

CITY COURT OF LAFAYETTE, LOUISIANA
SMALL CLAIMS DIVISION
INFORMATION FOR THE PLAINTIFF

1. You may file a suit in the Small Claims Court if you are of the age of majority or a legal entity partnership, corporation other than a state agency. If plaintiff is a company, person filing suit MUST have authorization. These cases are governed by La. Revised Statutes 13:5200-5212.
2. You may file a claim up to and including the sum of \$5,000.00. If your claim is for more than \$5,000.00, you may waive the overage (that is give up the portion over \$5,000.00 and limit our suit to \$5,000.00).
3. Your filing fee is \$75.00 plus \$35.00 per additional defendants. If service is thru a Sheriff additional funds are required.
4. You may file your claim in the Small Claims Division of the City Court of Lafayette, Louisiana, if:
 - A. The defendant resides within the geographical limits of the Court; or
 - B. The defendant is a corporation having a business office or establishment in this jurisdiction on a matter on which the business office or establishment had supervision, or
 - C. On accident claims for personal injuries and/or property damage, suit may be filed in this Court if the accident occurred within its territorial jurisdiction despite the residence of the defendant.
5. Special rules regarding suits by or against a corporation (or other type of entities):
 - A. If you are suing a corporation (assuming proper venue in this Court), you must also provide the Clerk with the name and address of its registered agent for service of process. You can obtain this information from the SECRETARY OF STATE BUSINESS CORPORATION DIVISION, POST OFFICE BOX 94125, BATON ROUGE, LA 70804, TELEPHONE NUMBER (225) 925-4704. WWW.LA.GOV and then select Secretary of State. COMMISSIONER OF INSURANCE (225) 342-0895.
 - B. If a corporation is the plaintiff, suit for any claim (such as open account, promissory note and rent due) may be filed in its name in an amount not exceeding \$5,000.00, but no corporation (or other entity) may assert any claim on behalf of another entity or any claim assigned to it.
 - C. If a corporation is a defendant in an open account or promissory note suit, it may defend itself through its authorized officer and/or agent if the claim is within the \$5,000.00 limit.
6. All plaintiffs must provide the Clerk with the correct name (and/or names) of the defendant, proper address of residency, and other information needed by the Clerk in the processing of this suit. Please confirm all information by personal inquiry. Post Office box addresses may be used for mailing suits, but plaintiff must also furnish the Clerk with the residence address. A post office box address does not satisfy the venue requirement for bringing suit in the Small Claims Court Division of the City Court of Lafayette, Louisiana.
7. Write out your claim (City Court has forms for your convenience or you may use these forms). Please furnish the Clerk with all data and facts as to why the defendant owes you the money claimed. Please have available when filing (and again on trial) any written documents, leases, promissory notes, invoices, statements of account, contracts, letters and other papers helping to prove your claim. Must be signed and dated (see page 3)
8. If you intend to call witnesses to testify on trial, you must furnish correct names of the witnesses with proper addresses in event subpoenas are requested. An additional deposit will be required for any subpoena issued. You might avoid delay and expense by arranging personally for witnesses to appear on trial date and make arrangements to bring them to Court on trial date.
9. The proceedings are not recorded. The ordinary rules of evidence do not apply in Small Claims Court. If you lose in Small Claims Court, you have no right to appeal the Court's decision.

SMALL CLAIMS DIVISION
CITY COURT OF LAFAYETTE, LOUISIANA
105 EAST CONVENT STREET
LAFAYETTE, LOUISIANA 70501

TELEPHONE: 337 - 291-8720 (Option 3)

MAILING ADDRESS: POST OFFICE DRAWER 3344
LAFAYETTE, LA 70502

LEGAL NOTICE

STATE OF LOUISIANA

TO: _____ (DEFENDANT) DOCKET NUMBER: _____

ATTENTION: THIS LAWSUIT IS FILED IN THE SMALL CLAIMS COURT.

“The Ordinary rules of evidence do not apply in Small Claims Court.

