
INTRODUCTION

WHAT IS SMALL CLAIMS COURT?

Small Claims Court is a special division of Justice Court. Small Claims Court is designed to help parties who do not have attorneys resolve their disputes quickly and inexpensively. Claims in Small Claims Court are limited to claims under \$7,500.00, and judges are limited to ordering monetary damages. This means that judges in Small Claims Court can only order the other party to pay money. They cannot order the other party to perform an action, such as returning property or ceasing to play loud music.

Generally, parties in Small Claims Court represent themselves. This is called appearing *pro se*. Attorneys are allowed in Small Claims Court. However, the winning party in a small claims action cannot collect attorney's fees from the losing party. Thus, a claimant who hires an attorney will bear the burden of paying that attorney. Since parties generally represent themselves in Small Claims Court, the procedures and rules of evidence are more relaxed than in ordinary Justice Court.

Each Justice Court in the State of Nevada has different forms and procedures. This guide is a general guide to the Small Claims Process. You should be aware that the specific procedures for your local justice court may be different. Where information about a particular Justice Court is online, we have included a link on this website. However, we would always recommend that you call your local Justice Court before you file a claim so that you can be sure you are following the correct procedure.

WHAT SHOULD I CONSIDER BEFORE I FILE A SMALL CLAIMS SUIT?

Rushing down to the courthouse to file a lawsuit should not be your first step. While there are many advantages to Small Claims Court, it is not always the best solution to every problem. Even though the rules are more relaxed and the procedures are less complex, filing a small claims case will take some effort. A good deal of planning and even some research may be necessary. Before you file a small claims case, you should evaluate your answers to the following questions:

- Do you have a good case?
- Are you willing to invest the time and energy?
- Are you asking for money or some other remedy?
- Is your claim for less than \$7,500.00?
- Have you attempted to settle or mediate?
- Has your time to file your claim expired?
- Can you locate the Defendant?

- Can you prove your case?
- If you win, will you be able to collect?

WHAT IS A STATUTE OF LIMITATIONS?

A statute of limitation is a law setting a time limit on when you can file your case. If you wait to file your claim until after your statute of limitations has run out, your case can be dismissed.

In Nevada most statutes of limitations are found in [NRS 11.190](#) (you can click on the statute to access the Nevada Revised Statutes on the Nevada Legislature's website). Under NRS 11.190 claims for breach of a written contract must be filed within six years. Claims for the breach of an oral contract or deceptive trade practices must be filed in four years. Claims for injuries to personal property or claims for fraud must be filed within three years. Claims for injuries to a person must be filed in two years. If you are not sure whether the time for your claim has expired, check NRS 11.190.

WHERE CAN I FIND FORMS AND HELP WITH FILING MY SMALL CLAIM ACTION?

Depending on where you live, there are a number of websites and forms that can provide assistance with your Small Claims Case.

CLARK COUNTY

The Civil Law Self-Help Center at the Regional Justice Center provides forms for free in Las Vegas Township. These forms are also available at the Self-Help Center's website (www.clarkcountycourts.us/CivilSHC/small-claims) where you can also find general information about small claims court procedures and practices. The Self-Help Center's forms are designed to be used in any Justice Court in Clark County. However, you might also be able to obtain forms and information directly from the Justice Court in which you're filing your case: For the Las Vegas Justice Court, go to <http://www.clarkcountycourts.us/lvjc/small-claims.html>; for the North Las Vegas Justice Court, visit the North Las Vegas Justice Court Website at <http://www.clarkcountynv.gov/depts/justicecourt/nlv/Pages/Forms.aspx>; and finally, for the Henderson Justice Court, visit the Henderson Justice Court website at http://www.clarkcountynv.gov/depts/justicecourt/henderson/Pages/Small_Claims.aspx.

If you need help preparing your forms and filing your small claims case, you can visit the Civil Law Self-Help Center in person. The Center provides self-help legal information to those wishing to represent themselves in civil matters in the Clark County court system. The Self-Help Center has computers you can use and staff to assist you in filling out the correct paperwork. The staff can also answer general questions about small claims procedures and practices. Keep in mind, though, that the center staff cannot provide you with legal advice. Only you or your attorney can evaluate your case and develop your legal theories and strategy.

The Self-Help Center is located on the first floor of the Regional Justice Center at 200 Lewis Avenue in downtown Las Vegas and is open from 8 a.m. to 4 p.m. Monday through Friday. You can also access the Self-Help Center staff and forms from a kiosk located in the lobby of the North Las Vegas Justice Court.

The CLSHC forms can also be used in the Searchlight Justice Court, Boulder City Justice Court, Bunkerville Justice Court, Goodsprings Justice Court, Laughlin Justice Court, Moapa Justice Court, and Moapa Valley Justice Court.

Mesquite Township has some forms that are unique to Mesquite Justice Court. They can be found at <http://www.clarkcountynv.gov/Depts/justicecourt/mesquite/Pages/default.aspx>. However, not all of the Mesquite forms are on the website. Plaintiffs and Defendants should contact Mesquite Justice Court for forms that are not online.

Small Claims Classes: The Boyd School of Law and Nevada Legal Services host a small claims class every Friday at the Nevada Legal Services Building. Times may vary so call Nevada Legal Services at (702) 386-0404 for more information.

Law Library: The Clark County Law Library has legal information and legal research tools available for the public. They are located 309 South Third St., Suite 400, Las Vegas, Nevada. Their website is located at <http://www.clarkcountynv.gov/LawLibrary>.

WASHOE COUNTY

The Reno Justice Court has small claims forms available on their website at (<http://www.washoecounty.us/rjc/civilforms.htm>).

The Washoe County Law Library. It is located at 75 Court Street, Reno, Nevada. Their website is located at <http://www.co.washoe.nv.us/lawlib>. The Law Library has legal information and legal research tools available for the public. They also host legal seminars on various topics. Some of those seminars are available on the law library website. Additionally, they have a Lawyer in the Library program that allows pro se litigants to have a brief and free consultation with a lawyer. Call the Law Library or visit their website for more information.

CARSON CITY COUNTY

Carson City Justice Court forms are available on the Carson City website at <http://www.carson.org/Index.aspx?page=842>. The forms are also available in paper form at the Carson City Justice Court.

Carson City also has a law library at the Nevada Supreme Court. The Supreme Court's law library website is at <http://lawlibrary.nevadajudiciary.us/>. The law library itself is located at 201 S. Carson Street, Carson City NV 89701, and is open to the public 8:00 a.m. to 5:00 p.m., Monday through Friday.

