

**Licking County Municipal Court
COURTROOM 2, 4TH FLOOR
Magistrate Teresa L. Liston
40 West Main Street
Newark, Ohio 43055
(740) 670-7822**

**Judge
B. Matthew George**

**Judge
David N. Stansbury**

FILING A SMALL CLAIMS COMPLAINT

Small claims court is for *money damages* ONLY, up to \$6,000. You may not recover emotional distress damages, pain and suffering, or any other non-monetary relief.

The filing of a Small Claims complaint is done within the Civil Division of the Municipal Court, third floor or the Small Claims Office, fourth floor, 40 West Main Street, Newark, OH 43055. The filing fee is \$70.00, payable by cash, check, or money order.

Individuals must be 18 years or older. It is important to accurately list the name and address of each plaintiff and defendant in the lawsuit. Do not use nicknames. If there are multiple individuals in the lawsuit, please list each name and address separately.

WARNING

**ONLY ATTORNEYS WILL BE PERMITTED TO ADVOCATE OR REPRESENT
ANY PARTY THAT IS A CORPORATION OR LLC. SEE REVISED CODE 1925.17**

A claim on behalf of an **Individual** may be filed by that individual or an attorney.

A claim on behalf of a **Partnership** may be filed by a general partner or an attorney.

A claim on behalf of a **Limited Liability Company (LLC)** **MUST** be filed by an attorney.

A claim on behalf of a **Corporation** may be filed by an attorney, a non-lawyer officer, or a salaried employee.

Any LLC or Corporation filing a case in Licking County Municipal Court must attach a copy of its current registration with the Ohio Secretary of State to the complaint. If Defendant(s) is an LLC or corporation, Plaintiff must still attach a copy of Defendant(s) current registration with the Ohio Secretary of State. This registration verifies that the business is legally recognized in Ohio and identifies its officers or members.

To check whether an LLC or corporation is registered, go to the Ohio Secretary of State website at <https://www.ohiosos.gov/>. Click on "Businesses," then select "Business Search." Enter the exact name of the LLC or corporation in the search bar. Once you locate the business registration, print the registration page and attach it to the complaint.

SAMPLE FORM AND INFORMATION

LICKING COUNTY MUNICIPAL COURT SMALL CLAIMS DIVISION

Your First and Last Name _____
Your Street Address _____
City, State, and Zip Code _____
Your Telephone Number _____

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers

Is the Plaintiff an LLC or corporation?

Yes No

Answer "Yes" or "No"
If yes, please review
instructions carefully

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers

Is the Plaintiff an LLC or corporation?

Yes No

Case No. _____ CVI _____

Defendant's First Name and Last Name _____

Defendant's Street Address _____

City, State, and Zip Code _____

Defendant's Telephone Number _____

Defendant(s) Name, Address, Zip Code, and Telephone Numbers

Is the Defendant an LLC or corporation?

Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers

Is the Defendant an LLC or corporation?

Yes No

Answer "Yes" or "No" to these three questions

- (1) Is the Defendant(s) currently in the United States Military Service? Yes No
- (2) Did the incident related to your claim occur in Licking County? Yes No
- (3) The Summons will be sent by certified mail. If certified mail service is returned as "Refused" or "Unclaimed," do you waive notice of failed service and agree that the Court may resend the Summons by ordinary mail and set a new court date? Yes No

TO THE CLERK: Please take notice that a claim is hereby filed against the above Defendant(s) and request that she/he/they be summoned to appear in Court to answer same.

STATEMENT OF CLAIM

Explain why the Defendant(s) owe you money. How, when, and where did the claim arise?

This should be a brief statement!

Plaintiff(s) demands judgment against Defendant(s) in the sum of \$ dollar amount, plus court costs and interest.

COMPLAINANT'S OATH

Write First and Last Name of Each Plaintiff _____ (print first and last name), is (check one) Plaintiff(s) Plaintiff's attorney an officer or salaried employee of the Plaintiff's corporation. Complaint also states the following:

"I declare under penalty of law that this Complaint is true and correct to the best of my knowledge."

Signature: _____ Date: _____

Plaintiff, Plaintiff's attorney, or Plaintiff's officer or salaried employee
Attorney Registration #: _____

Each Plaintiff Must Sign and Date the Complaint

CONFUSED ABOUT QUESTION #3?

The court must notify the defendant of this lawsuit. This is called service of process.

Certified mail is the most common method. The clerk will mail the summons and complaint to the address you provide. This is why you must provide a complete and accurate address.

As the Plaintiff, it is *your responsibility* to ensure the Defendant(s) is properly served!

IF YOU SELECT YES TO QUESTION #3

By selecting yes, you are choosing to waive notice of failed service.