If you lose in Small Claims Court, you have no right to appeal the Court’s decision.

You may have this case transferred to the regular civil docket if you wish. To do so, you must file a written notice with the Clerk of the Small Claims Court **within ten (10) days** of receiving this notice and pay the appropriate transfer fee.

If you are unsure of what to do, you should talk with an attorney about it immediately.”

SPECIAL INSTRUCTIONS:

1. Read the statement of claim on page 3. It will tell you by whom, why and for what you are being sued.
2. If you want to pay this claim, contact the plaintiff (address and phone number shown on next page) and make arrangements.
3. If you want to contest this claim, you must decide whether or not you want to have the case remain in Small Claims Court. The advantages, which are available only by leaving the case in Small Claims Court, are that you will have to pay nothing and the procedures are quick and easy. This allows you to simply come in and present your side of the case. You do not need a lawyer, but you may bring one if you wish. If you lose, payment of the claim over a period of time may be arranged by the Judge in Small Claims Court.
4. If you wish the Right of Appeal, you must transfer this case to the regular Civil Docket of this Court. To do so you must file a written notice with the Clerk of the Small Claims Court at City Court, Lafayette, Louisiana, **within ten (10) days** of receiving this notice. You must include with your notice an advanced cost deposit of **\$75.00**.
5. If you decide to contest this claim in Small Claims Court, or if you want to be able to pay the claim over a period of time, you must contact the Clerk of the Small Claims Court **within ten (10) days** of receiving this notice. If you fail to do so, without a legal cause, the plaintiff may be able to win automatically a Default Judgment. However, if you wait longer than ten (10) days, it may not be too late. Contact the Clerk.

If you want to contest this claim, you must notify the Clerk either in writing or in person. If you want to notify the Clerk in writing, use the form on Page Five. It must be sent **within (10) days** of receiving this notice. If you want to explain your reasons to the Clerk in person you may do that by appearing at the Clerk’s Office at 105 E. Convent Street **within ten (10) days** from the receipt of this notice. If you want to appear personally but cannot make it **within the ten (10) days**, call the Clerk immediately at telephone number 337-291-8720 (Option 3) for further instructions.

ISSUED AND FILED
THIS DATE: _____, 20 _____.

DEPUTY CLERK OF CIVIL COURT
CITY COURT OF LAFAYETTE

**SMALL CLAIMS DIVISION
CITY COURT OF LAFAYETTE, LOUISIANA
105 EAST CONVENT STREET
LAFAYETTE, LOUISIANA 70501**

TELEPHONE: 337 - 291-8720 (Option 3)

MAILING ADDRESS: POST OFFICE DRAWER 3344
LAFAYETTE, LA 70502

NOTICE OF TRIAL DATE

STATE OF LOUISIANA

TO: _____

DOCKET NO.: _____

FULL NAME OF SUIT PARTY (PLAINTIFF)

FULL NAME OF PARTY BEING SUED (DEFENDANT)

STREET ADDRESS OF PLAINTIFF

STREET ADDRESS OF DEFENDANT

CITY, STATE AND ZIP CODE

CITY, STATE AND ZIP CODE

The above small claims case has been scheduled for trial in the Court Room, City Court Building, 105 E. Convent Street, Lafayette, Louisiana 70501, on _____, _____, 20____ at _____ o'clock _____.

(day)

(month - date)

IN COURTROOM 3, 1ST FLOOR OF CITY COURT OF LAFAYETTE

If you are contesting this claim, you must appear at trial (see Page 1, Item 5). Change of trial date may be granted by the Clerk for valid reasons submitted by any party.

If you desire to summon witnesses, you must furnish the Clerk of City Court with their names and addresses in writing immediately, but at least 10 days prior to trial date. A fee is required for each subpoena issued and must be paid at the time of request. Contact the Clerk at telephone number 337-291-8720 (option 3) for information on fee. .

(DEFENDANTS: To be sure you have your day in Court, you must timely notify the Clerk by answer that you intend to contest the plaintiff's claim.)