CHURCHILL COUNTY

Court forms for the New River Township Justice Court are available at <http://www.churchillcounty.org/jcourt/forms.php>.

DOUGLAS COUNTY

Tahoe Justice Court has forms available at http://www.douglascountynv.gov/sites/tjc/Forms_Docs_Info.cfm. However, not all of the Tahoe forms are on the website. Plaintiffs and Defendants should contact Tahoe Justice Court for forms that are not online.

ELKO COUNTY

The Elko Township Justice Court has forms available at <http://elkojusticeandmunicipalcourt.net/node/41>.

HUMBOLDT COUNTY

Union Township Justice Court has small claims forms available at <http://www.hcnv.us/justice/affidavit.htm>.

LYON COUNTY

Walker River Justice Court has forms available at <http://www.lyon-county.org/index.aspx?NID=240>.

Forms for all other Lyon County Justice Courts can be found at <http://www.lyon-county.org/Documentcenterii.aspx>.

NYE COUNTY

Pahrump Justice Court has forms available on their website at <http://www.pahrumpjusticecourt.com>.

WHERE CAN I FIND INFORMATION ABOUT THE LAW?

Your first stop should be the Nevada Law Library at <http://leg.state.nv.us/law1.cfm>. This website, provided by the Nevada Legislature, contains all of the Nevada Revised Statutes, Regulations and Court Rules. The Nevada Supreme Court also has a law library with a website at <http://lawlibrary.nevadajudiciary.us/>.

A WORD OF WARNING...

There are businesses that will try to sell you court forms. Usually these forms are the same forms that are available for free on the court website. In other cases these forms may be outdated or may not be accepted by the court. Before you pay for forms, check to see if they are already available online or at the Self-Help Center. Additionally, there are paralegals and notarios who will offer to assist you in filing for a small fee. These people are generally not attorneys, and it is illegal for them to offer you legal advice or represent you in court. Before you pay for assistance, check to see if the Self-Help Center can help you instead.

HOW DO I FILE MY SMALL CLAIMS CASE?

STEP ONE: **IDENTIFY THE RIGHT DEFENDANT(S)**

Identifying and suing the right defendant is one of the most important steps in your claim. You can sue more than one person for a claim about the same incident or contract. But each defendant must have some independent and actual interest in the subject matter of your suit and must be somehow at least arguably responsible for the damages you've suffered. Broadly speaking, in an action for breach of a contract, the defendant will usually be the person or business with whom you contracted. In a case alleging some type of personal injury or damage to property, the defendant will typically be the individual or business who actually caused the injury or damage. There are, however, any number of legal theories that could apply in your case that would operate to either increase or decrease the number of potential defendants. If you have any doubt about who to name as a defendant, you may need to perform some basic factual investigation and research the law applicable to your case.

Sometimes it can be tricky to locate an opposing party. Using a basic internet search engine often yields helpful results. There are also government records you can search to locate an opposing party. You can use the Assessor's records to discover who owns a particular piece of land. If you are suing a landlord, the Assessor's office is a valuable tool, as you must make sure you are suing the actual owners of the property.

Usually the County Recorder's office also keeps records involving real property, marriages, divorces, deaths, and births. These records may be helpful in providing an address for your opposing party. However some of these records may require a fee in order to view them. Others are not available online in their entirety, and you will have to go to the Recorder's office to view them. Court records can also be a useful way to locate individuals.

Suing a business can be a little more complicated. Sometimes a business is owned by an individual, and sometimes a business is owned by corporate entity. If the business is a corporation, you will generally have to name the corporation in your lawsuit. If a business is owned by an individual you will have to name both the individual and the business (e.g. "Jane Smith d.b.a. ABC Antiques," which signifies Jane Smith "doing business as" ABC Antiques).

You will also want to make sure you have the correct name for a business listed on your lawsuit. While you may know a business as ABC Antiques, its legal name may be Fine Antiques, Inc. doing business as ABC Antiques. When a business uses a name other than its own, it must file something called a Fictitious Firm Name Certificate with the County.

The Secretary of State's office has a searchable database of businesses operating in Nevada at nvsos.gov/sosentitysearch/.

CLARK COUNTY RESOURCES

The Clark County Assessor's office provides property records online at www.clarkcountynv.gov/depts/assessor/pages/recordsearch.aspx.

If you know an individual's name, you can search to see if they have recent traffic violations, justice court civil suits, and district court civil or criminal cases at www.clarkcountycourts.us/Anonymous/default.aspx. While the person's address will usually not be online, you can go to the courthouse in person and get copies of court records that may have an address.

To find out if a business uses a fictitious name, contact the Clark County Clerk or use the searchable database of fictitious business names on the Clark County Clerk's website at www.accessclarkcounty.com/depts/clerk/pages/ffn.aspx.

The Clark County Clerk's Office has a database for Clark County businesses at sandgate.co.clark.nv.us/businessLicense/businessSearch/blindex.asp, and the City of Las Vegas has a searchable business license database at http://www.lasvegasnevada.gov/CheckStatus/business_licenses.htm.

WASHOE COUNTY RESOURCES

In Washoe County fictitious business names can be found at <http://icris.washoecounty.us:8888/clerk/web/>. Property information is available at <http://www.co.washoe.nv.us/assessor/cama/index.php>.

NYE COUNTY INFORMATION

In Nye County, if you are suing for damages incurred in an auto accident, you must name the owner of the care as well as the driver.

STEP TWO: **DETERMINE THE EXACT AMOUNT OF YOUR CLAIM**

You must determine the exact amount of money you are seeking to recover. This may seem obvious, but in some circumstances it may not be that simple. For example, if you are basing your claim on the estimated cost to repair something, you should obtain three estimates so that the judge can determine the proper amount you should be paid. Some courts require you to turn in estimates at the time you file our claim, so be sure to check with your local justice court to see if and when you need to provide estimates for repairs to the court.

If you are basing your claim on the estimated cost to replace something, keep in mind that the Judge may only consider the current value of the lost or destroyed item, and not the replacement cost. Some costs, however, may not be recoverable such as time off from work, parking, photocopies, babysitting services, etc.

You may be entitled to extra damages, called statutory damages, in some instances. Statutory damages are damages specified by a particular statute or regulation. If you are requesting statutory damages, you should include a copy of the statute with your other evidence. You may want to consult with an attorney or do some research at the law library.

