

FAQs Related to Small Claims Procedure

What should the magistrate do

- if the defendant files a motion to dismiss a case based on improper venue or lack of jurisdiction?

- if the attorney representing the defendant asks that the action be dismissed “for failure to state a claim for which relief may be granted?”

- if the defendant moves to another county after the complaint is filed but before the case comes on for trial?

- if the plaintiff is not the person entitled to the remedy sought (assuming plaintiff wins)?

- if, after calling the case, someone mentions that the defendant might have filed for bankruptcy?

- if one of the parties is not present in court, but has sent someone else to represent his or her interests?
 - What if the person has a power of attorney?

- What if the person is an attorney armed with business records but lacking personal knowledge of the case?

- if the plaintiff has checked the wrong block on the complaint? More than one block? No blocks?

- if service of process in an action for money owed was accomplished only two days before trial?

- if the plaintiff has sued an individual but the evidence demonstrates that a corporation owned by the individual—and not the individual—was a party to the contract sued upon?

- if the plaintiff has sued and served the correct party, but has made an error in the party's name in the complaint and summons?

- if the plaintiff asks that you enter a “consent judgment”?

- if the action filed by the plaintiff asks that a judgment entered some years ago “be renewed”?
