Information for Suing Someone in Small Claims

This information sheet is intended for those seeking to sue in small claims court. It explains rules and general information pertaining to small claims proceedings at North Las Vegas Justice Court.

WHAT IS SMALL CLAIMS COURT?

Small Claims Court is a special court where lawsuits for $10,000 or less are decided (NRS 73.010). You must be at least 18 years of age to file a small claims case. The person filing the suit is referred to as the plaintiff. The person being sued is the defendant.

IS NORTH LAS VEGAS JUSTICE COURT THE CORRECT VENUE?

You may file your small claims case in North Las Vegas Justice Court if:

- the defendant currently lives, works or does business within the NLV Township;
- the defendant lived, worked or did business within NLV Township at the time of the incident for which you are suing;
- the case involves injury to person or property where the injury occurred in NLV Township; and/or
- the contractual obligation was to be performed, or is supposed to be performed, in NLV Township.

If you are not sure which township is the correct one, you may enter the defendant's address at the online jurisdiction finder at Southern Nevada Regional Business License Launch Page – http://gisgate.co.clark.nv.us/gismo/apps/ jurisdiction/app/

WHAT ARE THE BASIC STEPS TO FILE A SMALL CLAIMS SUIT?

1. **Send a formal demand letter.** You must send a formal written demand for payment to the defendant via certified mail with a return receipt requested before you may file a small claims case. The letter must state the exact amount you are seeking and why you believe you are entitled to it. You must state in the letter that you intend to file an action in Small Claims Court if the matter is not resolved within **10** business days. Send separate demand letters to each person or business you plan to sue. Keep a copy of the demand letter(s), the certified mail receipt(s) and the return receipt postcard(s) to file with the court.

   If the defendant is a business, the business must be named and the claim served on the corporate officer or the resident agent. Information may be obtained from the Secretary of State website at https://esos.nv.gov/EntitySearch/OnlineEntitySearch

2. **Wait at least 15 days* after mailing the formal demand letter and then file the required forms with the court.** The following forms need to be included in your filing:

   - **Affidavit of Complaint** that is typed or written legibly in blue or black ink and make three additional copies of; and one original **Affidavit of Service**
   - Copy of the **formal demand letter**;
   - Proof of mailing of the demand letter;
   - Certified Return receipt postcard; and
   - Filing fee.

3. **Serve the Affidavit of Complaint.** After you receive a copy of the Affidavit of Complaint with a court date, a copy must be delivered to each defendant. This is called "service of process". It is good practice to serve the defendant(s) immediately after filing the Complaint, however, it must be served at least **15 days** prior to the court date. Service of process may be performed by the Constable (702) 455-7800, Sheriff, a private process server or a person who is NOT a party in the lawsuit and who is over the age of 18. If you ask someone other than the Constable, Sheriff or a licensed process server,

***If the demand letter was returned and marked as "refused" or "unclaimed, you may proceed without waiting 15 days or more.**
***If filing by U.S. Mail: use a 9" x 12" envelope for mailing. You are required to include a self-addressed stamped legal-size envelope in order to mail your receipt and file stamped documents.**

that person cannot accept compensation for serving the documents and cannot serve as the processer more than three times in a calendar year.

4. **File the Affidavit of Service with the court at least 10 days before the court date.** The Affidavit of Service form demonstrates to the court that the defendant was properly served. Failing to file the Affidavit of Service at least 10 days before the court date will result in the case being taken off calendar.

5. **Prepare for trial.** Organize and clearly mark evidence, receipts and books that you feel are necessary to prove your case. Bring at least three copies of any evidence that you wish to present to the court (one for you, one for the judge and one for the defendant). Print out text messages and copies of emails. Do not expect the judge to read messages from your cell phone.

6. **Confirm the court date and time.** The court assigns a court date at the time the claim is filed. The date, however, is tentative. Contact the court at least one day prior to the assigned court date to confirm date and time.

HOW DO I REQUEST A COURT TRANSCRIPT OR DVD AFTER HEARING?

North Las Vegas Justice Court provides DVDs of court proceedings for a $25.00 fee. You must complete a REQUEST FOR TRANSCRIPT or DVD OF PROCEEDINGS form and submit with your payment. Please allow a minimum of 3 business days for production of DVD.

If you wish to file an appeal in District Court, a typed transcript of proceedings is required, at a cost of $40, plus a minimum fee of $3.80 per page (expedited transcripts will cost more per page - see request form for pricing). You will be responsible for all costs associated with preparing transcripts - a $100 deposit is required to start the process. Upon completion, a balance may be due, or you may receive a partial refund of your deposit. Refund checks may take 2 - 3 weeks to be processed.

WHAT HAPPENS AFTER JUDGMENT?

The court may order one party to pay money to the other party. The party who wins the case, and is owed the money, is called the judgment creditor. The party who loses the case, and owes the money, is called the judgment debtor. It is up to the judgment creditor (not the court) to collect from the judgment debtor.

If the judgment debtor does not voluntarily pay the judgment, the judgment creditor can collect money from the judgment debtor involuntarily. This is called "executing" the judgment. It is the judgment creditor's responsibility to investigate the defendant's place of employment, real property, bank account, etc. to ensure that the judgment is collectible.

WHERE CAN I GET MORE INFORMATION?

North Las Vegas Justice Court
2428 N. Martin L. King Blvd., Building A
North Las Vegas, NV 89032

Contact NLV Civil Department (702) 455-7801 regarding general procedural questions only.

HOW MUCH IS THE FILING FEE?

FILING FEE	AMOUNT OF CLAIM
$66.00	If the sum claimed does not exceed $1,000.00
$86.00	If the sum claimed exceeds $1,000.00 but does not exceed $2,500.00
$106.00	If the sum claimed exceeds $2,500.00 but does not exceed $5,000.00
$146.00	If the sum claimed exceeds $5,000.00 but does not exceed $7,500.00
$196.00	If the sum claimed exceeds $7,500.00 but does not exceed $10,000.00

Acceptable methods of payment: Cash * Cashier's Check * Money Order * Business Check * ATM Debit Card * Credit Card (Mastercard or Visa)