Remember that the Judge can always award you less than you requested, but never more. If your claim is for more than \$7,500, you may waive the amount above \$7,500, but you cannot split one large claim into two smaller claims in order to file your case in Small Claims Court.

ARE PUNITIVE DAMAGES AVAILABLE IN SMALL CLAIMS COURT?

Yes. Punitive damages (damages that do not compensate a plaintiff for any actual loss that he suffered) may be awarded in cases other than those for breach of contract if the plaintiff proves that the defendant was guilty of “oppression, fraud, or malice . . .” NRS 42.005(1) The amount of punitive damages to be awarded is to be determined in a subsequent proceeding. The total award must still be within the \$7,500 limit.

CAN I GET DAMAGES FOR EMOTIONAL PAIN AND SUFFERING?

Yes, if you can prove the damages. The total award must still be under \$7, 500.00.

AUTOMOBILE ACCIDENTS IN WASHOE COUNTY

If your case involves damages to a vehicle resulting from an automobile accident, the clerk will provide an information sheet to be completed concerning the accident. The sheet must be returned to the Court at least 5 days prior to the hearing date along with 2 to 3 repair estimates and the police accident report, if any.

AUTOMOBILE ACCIDENTS IN HUMBOLDT COUNTY

If your claim involves an auto accident in Humboldt County you must submit at least two estimates for repairs when you file your claim. Your claim for the repairs must be for the least of the estimates.

NYE COUNTY

Nye County requires you to provide two estimates for repairs if you are suing for damage caused in an auto accident and the repairs have not been completed.

S **TEP THREE:** **SENDING A DEMAND LETTER**

Justice Court rules require you to ask the other party for payment before you sue them. The procedure varies from county to county. Some courts require you to send a letter demanding payment via certified mail. Other courts simply ask you to swear on your affidavit that you have made an attempt to demand the money. Check with your local justice court to see what its requirements are before you file your complaint.

Regardless of whether your court requires it, the best practice before filing a small claims suit is to the best practice to send a letter demanding payment to the other party via certified mail, return receipt. This letter should go to each person or business you plan to sue before you can file a small claims case. You should keep the return receipt to the court when you file your Complaint.

It is usually best to send a typed letter, rather than a handwritten letter. Your letter should include the exact amount of money you are seeking, and why you believe you are entitled to it. You may want to include a concise review of the facts. You should give the defendant at least ten days from the receipt of the letter to respond. You should end your letter by informing the opposing party that you will pursue the matter in Small Claims Court.

Never include personal attacks or anything else you would not want the Judge to read. Your letter should be polite and professional, with the goal of encouraging the opposing party to resolve the dispute amicably.

Do not forget to keep copies of your letters, any correspondence you receive from the defendant, the certified mail receipt, and the return receipt postcard. If you still are not sure what to say in your demand letter, your local library has books about Small Claims Court and writing demand letters that you may find helpful.

-- SAMPLE --

Jane Doe
123 Elm Street
Las Vegas, Nevada 89000
(702) 555-5555

January 1, 2009

Owen Bucks
456 Unpaid Lane
Las Vegas, Nevada

Dear Mr. Bucks:

This letter is a demand for payment in the amount of \$1,300.00. As you know, you borrowed \$1,500.00 from me on December 23, 2007. You agreed to repay me \$200 per month, but have only made one payment.

I have tried to call you several times to reestablish payments, but you repeatedly hang up on me. I would like to try and resolve this, and I am willing to begin accepting monthly payments again.

Please call me within 10 days to work something out. Otherwise, I will have no other option than to file a claim in Small Claims Court. I will request reimbursement for the costs I will incur as a result of having to file a court action.

Sincerely,
Jane Doe

Sent certified mail, return receipt

-- END SAMPLE --

CLARK COUNTY

Las Vegas Justice Court requires that you send a demand letter to the defendant via certified mail, return receipt requested. You must give the defendant at least 10 days from the date of the letter to respond. You will be required to turn in a copy of the return receipt and the letter when you file your claim. You can find a form for a standard demand letter on the Self-Help Center's website at <http://www.clarkcountycourts.us/CivilSHC/small-claims/forms.html>.

Henderson Justice Court also requires that you send a demand letter. You must provide the return receipt and letter when you file your complaint. However, Henderson requires that you give the defendant at least fourteen days from the date of the letter to respond.

Mesquite Justice Court also requires a Plaintiff to send a demand letter before filing a lawsuit. Mesquite requires you to have a physical address for the Defendant. You cannot use a post office box address.

CARSON CITY

Carson City Township Justice Court requires that you make a demand for the money, but does not have to be a letter. However, when you file your complaint, you must file a Small Claims Worksheet explaining to the Court how you made a demand for the money.

CHURCHILL COUNTY

In Churchill County you will have to provide the date that you last demanded your money on the Small Claims application form.

DOUGLAS COUNTY

Tahoe Justice Court also asks you to list when and how you demanded the money on the Small Claims Action form.

ELKO COUNTY

Elko Township Justice Court requires you to submit a copy of your demand letter when you file your Small Claims Affidavit.

HUMBOLDT COUNTY

Union Township Justice Court requires you to send a demand letter or invoice before filing a claim.

LYON COUNTY

Dayton Township requires the plaintiff to send a letter to the Defendant demanding the amount due, explaining why the money is owed, and stating that the matter will go to court if the defendant does not respond. The Plaintiff must give the Defendant at least 10 days to respond to the demand letter. The letter must be sent certified mail, return receipt request, and a copy will have to be submitted to the court at the time the Small Claims action is filed.

NYE COUNTY

Pahrump Justice Court requires you to make a formal demand for payment in writing. The demand must be in writing, state the amount of the claim, the reason for the indebtedness, and that you require payment within 15 days of the date of the letter. You must keep a copy of the letter. You must serve the letter by Certified Mail, Return Receipt Requested.

STOREY COUNTY

Virginia Township Justice Court requires you to submit a certified mail receipt in order to show that you have sent the Defendant a demand letter.

STEP FOUR: FILING YOUR COMPLAINT

You must file your Complaint in the township where the Defendant currently lives, works, or does business. Your Complaint should be typed or completed online and printed out.

When you go to the Court Clerk to file the Complaint, you will need:

- The original Complaint and 3 copies; and
- The correct filing fee.

You may need (depending on the county)

- The demand letter; and
- The return receipt postcard of sending the demand letter.