This means that if certified mail is returned as “Refused” or “Unclaimed,” you are giving the court permission to automatically resend the documents and set a new court date without sending you additional notice first.

IF YOU SELECT NO TO QUESTION #3

If you do not waive notice, the court will notify you if service fails, and you will need to decide how to proceed.

You must do additional work because you will be responsible for requesting that the court resend the summons and complaint and for providing further instructions on how you wish to proceed.

Your case cannot move forward until the defendant is properly served!

Trial Instructions

WARNING

ONLY ATTORNEYS WILL BE PERMITTED TO ADVOCATE OR REPRESENT ANY PARTY THAT IS A CORPORATION OR LLC. SEE REVISED CODE 1925.17

Please read carefully and follow these instructions so you will be well prepared to present or defend your case. Remember, the trial is “your day in court,” so make it count. You only hurt your case by not being ready to present or defend your claim. Please follow the instructions that the Court has provided to you. Whether you are the Plaintiff or Defendant, “your job” at the trial is to give the Magistrate the facts. Before the hearing, you should assemble the following:

Documents and Evidence

You must have two (2) identical sets of your documents (one for the Magistrate and one for the other party). Evidence may include: your testimony, testimony of witness, anything in writing and any tangible things, such as faulty merchandise, photos or diagrams.

Witnesses

Contact your witnesses before the hearing to make sure they agree to come to the hearing and testify. Be sure they know the time and place of the hearing. If needed, you may request the court to issue *Subpoenas* to ensure the attendance of your witness. The court cost to subpoena witnesses is \$16.00 per witness. If you need to have witnesses subpoenaed into court, please file your request with the court ten (10) days before the hearing date or the court may not have time to serve the subpoenas.

At the Hearing

The Plaintiff will present his or her side of the case first:

1. Plaintiff will give testimony as to what his or her claim is about including date, location, and a breakdown of how you arrived at the amount of your claim.
2. Plaintiff will then present documents, providing copies to the other party, call and question witnesses, and *briefly* summarize the facts of the claim.
3. Small Claims Court generally limits each side to 30 minutes, so parties should be prepared with all documents ready to provide at the hearing.

The Defendant will present his or her defense to the claim or counterclaim (if one) using the same guidelines as the Plaintiff.

The Magistrate will start the hearing by asking questions to get a framework of what the case is about. The Magistrate at any time may ask questions of either party or witnesses.

Thank you for being prepared. It makes your Small Claims hearing go a lot quicker and makes it a lot easier for you to present your claim! If you have any questions, please contact the Small Claims Office at (740) 670-7822.

Small Claims Administrator,
Lee A. Ettenhofer
small.claims@lcmunicipalcourt.com

**LICKING COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION**

Case No. _____ CVI _____

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers
Is the Plaintiff an LLC or corporation?
 Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers
Is the Defendant an LLC or corporation?
 Yes No

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers
Is the Plaintiff an LLC or corporation?
 Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers
Is the Defendant an LLC or corporation?
 Yes No

- (1) Is the Defendant(s) currently in the United States Military Service? Yes No
- (2) Did the incident related to your claim occur in Licking County? Yes No
- (3) The Summons will be sent by certified mail. If certified mail service is returned as "Refused" or "Unclaimed," do you waive notice of failed service and agree that the Court may resend the Summons by ordinary mail and set a new court date? Yes No

TO THE CLERK: Please take notice that a claim is hereby filed against the above Defendant(s) and request that she/he/they be summoned to appear in Court to answer same.

STATEMENT OF CLAIM

Plaintiff(s) demands judgment against Defendant(s) in the sum of \$ _____, plus court costs and interest.

COMPLAINANT'S OATH

_____ (print first and last name), is
(check one) Plaintiff(s) Plaintiff's attorney an officer or salaried employee of the Plaintiff's corporation. Complaint also states the following:

" I declare under penalty of law that this Complaint is true and correct to the best of my knowledge."

Signature: _____ Date: _____

Plaintiff(s), Plaintiff's attorney, or Plaintiff's officer or salaried employee
Attorney Registration #: _____

**LICKING COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION**

Case No. _____ CVI _____

ADDITIONAL PARTIES

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers

Is the Plaintiff an LLC or corporation?

Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers

Is the Defendant an LLC or corporation?

Yes No

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers

Is the Plaintiff an LLC or corporation?

Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers

Is the Defendant an LLC or corporation?

Yes No

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers

Is the Plaintiff an LLC or corporation?

Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers

Is the Defendant an LLC or corporation?

Yes No

Plaintiff(s) Name, Address, Zip Code, and Telephone Numbers

Is the Plaintiff an LLC or corporation?

Yes No

Defendant(s) Name, Address, Zip Code, and Telephone Numbers

Is the Defendant an LLC or corporation?

Yes No