Lafayette, Louisiana, this _____ day of _____, 20_____.

DEPUTY CLERK OF COURT
SMALL CLAIMS DIVISION

CITY COURT OF LAFAYETTE, LOUISIANA

STATEMENT OF CLAIM & CITATION

SMALL CLAIMS DIVISION

DOCKET NUMBER: _____

CITY AND PARISH OF LAFAYETTE

STATE OF LOUISIANA

FULL NAME OF SUING PARTY (PLAINTIFF)

FULL NAME OF PARTY BEING SUED (DEFENDANT)

STREET ADDRESS OF PLAINTIFF

STREET ADDRESS OF DEFENDANT

CITY, STATE AND ZIP CODE

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

TELEPHONE NUMBER

CITATION: The defendant named hereinabove is hereby cited either to comply with the demand contained in the Statement of Claim hereinafter recited, or to make an appearance by filing an answer (form enclosed), or other pleadings and responses with the Clerk of City Court, Small Claims Division, at the address shown on the Legal Notice attached hereto within ten (10) days of service of this notice, and to appear in Court on the date and time of trial set forth in the attached Notice of Trial Date, under penalty of default.

THE PLAINTIFF CLAIMS THE FOLLOWING FROM THE DEFENDANT:

Said obligation is alleged to be past due and unpaid, despite amicable demand, together with legal interest determined by applicable annual rates established by law, from date, until paid, plus all costs of court.

An attorney may be appointed by the Small Claims Division to act as an arbitrator in this matter. If an arbitrator is appointed:

I agree to be bound by the Arbitrator's decision _____ (YES)

I do not agree to be bound by the Arbitrator's decision _____ (NO)

Waiver of right to appeal: A plaintiff who files a complaint in a small claims division shall be deemed to have waived his right to appeal unless the complaint is removed as provided below or is transferred as provided in R.S. 13:5206.

(A defendant shall be deemed to have waived his right to appeal unless, with the time allowed for filing an answer to the complaint, he files a written motion seeking removal of the action to the ordinary civil docket of the court in which the complaint is filed, which motion shall be granted forthwith).

Date _____, 20____.

SIGNATURE OF PLAINTIFF

STATEMENT OF CLAIM SENT BY CERTIFEID
MAIL: _____

ISSUED AND FILED: _____

SERVED BY THE CITY MARSHAL AT THE
COST OF MAILING: _____

DEPUTY CLERK OF COURT
SMALL CLAIMS DIVISION

CITY COURT OF LAFAYETTE

DOCKET NO. _____

VERSUS

STATE OF LOUISIANA

DEFENDANT'S ANSWER

This form may be used to notify the Small Claims Court that you intend to contest the Plaintiff's claim. **CIRCLE** the statement that applies:

- 1. I do not owe the Plaintiff any part of what he claims.
- 2. I owe the Plaintiff only part of what he claims.
- 3. I owe the Plaintiff what he claims, but I want to work out a payment schedule.

COUNTERCLAIM

Whether or not you believe you owe the Plaintiff anything, you may have a claim of your own against the Plaintiff. You may raise your claim as part of this case and have it decided at the same time. To file a counter claim you must appear before the Civil Clerk:

*******ADDITIONAL COSTS AND FORMS ARE REQUIRED*******

Plaintiff owes me (briefly describe claim and state reasons)*

An attorney may be appointed by the Small Claims Division to act as an arbitrator in this matter. If an arbitrator is appointed:

I agree to be bound by the Arbitrator's decision _____ (YES)

I do not agree to be bound by the Arbitrator's decision _____ (NO)

DATE: _____

SIGNATURE OF DEFENDANT

ADDRESS

CITY AND STATE

TELEPHONE NUMBER

MAIL OR DELIVER TO:
Civil Clerk, Small Claims Division
105 East Convent Street
Post Office Drawer 3344, Lafayette, LA 70502

*If your claim is for more than \$5,000.00, contact the Civil Clerk at 337-291-8720 (Option 3) for instructions.