Current filing fees are approximately:

- \$46.00 for claims between \$0.00 - \$1,000.00
- \$66.00 for claims between \$1,000.01 - \$2,500.00.
- \$86.00 for claims between \$2,500.01 - \$5,000.00.
- \$146.00 for claims between \$5,000.01 - \$7,500.00.

Again, filing fees may vary by county. Check with your local justice court before filing. Do not forget to keep records of all of the costs you have incurred for postage, filing, and serving your complaint. You may be able to recover these costs if you win.

If you are unable to pay the filing fee, you may file a fee waiver, also called an Application to Proceed *In Forma Pauperis*.

Generally, once you file your affidavit, the court will set a hearing date for anywhere from 30 to 90 days out. You must then serve the defendant with a copy of the Small Claims Affidavit at least ten business days before the hearing. However, other courts require the Defendant to respond before the court will schedule a hearing. Check with your local justice court to learn the rules.

CLARK COUNTY

In Henderson and North Las Vegas, you will be assigned a case number and a hearing date approximately 90 days out from when you file your Complaint. In Las Vegas you will receive a case number, but nothing will be scheduled in your case until after you have served the Defendant and the Defendant has filed an Answer.

CARSON CITY

Carson City schedules court dates approximately 30 days after the filing of the complaint.

CHURCHILL COUNTY

New River Township Justice Court schedules court dates for four to eight weeks after the filing of the complaint.

ELKO COUNTY

In Elko Township Justice Court the Court will schedule a hearing. If the Defendant wishes to contest the claim, he must appear at the hearing. At that time the court will schedule a trial date for the case.

Carlin Township Justice Court also requires a defendant to contact the courthouse to contest a claim. Once, the Defendant has given notice that he wishes to contest a claim, the Court will schedule a hearing.

HUMBOLDT COUNTY

Union Township Justice Court in Humboldt County schedules hearing dates 30 to 60 days after the filing of the affidavit.

WASHOE COUNTY

Reno Justice Court schedules hearings six to ten weeks after the complaint is filed.

SHOULD I ATTACH MY SUPPORTING DOCUMENTS TO THE COMPLAINT?

Most justice courts do not want you to submit your documentation ahead of the hearing. However, Mesquite Justice Court asks that you provide a copy of your demand letter and documentation at the time you file, in addition to the two copies you should bring to court on the day of your hearing.

E-FILING

In Las Vegas Justice Court, all documents must be filed using the court's electronic filing (e-filing) system. E-filing is mandatory for all court documents. In order to e-file, you must have a working e-mail address. It is very important that you check this e-mail address regularly as court notices will be sent to your e-mail address. E-filing kiosks are available in the Justice Court Clerk's Office at the Regional Justice Center. A court clerk is also available at the Self-Help Center to assist you with e-filing your Complaint, so long as you are paying your small claims filing fee by credit or debit card or are submitting an application to waive the filing fee.

STEP FIVE: **SERVING YOUR COMPLAINT.**

After you file your Complaint, a copy of the Complaint must be delivered to each Defendant. This is called “service of process.” It is good practice to serve the Defendant immediately after filing the Complaint.

In general, service of process may be completed by any person who is NOT a party in the lawsuit and who is over the age of 18. Service of process may also be performed for a fee by the Constable, Sheriff, or private process service. The fee varies from county to county.

An Affidavit of Service form must be completed by the process server and filed with the Court to demonstrate that the Defendant was properly served with the Complaint. If you use the Constable, Sheriff, or a private process server, they will either file the Affidavit of Service with the court or provide it to you to file in your case. When you receive the Affidavit of Service, you must return it the court as soon as possible. If the court is not satisfied that the Defendant was served, your case will not be heard. If service is incorrect for any reason, your case may be dismissed or continued.

HOW LONG DO I HAVE TO SERVE A DEFENDANT?

The service deadline depends on the township in which you file your claim. In Las Vegas Township, you have 120 days from the date you file your Complaint to serve your Defendant. In most other townships, you must serve your Defendant (and file the Affidavit of Service with the Court) at least ten business days before the hearing date.

HOW DO I SERVE AN INDIVIDUAL?

Generally each Defendant must be personally served with their own copy of the Complaint, even if they live at the same address (and a separate Affidavit of Service must be filed for each Defendant). Personal service means that the Defendant must be given a copy of the Complaint personally. However, some Justice Courts do not require personal service. Check with your local Justice Court to see if personal service is required.

In cases where the Court requires personal service, there is one exception. The only exception to this rule is if the Complaint is served at the Defendant’s home. A process server can leave the Complaint at Defendant’s home address with any suitable adult. However, the Complaint must be given to a person and cannot simply be left in the doorway.

You may wish to research the Nevada Revised Statutes to determine whether there is any alternative method of service allowed in your type of case. For example, if your case involves damages or loss you suffered as the result of the Defendant's use of a motor vehicle in Nevada, you may be able to serve the Defendant through the Nevada Department of Motor Vehicles. If

your Defendant lives in a guard-gated community, you may be able to serve the Defendant by leaving a copy of the Complaint with the guard. In an action against a landlord, you may be able to serve your Complaint on the property manager or the party who entered into the rental agreement on the landlord's behalf (when there is no other agent designated in the lease). See [Justice Court Rule of Civil Procedure #4](#) for more information.

CLARK COUNTY LAS VEGAS

If you've made several failed attempts to serve your Defendant, you can ask the court for permission to serve the Defendant by certified mail. To obtain the Court's permission, you must file a Motion for Service of Small Claims Complaint by Certified Mail form, which is available at the Self-Help Center or on its website at <http://www.clarkcountycourts.us/CivilSHC/small-claims/forms.html>. Be prepared to provide proof of all of the ways the process server attempted to serve the Defendant personally. Service by publication is rarely, if ever, ordered in small claims cases.

In Mesquite Justice Court service must be done by the constable.

WASHOE COUNTY

Reno Justice Court requires that you use a licensed process server for personal service. You must also pay the process server's costs. Proof of service should be filed with Reno Justice Court not less than ten (10) days prior to the court date. If you have a Post Office Box or a regular street address, you can serve the complaint by Certified Mail. The court mails the documents and the fee is \$8.00 per defendant.

CARSON CITY

The Court uses a process server to serve the Defendant. Those fees are included in the small claims filing fees when you file the claim. You will be notified by mail only if the court is not able to serve your Defendant. If you wish to verify service, you may call the Court approximately two weeks after filing.

