SMALL CLAIMS DEFENDANT'S PACKET

(**TO BE SERVED UPON EACH NAMED DEFENDANT**)

Included in the Small Claims Defendant's Packet, you will find the following documents:

1. Notice of Small Claim Pretrial Conference
2. Notice of Small Claim
3. Notice to Service Members and their Dependents
4. Dispute Resolution Brochure
5. Instructions for Evidence
6. How to Respond to Small Claims Suit

KING COUNTY DISTRICT COURT
STATE OF WASHINGTON

SELECT APPROPRIATE COURTHOUSE

_____ Plaintiff(s), v. _____ Defendant(s).	No. _____ **NOTICE OF SMALL CLAIM** **PRETRIAL CONFERENCE**

You are scheduled for a mandatory Pretrial Hearing on _____ at _____ .

Please note: your appearance, in-person, is mandatory.

KING COUNTY DISTRICT COURT

_____at _____

Courtroom:

If you need an Interpreter, please call or have someone contact the court on your behalf at 206-205-9200 in advance of the hearing date so we can be sure to have an interpreter available at the time of the hearing.

At the time of your hearing, please have your documents, contracts, or other proof needed to establish or defend this claim. If you are the plaintiff, please have your proof of personal service on the defendant available to provide to the court or file it in advance of the hearing.

YOU ARE FURTHER NOTIFIED that if you fail to appear as directed, a Judgment may be entered against you for the amount claimed, plus plaintiff's costs of filing and service of the claim upon you or if you are the Plaintiff and fail to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, please notify the Court, in writing.

KING COUNTY DISTRICT COURT
STATE OF WASHINGTON

(1) _____,	SMALL CLAIMS DEPARTMENT
(2) _____, Plaintiff,	No.
v.	**NOTICE OF SMALL CLAIM**
(1) _____,	
(2) _____, Defendant.	
	(CLERK'S ACTION REQUIRED)

Plaintiff Contact Information:

(1) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

(2) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

Defendant Contact Information:

(1) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

(2) Address: _____ Phone No.: _____

City: _____ State: _____ Zip: _____ Email or Alt Phone: _____

Does anyone need an interpreter? ☐ Yes ☐ No

Name	**Language**
_____	_____
_____	_____

YOU ARE HEREBY NOTIFIED that the above-named plaintiff has filed a claim against you amounting to $; the reasons are listed below.

YOU WILL RECEIVE A NOTICE OF HEARING FROM THE CLERK.

IF YOU MOVE, PLEASE TELL THE COURT IMMEDIATELY.

YOU ARE FURTHER NOTIFIED that if you fail to personally appear as directed, a Judgment may be entered against you for the amount claimed, plus plaintiff's costs of filing and service of the claim upon you.

Plaintiff must also appear if a judgment is to be entered. If plaintiff fails to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, the parties must notify the Court immediately, in writing.

_____
Clerk

STATEMENT OF CLAIM

I, _____, the undersigned plaintiff, declare that the defendant named above owes me the sum of $ _____, which became due and owing on _____ [Date].

The amount owed is for:

☐ Faulty Workmanship ☐ Merchandise ☐ Auto Damages-Date of Accident _____

☐ Wages ☐ Loan ☐ Return of Deposit ☐ Rent ☐ Property Damage

☐ Other _____

Explain reason for claim

Military Service

[ ] The following defendants are in the military service and are covered by the *Servicemember Civil Relief Act*: _____

[ ] No defendant is covered by the *Servicemember Civil Relief Act*. The facts supporting this claim are:

_____.

[ ] I do not know if any defendants are covered by the *Servicemember Civil Relief Act*.

I certify under penalty of perjury under the laws of the State of Washington that all the information provided in this petition and any attachments is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

_____ _____

Signature Print or Type Name

NOTICE TO SERVICE MEMBERS AND THEIR DEPENDENTS

NOTICE: State and federal law provide protections to defendants who are in the military service, and to their dependents. Dependents of a service member are the service member's spouse, the service member's minor child, or an individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days immediately preceding an application for relief.

