

**REAL
QUESTIONS
FROM
MAGISTRATES**

- Last week I had a small claims case, in which π was a Limited Partnership suing for \$ owed. The π was represented by an employee and the Δ 's attorney objected. I denied his objection. Was I wrong?

1

**SCRA AFFIDAVIT
REQUIRED IF Δ DOES NOT
APPEAR**

Mandatory Rule #5

2

**REAL
QUESTIONS
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- Can I complete the SCRA affidavit in small claims court if the π has filled it out but has not sworn to it yet?

3

MINIMUM NOTICE PERIOD IS MANDATORY UNLESS Δ IS PRESENT AND WAIVES.

Mandatory Rule #5

4

REAL QUESTIONS FROM MAGISTRATES

- If the summons in a SE/\$ owed case is served less than 48 hours before court, can the π and Δ (both present) waive the minimum notice requirement and go ahead with the case?

5

Real Questions from Magistrates

Δ FILES COUNTER-CLAIM

- Defendant's attorney has filed a counterclaim for \$12,000 and asked that I transfer the case to district court. What should I do?

6

What Would You Do?

MOTION FOR CONTINUANCE MADE AT TRIAL

Mrs. Smith hired an attorney to defend her in today's case, but she asks for a continuance, explaining that her attorney is tied up in a district court case but hopes to be free after lunch. The π objects, saying he can't miss a full day's work.

7

EVERY ACTION MUST BE BROUGHT IN THE NAME OF THE REAL PARTY IN INTEREST (RPII)

Mandatory Rule #6

8

PETITION FOR BANKRUPTCY TRIGGERS AUTOMATIC STAY

Mandatory Rule #7

9

**REAL
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- In an action for SE, π showed me a letter from Δ's attorney dated 3 days ago stating that she intends to file a bankruptcy petition "in the very near future." What should I do?