CHURCHILL COUNTY

The Complaint may be by certified mail or by the Sherriff's Office. There is a fee for both the service by certified mail and service by the Sheriff's office.

HUMBOLDT COUNTY

The Union Township Justice Court recommends serving a defendant through the Sheriff's Office. However, service can be made by Certified Mail if a physical address is unavailable. The cost is \$7.50 per defendant, payable to the Humboldt County Treasurer.

NYE COUNTY

Pahrump Township Justice Court allows service by certified mail. Service may also be completed via Nye County Sheriff's Office, or by any U.S. citizen over the age of 18 who is not a party to the lawsuit.

HOW DO I SERVE A BUSINESS?

If you are suing a corporation or other business, you generally must serve a person called the "registered agent." All corporations, limited partnerships ("LPs") and limited liability companies ("LLCs") are required by law to designate an agent to accept service of lawsuits. Corporations must provide the name and address of this agent to the Nevada Secretary of State's office. You can find a company's registered agent by using the Business Entity Search on the Secretary of State's webpage at nvsos.gov/sosentitysearch/CorpSearch.aspx.

If a business has designated a registered agent, you can serve your lawsuit on the business by delivering a copy of the Complaint to the registered agent. You can serve the registered agent personally, or you can leave a copy of the Complaint with a person of suitable age and discretion at the address listed on the Secretary of State's website. However, bear in mind that the registered agent is not a party to the lawsuit. The registered agent is simply the entity that accepts the paperwork on behalf of the business. Do not name the registered agent as a defendant in your lawsuit.

Sometimes businesses change their registered agent, but do not update their information with the Secretary of State's office. In such a case, you may have several alternatives for service. For instance, a corporation incorporated in Nevada may also be served by personal service on the corporation's president, secretary, cashier or managing agent. JCRCP 4(d)(1). If the corporation is incorporated outside the State of Nevada, a lawsuit may be served on the foreign corporation's managing agent, cashier, or secretary if they are *within* Nevada. JCRCP 4(d)(2).

If a corporation, LP or LLC has not complied with the requirement to provide an agent who will accept lawsuits, and there is no other person you can serve, you may be able to serve the business by mailing a copy to the Nevada Secretary of State, posting another copy in the office of the court clerk in the court where you filed your suit, and mailing copies of the

Complaint to any corporate representatives located out of state. JCRCP 4(d). However, before you do this, you will need to get permission from the court by submitting an affidavit to the court explaining everything that you did to try to serve the corporation or partnership and why serving the Secretary of State's office is your only viable alternative.

The rules on serving businesses and other entities can be complicated. If you are not sure how to serve your opposing party you can check the rules on service in Rule 4 of the Justice Court Rules of Civil Procedure. You should also look at Chapter 14 of the Nevada Revised Statutes, which provides information on serving other entities, including government agencies.

Generally, a domestic corporation that has gone out of business can be sued up to two years after the corporation dissolves. If you are planning on suing a corporation that has gone out of business, read NRS 78.585 to make sure you are fulfilling all the appropriate requirements.

IF YOU HAVE BEEN SERVED WITH A SMALL CLAIMS COMPLAINT

In most cases can contest the claim simply by attending your court hearing. However, some justice courts require you to notify the court that you intend to contest the claim. Check with your local justice court to see the rules that apply to your case.

If you believe the Plaintiff owes you money, you can file a Counterclaim form (Page ?). Just as if you were the Plaintiff, you must complete the Counterclaim form, make three copies, and file it with the clerk of the Justice Court where Plaintiff initially filed the Complaint against you. The filing fee schedule is the same filing a Complaint and a Counterclaim, and is based on the amount of your claim. The Counterclaim must be personally served on the Plaintiff.

Even if you do not think you have a defense – a valid reason for not paying – you should answer the Complaint and attend the hearing. You should never ignore a Summons! If you believe you have a defense, you should do research, prepare your case, organize your evidence, and practice presenting your case just like the Plaintiff. If you are unsure whether or not you have a legal defense, you may want to consult with an attorney or do your own legal research.

CLARK COUNTY LAS VEGAS JUSTICE COURT

However, if you are a defendant in Las Vegas Justice Court, you need to file a written Answer to the Complaint within 20 days after you receive it. If you do not file a written Answer

within twenty days, the Plaintiff can obtain a default judgment against you. This means that the court will order you to pay the Plaintiff money even though you did not have a hearing.

MEDIATION

If you file your claim in Las Vegas Small Claims Court, you will have to go through mandatory mediation with the Neighborhood Justice Center before you proceed with your lawsuit.

WHAT IS MEDIATION?

Mediation is a process in which opposing parties meet with a neutral third party to try and reach a mutually agreeable solution.

Mediation starts with all the parties meeting in one room. Each party has a chance to share their view of the dispute without interruption. After the initial meeting, each party has a private session with the mediator to talk about possible ways to solve the dispute. The mediator will then bring the parties back together to talk about mutually agreeable solutions.

Mediators are not judges. They will not decide which party is right or wrong. Nor will they decide whether one party is telling the truth. They will not advise the parties on how to proceed. The mediator is only there to facilitate a respectful environment to help the parties look at their goals and options so they can find a solution that leaves everyone satisfied.

One of the advantages of mediation is that you can reach agreements that include provisions that can't be ordered in small claims court. Small claims judges can only award money, but a mediation agreement can include other types of satisfaction tailored to the needs of the individual participants.

HOW DO I SIGN UP FOR MEDIATION?

If you have filed a Complaint or Answer in Las Vegas Small Claims Court, you do not have to do anything to sign up for mediation. The court will automatically refer you to mediation after a written Answer has been filed in your case. Mandatory mediation in the Las Vegas Small Claims Court is conducted by trained mediators with the Neighborhood Justice Center (NJC) at 330 S. 3rd St., Suite 600, Las Vegas, Nevada. Mediation with NJC is free and confidential.

If you are in North Las Vegas or Henderson, or simply want to try a free mediation instead of filing a lawsuit, you can still try mediation by contacting the NJC at (702) 455-3898. They will then contact your opposing party to see if they are interested in trying to mediate your dispute. Unfortunately, unless mediation has been mandated by the court, you can only go to mediation if your opposing party agrees to it. North Las Vegas and Henderson also have mediators available on site before Small Claims Court sessions.

WHAT HAPPENS IF I DO NOT ATTEND A MANDATORY MEDIATION?