One protection provided is the protection against the entry of a default judgment in certain circumstances. This notice pertains only to a defendant who is a dependent of a member of the national guard or a military reserve component under a call to active service, or a national guard member under a call to service authorized by the governor of the state of Washington, for a period of more than thirty consecutive days. Other defendants in military service also have protections against default judgments not covered by this notice. If you are the dependent of a member of the national guard or a military reserve component under a call to active service, or a national guard member under a call to service authorized by the governor of the state of Washington, for a period of more than thirty consecutive days, you should notify the plaintiff or the plaintiff's attorneys in writing of your status as such within twenty days of the receipt of this notice. If you fail to do so, then a court or an administrative tribunal may presume that you are not a dependent of an active duty member of the national guard or reserves, or a national guard member under a call to service authorized by the governor of the state of Washington, and proceed with the entry of an order of default and/or a default judgment without further proof of your status. Your response to the plaintiff or plaintiff's attorneys about your status does not constitute an appearance for jurisdictional purposes in any pending litigation nor a waiver of your rights.

For further information see RCW 38.42.050.

PRE-TRIAL MEDIATION

The Court strongly encourages parties to work to resolve their small claim case through mediation. In almost all cases, the court will require parties to attempt mediation before awarding a trial date.

King County District Court has arranged for the Dispute Resolution Center of King County (DRC) to provide mediation assistance to the parties at no additional cost to you. Since 1987, the DRC, a non-profit organization, has provided free or low-cost conflict resolution and mediation services to the community. **The DRC is not part of the District Court**.

What is Mediation?

- **Mediation is a confidential meeting** between you and the other party, with a professionally trained, neutral mediator.
- The mediator helps the parties work together to create mutually agreeable solutions without offering legal advice or an evaluation of the case.
- If agreements are made, the mediator will write up the agreement using the parties' own words and both parties will leave the mediation with the signed written agreement. The Court will be notified the parties have reached an agreement, and the parties will not have to attend the scheduled prehearing conference or trial.
- Mediation does not affect your right to a trial. If you do not reach an agreement with the other party you still have the right to proceed to trial.
- If one of the parties does not follow the terms of the agreement, the agreement can be presented to the Court with a request that it be converted into an enforceable judgment.

Why Mediation?

- Mediation enables the **parties to determine the outcome** of their conflict, rather than being forced to accept a judgment from the Court that may leave neither party satisfied.
- Unlike a public trial, **mediation is confidential** and does not become part of the court record.
- At trial, the judge is limited to granting or denying a money judgment. **Mediation is more flexible**.
- With a mediated agreement, a party may agree to complete a job, return an item of property, or pay money using a payment plan.
- Formal mediation agreements are enforceable by a court.

How do I get ready for the trial?

Make some notes to yourself about the main points to make when it is your turn to talk at the small claims trial. If you are the plaintiff, you should summarize your case, explain why the defendant should be responsible for paying you money, and explain how you calculated the specific amount you requested. If you are the defendant, you should explain why you feel you are not responsible to pay for the damages the plaintiff is requesting or why the amount they are requesting is wrong.

How do I present evidence at the trial?

1. **Audio/video**: You must bring a copy of the audio/video on a USB or CD AND bring a device to play the audio/video. The Court is not permitted to play an outside memory device, as the device may have a virus. If you want to play the audio/video from your phone, the Court will retain your phone for 30 days, which is the time period for a party to appeal the Court's decision. In place of having you play certain messages, the judge may just ask you to testify about what the messages or audio says.
2. **Text/Instagram/Facebook messages**:
   You must print out a copy of the messages you want the Court to see. You must also provide a copy for the other side. The Court Clerks do not make copies for parties.
3. **Any documents**:
   You must print out a copy of any documents you want the Court to see. You must also provide a copy for the other side. The Court Clerks do not make copies for parties.
4. **Statements of other people/witnesses**:
   Any witnesses you have must attend the trial with you. Witnesses can also file a written sworn statement describing what they saw or heard. The written statement needs to have this statement at the bottom:

   "I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true."

   The declaration then needs to be signed by the person making the declaration with the date it is signed and the city and state where it is signed.

   Do not file evidence in advance with the court. You must bring all the evidence you intend to use to trial. However, you must exchange evidence with the other party 14 days in advance. Failure to do so may result in a continuance of the trial to another date or the exclusion of evidence.

How Do I Respond to a Small Claims Suit?

Information on how to respond can be found at the website link or QR code below:

https://tinyurl.com/2ej38h9j

This information may help you understand the small claims process in King County District Court.

1. **Read the Case Documents:** Make sure to review all the documents that you were served with. There is important information on each form.
2. **Attend the Pretrial Conference Hearing:** The Notice of Small Claim Pretrial Conference form will have the required date, time, and location of your pretrial hearing**. You must attend this hearing in person.**

IF YOU DO NOT ATTEND THE PRETRIAL CONFERENCE HEARING, A JUDGMENT MAY BE ENTERED AGAINST YOU.