contested hearing on the grounds that same constitutes the unauthorized practice of law in violation of R.C. §1925.17. You are urged to contact an attorney.

JURISDICTION

Mahoning County Court #2 – Boardman Township

8110 Market Street, Boardman, Ohio 44512 – Phone: 330-726-5546

Mahoning County Court #3 – Smith, Ellsworth, Berlin, Green, Goshen, Sebring, Washingtonville Townships

605 E. Ohio Avenue, Sebring, Ohio 44672 – Phone: 330-938-9873

Mahoning County Court #4 – Austintown, Jackson and Milton Townships

6000 Mahoning Avenue, Austintown, Ohio 44515 – Phone: 330-740-2001

Mahoning County Court #5 – Canfield, Beaver Townships

72 N. Broad Street, Canfield, Ohio 44406 – Phone: 330-533-3643

SERVICE/HEARING/JUDGMENT

- Your case will be set for hearing approximately 6 to 8 weeks from the date of filing and a copy of the complaint and hearing notice will be sent to the defendant (s) by certified mail.
 - If certified mail is returned for a bad address, the Court will notify you to provide a better address. It is your responsibility to provide a good address. The Court will re-issue certified mail to the new address for an additional service fee of \$10.00 for each defendant.
 - If certified mail is returned unclaimed or refused, the Court will notify you to re-issue by regular mail with a certificate of mailing. Certificate of mailing is a \$5.00 fee for each defendant and mail will not be re-issued until the fee is paid.
 - If you require a continuance of your scheduled hearing you will need to file a motion to continue with a certification (statement) that a copy has been mailed to the defendant or counsel, if any. Last minute continuances are not favored and may be denied absent compelling reasons.
- There is a dress code for Court appearances. Persons appearing before the Court must be clean and appropriately dressed. Clothing shall have no rips or tears as well as no inappropriate slogans on any apparel. No t-shirts or midriff tops.
- If the defendant fails to appear at the time and date set by the Court, you will receive a default judgment upon presentation of your case to the Magistrate/Judge.
- If the defendant appears, the Judge or Magistrate will hear testimony and receive evidence and exhibits and issue a decision.
 - Once you receive judgment you may proceed to collect. Please note that we cannot assist you with collection.
- If you fail to appear, your case will be dismissed and you will be required to re-file.
- If the matter is settled, you must provide a written notification/dismissal. The Court will not accept a phone call.
- If your case is heard by a Magistrate, you may file objections to the Magistrate's Decision within fourteen (14) days of the date of the decision. If no objections are filed, the decision is reviewed and if there is no error of law is adopted by the Judge.
- If objections are timely filed, the Court will proceed accordingly.
- Each party has thirty (30) days from the date of judgment in which to file an appeal if your case is heard by a Judge or becomes a final appealable order by the Judge AFTER a decision on objections.

FILING BY MAIL

- If you are filing your case by mail, you must have this form notarized.
- Send along with the filing the following:
 - Additional copies of your small claim for all parties listed in your case.
 - Payment for the small claim (cash, check or money order)
 - A stamped, self-addressed envelope so we can send you a time-stamped copy with your hearing date affixed and your payment receipt.

ASSISTANCE

- Our clerks can provide you with some general assistance in filing your claim during regular business hours, Monday thru Friday. From 8:30 a.m. to 4:00 p.m. In order for us to allow sufficient time to assist in preparation of your claim, please arrive by 3:30 p.m.
- **Please note that we are prohibited from the giving or rendering of legal advice pursuant to Ohio Revised Code Section 4705.01. If you need legal advice you should contact an attorney or the Mahoning County Bar Association at 330-746-2933 for a referral.**

SMALL CLAIM COMPLAINT

Plaintiff,

Name

Street

City/State/Zip Code

Phone

(1) Defendant,

vs

Name

Street

City/State/Zip Code

Phone

TO THE CLERK:

Please take notice that the claim is hereby filed against the above defendant(s) and request that he (they) be summoned to appear in Court to answer same.

STATEMENT OF CLAIM

WAGES \$ _____

ACCOUNT - EXHIBIT "A" ATTACHED AND MADE A PART HEREOF

OTHER - PLAINTIFF CLAIMS DEFENDANT OWES THE SUM OF \$ _____ FOR

(attach additional sheet if needed) _____

Wherefore plaintiff(s) asks for judgment against the defendant(s) in the sum of \$ _____ plus interest from the _____ day of _____, 20____, at the rate of _____%and costs. Costs are also due if case is settled or amount paid before hearing. **A hearing notice is attached with the place, date and time of your hearing.**

STATE OF OHIO)

COUNTY OF MAHONING) **SS.**

AFFIDAVIT OF COMPLAINANT'S CLAIM

_____, being first duly sworn, on oath states that _____ he is (they are) the _____ plaintiff(s) in the above entitled cause, that the said cause is for the payment of money, that the nature of plaintiff's demand is as stated, and that there is due to plaintiff(s) from the defendant(s) the amount stated above, and that the defendant(s) is (are) not now in the military or naval service of the United States.

Subscribed and sworn to before me this _____ day of _____, 20 _____

Clerk, Dep. Clerk, Notary Public

MAHONING COUNTY COURT

Area #2 - Boardman Township

Area #3 - Smith, Ellsworth, Berlin, Green, Goshen, Sebring,
Washington Townships

Area #4 - Austintown, Jackson , Milton Townships

Area #5 - Canfield and Beaver Townships

SMALL CLAIMS DIVISION

Case number _____ CV-I _____

(2) Defendant,

Name

Street

City/State/Zip Code

Phone