If you are the Plaintiff in Las Vegas Small Claims Court and you do not attend a mandatory mediation, your case will automatically be dismissed. If you are the Defendant in Las Vegas Small Claims Court and you do not attend a mandatory mediation, the Plaintiff can obtain a default judgment against you, and you will not have a court hearing.

DO I HAVE TO MAKE AN AGREEMENT DURING MEDIATION?

No. Although attendance at mediation is mandatory in the Las Vegas Small Claims Court, it is not mandatory that you make an agreement during the mediation.

WHAT HAPPENS IF I DO REACH AN AGREEMENT WITH THE OPPOSING PARTY?

If you do reach an agreement with the opposing party, the mediator will write up the agreement for you on one of the NJC's forms. Both parties will sign the written agreement. That agreement then becomes a written contract and can be enforced by both parties. If one party breaches the agreement, the other party can obtain a default judgment without having to go to a hearing by notifying the court of the default. Thus, defendants should be aware that if they sign an agreement in mediation and then breach the agreement, they will not have an opportunity to contest either the breach or the underlying issue in court. Moreover, defendants should be very wary of signing a mediation agreement that imposes a monetary penalty on them for breaching the agreement.

WHAT HAPPENS IF I DO NOT REACH AN AGREEMENT DURING MEDIATION?

If you do not reach an agreement during mediation, you can proceed with your lawsuit. If you fail to reach an agreement after a mandatory mediation, the NJC will forward a statement to the court that you were not able to reach an agreement, and the court will schedule a hearing for your case. There is no penalty for not reaching an agreement.

PREPARING FOR YOUR HEARING

CAN I CHANGE MY COURT DATE?

If you need to change your hearing date, contact your local justice court to see how to obtain a continuance. You should make your request as soon as possible. Keep in mind that the Court does not have to change your hearing date.

In Las Vegas Justice Court you must file a Motion to Continue in order to change your court date. In Washoe County can fax or mail a letter to the judge asking for a continuance,

WHAT DO I DO IF I NEED INFORMATION FROM THE OTHER PARTY OR WITNESS TO COME TESTIFY FOR ME?

A witness may be the difference between winning and losing your case. It is usually a good idea to interview your witness before the hearing to avoid any surprises. You should not, however, try to change your witness's story.

If you are not sure whether or not a witness will voluntarily appear at the hearing, you may consider issuing a subpoena. If you decide it is necessary, you should complete, file and have the Subpoena form served as soon as possible before the hearing. Your Affidavit of Service of the Complaint form must be filed before the Court will issue a subpoena. If you subpoena a witness, you must pay a witness fee and mileage reimbursement.

The Subpoena form is for either a regular subpoena or a subpoena *duces tecum*. A regular subpoena requires the witness to appear at the hearing. A subpoena *duces tecum* requires the witness to appear and bring certain evidence or documents. As there is no discovery process for Small Claims Court, a subpoena *duces tecum* is the only way you can require your opposing party to bring certain documents to court.

When completing the form, make sure the hearing date is correct. If the hearing date changes, you will have to issue another subpoena. The Constable, Sheriff or private process server must serve the subpoena.

ARRANGING FOR A COURT INTERPRETER

If you or a witness will require the assistance of an interpreter, you should bring one with you or you may contact your local Justice Court to make arrangements for an interpreter to be present on your court date. An interpreter cannot be your spouse, be related to you, be biased for or against one of the parties, or otherwise interested in the outcome of the hearing. Generally, an interpreter must be court approved.

FAMILIARIZING YOURSELF WITH COURTROOM PROCEDURE

Before your hearing, you should consider observing Small Claims Court in action. This is especially helpful if you are nervous about your upcoming hearing or if you just want to get an idea of what to expect. You can call the court clerk or visit the court's website for a schedule of upcoming small claims hearings.

ORGANIZING YOUR CASE AND EVIDENCE

Although you have been preparing and waiting for your hearing date for months, your hearing will only last for 10 or 15 minutes. Since you have such a short time, it is important to be prepared and be organized.

Before the hearing, you should prepare a brief outline to refer to during the hearing. Most Judges prefer that you do not read a prepared statement. Your outline should include the necessary facts and details about your case. Do not include unnecessary details, history, or be repetitious. You should explain why you believe you are entitled to the money you have requested and refer to any applicable laws upon which you are relying. And remember, it is up to you to prove your case.

Preparing your evidence for the hearing is just as important as preparing your thoughts. You should bring the original and three copies of any contract, check, photograph, police report, receipt, letter, estimate or any other document you wish to submit as evidence. You should also bring a copy of any law you refer to in your case. If you have several documents put them in a binder with tabs and prepare a table of contents listing each document and its corresponding tab. This will enable you to find your documents quickly when you go to court.

Once you are done with your research, preparing your outline, and organizing your evidence, you should practice presenting your case. It may be especially helpful if you practice presenting your case to someone who is not familiar with it. If something is confusing or does not make sense, you will know.

YOUR DAY IN COURT

Arrive early! The last thing you want to happen after all of the work you have done preparing for your day in court is to be late. Leave plenty of time to find a parking spot, walk to the courthouse, and find the correct courtroom.

Dress conservatively. You are not required to wear a suit, but you should refrain from wearing shorts, flip-flops, tank tops, halter-tops, or shirts that show your midriff. You must remove hats and sunglasses before entering the courtroom.

Your hearing will take place in a courtroom with many other people who have a hearing at the same time. Be polite and pay attention while waiting for your case to be called. Refrain from talking, chewing gum, listening to music and shuffling your papers. Be sure that your phone is turned off. If you must leave the courtroom, do so as quietly as possible. Respect the clerks, marshals, and other litigants.

The first order of business in Small Claims Court is for the clerk to call role and determine which parties are present. If the Plaintiff is not present, the Judge may dismiss the case. If the Defendant is not present, the Plaintiff may be awarded a default judgment for the full amount sought in the Complaint.

In Henderson and North Las Vegas the parties will be given an opportunity to mediate before court. If both parties agree to mediate, they will meet privately, outside of the courtroom, with a mediator. If the mediation is not successful, the parties may have their case heard before the Judge.

Cases for which both parties are present, and do not wish to mediate, are heard in the order of the case numbers. When your case number is called, proceed to the appropriate Plaintiff or Defendant table at the front of the courtroom.

HOW WILL MY HEARING PROCEED?

Usually, the Judge will ask the Plaintiff to present his case first, and then the Defendant. Throughout the hearing, the Judge will probably ask each party questions about the facts of the case or evidence. If the Judge asks for your evidence, hand it to the marshal. Do not approach the Judge unless instructed to do so. Always address the Judge as “Your Honor” or “Judge” and never interrupt or talk over the Judge.

Even if you believe your opponent is not telling the truth, you should remain calm and polite. Do not interrupt your opponent, talk to your opponent, or raise your hand to get the Judge’s attention. Instead, write down your point and wait for the Judge to address you about your opponent’s statement and provide evidence to the contrary.

At the end of the hearing, the Judge will either issue a decision a right away or take the case under advisement. When the Judge takes a case under advisement, it means that the decision is pending while the Judge considers the facts or researches questions of law. The Court will mail you a copy of the decision. A Referee’s decision is called a Findings of Facts, Conclusions of Law and Recommendations. A Justice of the Peace’s decision is called an Order.

There are a few different ways in which the Judge can rule on a case. If the Judge believes the Plaintiff failed to prove his case, the Judge can find in the Defendant's favor and enter judgment for the Defendant. If the Judge finds that the Plaintiff has proven his case and the Defendant had no defenses, the judge can find in the Plaintiff's favor and order the Defendant to pay to Plaintiff. In a case where the Defendant filed a Counterclaim and was able to prove his case, the Judge could find in his favor and order the Plaintiff to pay the Defendant. And sometimes, the Judge may find each party owes the other, and can offset one claim against the other.

HOW TO APPEAL

The court's decision will not be binding or enforceable until the Formal Objection or Appeal period has expired. Both the Plaintiff and the Defendant have 5 business days (plus 3 days if the decision was mailed to you) to object or appeal the Judge's decision.

If your case was heard by a Referee, you will need to file a Formal Objection form. There is no cost to file a Formal Objection. You will be given a new hearing before a Justice of the Peace.

If your case was heard by a Justice of the Peace, you will need to file an Appeal. To file an Appeal, you must pay a filing fee and post a bond for the entire amount of the Judgment. In order to file an Appeal, you will need to complete and file several forms including the Notice of Appeal, Statement of Evidence or Proceedings, Statement of Points, Certificate of No Transcript (if there is no transcript), Notice of Bond, and an Appellant Brief. These forms are available at the Self-Help Center. Your case will be heard by a District Court Judge, who will base his decision on the facts and evidence presented at the original hearing. An appellant to District Court usually must post of bond of at least \$250.00 to appeal. If a defendant is appealing and wants to also stay the execution of the judgment, he must post the judgment amount, including costs and interest, unless the court orders otherwise.

If no Objection or Appeal is filed, the Court will automatically enter a Judgment against the losing party. A Judgment is an Order entered by the Court for or against a party for a specific amount of money.

EXECUTING THE JUDGMENT

The good news is that you won your case and the court has entered a judgment against the other party. The bad news is that collecting your judgment may not be easy. The party who won and is entitled to collect the money awarded to him by the court is called the "Judgment Creditor." The party who lost and owes money to the Judgment Creditor is called the "Judgment Debtor." It is up to the Judgment Creditor – not the court – to collect from the Judgment Debtor.

HOW DO I COLLECT MY MONEY?

If a Judgment Debtor does not voluntarily pay the judgment, the Judgment Creditor can seek to collect the money from the Judgment Debtor involuntarily. This is called “executing the judgment.”

A Judgment Creditor can execute upon a Judgment Debtor’s wages, real property, bank account, or cash box. There are a series of forms that the Judgment Creditor must file with the court clerk and the Constable/Sheriff in order to execute a judgment.

The first form is the Writ of Execution, which is a routine court order that authorizes the Constable or Sheriff to take certain property belonging to the Judgment Debtor. A Notice of Execution, Instructions to the Constable/Sheriff, and a Writ of Garnishment (if appropriate) must also be completed. These documents must be typed, signed, and the originals plus three copies must be filed with the court clerk.

The Writ of Execution must be served by the Constable/Sheriff. The Judgment Creditor must pay the court and the Constable/Sheriff certain fees up front. Contact your local Justice Court, Constable, or Sheriff’s office for a schedule of fees.

A Writ of Execution against the debtor’s wages will remain in effect for 120 days. Wages are collected each payday for 120 days, unless the judgment is paid in full. If attaching the contents of a cash drawer or bank account, the execution is a one-time action, and must be re-filed until the judgment is paid in full or satisfied.

WHAT KIND OF PROPERTY CAN I COLLECT TO SATISFY THE DEBT?

GARNISHMENT.

You may be able to get a court order called a [Writ of Garnishment](#) to obtain a portion of the defendant's wages. In order to garnish wages, you must know the name and address of the employer of the person you have the judgment against. You cannot obtain more than 25% of the defendant's check or 50 times the minimum wage (currently \$362.50 per week), whichever is higher.

ATTACHMENT.

If garnishment is unavailable, you may seek a different kind of court order called a Writ of Attachment to obtain some of the defendant's property. If possible it is best to attach cash. To attach money in a bank account you need to know the defendant's bank name, address and, ideally, the account number. (Hint: find someone who wrote a check to the business to look on the back of the canceled check.) If the business has a cash register, you can execute against any cash on the property. You'll need the business' name and location.

RECORD A LIEN.

If the defendant owns a home or other real estate, you can record your judgment as a lien against the property. To do so, you must first submit an Abstract of Judgment form to the Court. Once recorded, the judgment becomes a lien upon all real property of the judgment debtor, not exempt from execution, that the judgment debtor currently owns or that he acquires before the lien expires. The lien continues for six years (unless the judgment is satisfied), and you can re-record the lien if you renew your judgment. When the property is sold or foreclosed upon, you may receive your money.

BONDS/RECOVERY FUNDS.

Occasionally there may be a bond or recovery fund from which you can collect your judgment.

Manufactured Housing. Consumers victimized by dealers, servicemen, installers, and manufactures and other persons licensed by the Division of Manufactured Housing may collect from a recovery fund maintained by the Division under NRS 489.4971. If you are unable to collect the judgment go back the court and request the judge to order that the judgment must be paid from the recovery fund. Note: you should first file a complaint with the Manufactured Housing Division at 486- 4135.

Vocational Schools. If your judgment is against a vocational school which is closed, some schools are often required to post a bond or set up a recovery fund. Students should call the State Division of Post Secondary Education at 486-7330. (NRS 394.553 and 394.480).

Contractors. Some licensed contractors may have a bond to make a claim against. Call the Contractors Board at 486-1100 to see if there is a bond posted.

Car dealerships, Body Shops and Emission Shops. These types of businesses are required to post bonds. To make a claim call the Division of Enforcement of the Department of Motor Vehicles at 486-8620. The Division will tell you the name, address and phone number of the bonding company, who will explain the procedures for filing a claim.

Collection agencies, Escrow Companies and Money Order businesses must post bonds. For collection agencies call the State of Nevada Division of Financial Institutions at 486-4120.

Certain other types of entities are required to post bonds. Employers on construction jobs (NRS 338 and 608150), Employment agencies (NRS 611), and Nursing Homes all must post bonds.

WHAT PROPERTY CAN'T A JUDGMENT CREDITOR COLLECT?

There are rules about what a Judgment Creditor can and cannot take from a Judgment Debtor. Property that cannot be taken is called "exempt." Some examples of exempt property include:

- 75% of a Judgment Debtor's wages (or 50 times the federal minimum wages, whichever is greater);
- Judgment Debtor's primary residence, not to exceed \$550,000 equity;
- Necessary household goods not to exceed \$12,000;
- \$2000.00 in a bank account if the money comes from electronic government payments of exempt income;
- \$400.00 in non-exempt income in a bank account;
- One vehicle with equity not to exceed \$15,000;
- Certain payments and benefits such as Social Security, veterans' benefits, unemployment, public benefits, and child support.

The full list of exemptions can be found at [NRS 21.090](#).

If exempt property has been taken from a judgment debtor, he has ten business days to file a claim for exemption and request the return of his property. The procedure for claiming exempt property is included in the Notice of Execution. If the Judgment Debtor files a claim for exemption, you should receive a copy of the Affidavit of Exemption in the mail. If you dispute the Judgment Debtor's claimed exemptions, you have five days to file a request for a hearing with the court, at which the validity of the exemptions will be resolved. A form to request a hearing is available at the Self-Help Center or on its website.

HOW CAN I FIND THE INFORMATION I NEED TO COLLECT THE MONEY FROM MY DEBTOR?

If a Judgment Creditor has tried to locate a Judgment Debtor's assets and has been unsuccessful, he can ask the court for an order requiring the Judgment Debtor to appear in court and answer questions under oath about his property.

You ask the court by filing a Motion and Order for Examination of Judgment Debtor. In some counties this is called an Order for Supplementary Proceedings. You should include with your order a list of documents you would like the debtor to bring such as bank account statements, tax returns, paystubs, vehicle titles, and real property records. Once the judge has granted your request, the Judgment Debtor must be served with the order.

Before the examination of the Judgment Debtor, the Judgment Creditor should prepare a list of questions about the Judgment Debtor's assets. Sample questions can include:

- Debtor's full name, maiden name, and any former names
- Date of birth
- Social Security number
- Driver's license number
- Current address and telephone numbers
- Any previous addresses
- Spouse's name, if married
- Employer's name, address, telephone number, and current salary
- Previous employers
- Other sources of income
- Location and title information for all real estate, automobiles, boats, recreational vehicles, and mobile homes.
- Location and type of bank account, money market accounts, safe deposit box, stocks, bonds, securities
- Income tax information.

OTHER CONSIDERATIONS

RENEWING YOUR JUDGMENT

A judgment is valid for 6 years, but can be renewed if it has not been paid in full. The Judgment Creditor must file a Declaration for Renewal of Judgment form within 90 days before

the judgment expires. A copy of the filed declaration must be mailed by certified, return receipt requested to the judgment debtor within 3 days of it being filed.

If the judgment was recorded, it may be renewed by recording the declaration at the County Recorder's office within 3 days of filing it with the court.

SATISFACTION OF JUDGMENT

When a Judgment Debtor pays a judgment in full, or satisfies it, the Judgment Creditor must file a Satisfaction of Judgment form with the court. It is important for the Judgment Creditor to file a Satisfaction of Judgment for a number of reasons. First, he has an obligation to notify the court that the judgment has been paid in full. Second, an unsatisfied judgment has a negative impact on a judgment debtor's credit report and credit score.

If a Judgment Creditor fails to file a Satisfaction of Judgment, the Judgment Debtor may file a Motion and Order for Satisfaction form. The court will then review the file and determine whether it not it will issue an order deeming the judgment satisfied.

Small Claims Court Glossary

Appeal: To seek review (from a lower court's decision) from a higher court.

Bond: An amount of money required to insure payment of a debt if certain circumstances occur (such as an appeal to a higher court) or a certain time lapses.

Breach of Contract: Violation of a contractual obligation by failing to perform one's own promise, by repudiating it, or by interfering with another party's performance.

Brief: A written statement setting out the legal contentions of a party in litigation, especially on appeal; consists of legal and factual arguments and the supporting authorities.

Complaint: The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim and the demand for relief.

Counter Claim: A claim for relief asserted against an opposing party after an original claim has been made; especially a defendant's claim in opposition to or countering the plaintiff's claim.

Examination of Judgment Debtor: An order that requires the judgment debtor to appear in court, answer questions under oath and provide evidence about their property.

Injunction: A court order commanding or preventing an action.

Judgment Creditor: A person having a legal right to enforce execution of a judgment for a specific sum of money.

Judgment Debtor: A person against whom a money judgment has been entered but not yet satisfied.

Lien: A legal right or interest that a creditor has in another's property which usually lasts until the debt or duty that is secured is satisfied.

Mediation: A method of non-binding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.

Questions of Fact: A factual issue that has not been predetermined and authoritatively answered by the law and does not involve what the law is on a given point.

Questions of Law: An issue to be decided by the judge, concerning the application or interpretation of the law or an issue about what the law is on a particular point.

Resident Agent: A person authorized to accept service of process for another entity, especially a corporation in a particular jurisdiction.

Service of Process: The formal delivery of a writ, summons, or other legal process.

Subpoena: A writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.

Subpoena Duces Tecum: A subpoena ordering the witness to appear in court and to bring specified documents, records or things.

Summons: A writ or process commencing the plaintiff's action and requiring a person to appear in court and answer questions.

Writ of Execution: A court ordered writ authorizing an executive officer to carrying a judgment into effect.

Writ of Garnishment: A court ordered writ authorizing an executive officer to seize a judgment debtor's property (usually wages or bank account) for the purpose of paying a debt.