



## **OFFICIAL SMALL CLAIMS GUIDES:**

### **PERSONAL INJURY**

Written by lawyers, edited to be simple to understand

When someone else's negligence or intentional act caused you to get hurt, you have a right to expect the at-fault party to pay for your losses.

It is wise to try to resolve your dispute out of court, so your first attempt at recovery of injury compensation should be a simple request to the other party. As you probably know, this usually doesn't work. Thus for relatively minor injury claims, small claims court might be your best option, especially if you intend to handle the case on your own. In the past, this meant attempting to navigate the filing process and court system alone.

Those days are over. Small claims court is no longer a last-ditch option for frustrated parties who have tried numerous ways to get back what they're owed. It is now a powerful route that can be accessed in minutes on Squabble.

We've created this guide for you to help you get what you're owed for your injuries.

### **IS SMALL CLAIMS COURT RIGHT FOR MY INJURY CLAIM?**

When your injuries are relatively minor, you can resolve your claim on your own.

It's important to know what your claim is worth to choose the best option for your circumstances.

#### **Small claims court might be right for you when:**

- Your "hard costs" for medical bills, out-of-pocket expenses, and lost wages are within the small claims court limits for your state
- The at-fault party doesn't have insurance or insurance negotiations have stalled
- You're comfortable arguing your case in front of a judge

The small claims process starts the day the lawsuit is filed and ends when the judge decides who wins, but there are important aspects of your case to consider upfront.

#### **What You Won't Get in Small Claims Court**

Most states do allow recovery for injury claims in small claims court, but you won't be awarded "non-monetary losses" (asking the court to require the other party to do something or not do something).

Small claims court is all about settling *money* disputes, so you won't get the judge to order the owner of a house to rip out their dangerous front porch, even if you tripped on a nail and sprained your foot.



Don't expect to stroll out of court with a check in hand. If you win your small claims case, you will be awarded a "judgment" against the party you sued.

If the at-fault party was insured, their insurance company will probably pay you in a few weeks. Otherwise, you will have to "enforce the judgment" by taking further action, such as:

- Formally asking the other person to pay you
- Agreeing to accept a payment plan
- Garnishing the person's wages
- Placing a lien on the person's property

Many state courts have departments set up to help with enforcing judgments. Attorneys can assist as well. Squabble will roll out its enforcement feature in early Winter 2021-Spring 2022 and you'll be able to choose whether you want to enforce all through the app.

### Terminology

It helps to know some legal terms used in court cases:

- The **Plaintiff** is the party filing the lawsuit. You are the plaintiff, even if an attorney files the case for you.
- The **Defendant** is the party you are suing who caused you harm. Injury lawsuits are filed against the at-fault party, not their insurance company.
- The **Complaint**, also called the **Petition**, is the document filed to begin a lawsuit. You will state the reason for the lawsuit, whom you are suing, and the amount of money you're seeking.
- **Service of Process** is the way the defendant is notified of the lawsuit. Each state's court will have rules and instructions.
- The **Judgment** is the judge's final decision about your case.

Many states have official "Small Claims Courts." Others hear these cases in Municipal Courts, City Courts, or Justice of the Peace Courts. The name depends on your state and the types of cases that are heard.

Traditionally, plaintiffs were required to research and find the right small claims court, depending upon several factors. On Squabble, your jurisdictional optimization is done automatically in app.

### Small Claims Court Limits by State

The basics of small claims lawsuits are similar across the country, but the specific procedures vary, so historically, plaintiffs would need to check their county court's requirements carefully.

Today, with Squabble's jurisdiction optimization, just answer basic questions in the app and you can be sure that your filing will be done right. When you're asked how much you're owed, enter the figure, and the app will automatically let you know if the amount you're seeking is within the limit for your jurisdiction. If it's not, you can waive the excess amount and just sue for the maximum through Squabble (or hire an attorney to sue outside of small claims court).

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State	Maximum Amount
<a href="#">Alabama</a>	\$6,000
<a href="#">Alaska</a>	\$10,000
<a href="#">Arizona</a>	\$3,500
<a href="#">Arkansas</a>	\$5,000
<a href="#">California</a>	\$10,000
<a href="#">Colorado</a>	\$7,500
<a href="#">Connecticut</a>	\$5,000
<a href="#">Delaware</a>	\$15,000
<a href="#">District of Columbia</a>	\$10,000
<a href="#">Florida</a>	\$5,000
<a href="#">Georgia</a>	\$15,000
<a href="#">Hawaii</a>	\$5,000
<a href="#">Idaho</a>	\$5,000
<a href="#">Illinois</a>	\$10,000
<a href="#">Indiana</a>	\$6,000 (\$8,000 in Marion County)
<a href="#">Iowa</a>	\$6,500
<a href="#">Kansas</a>	\$4,000
<a href="#">Kentucky</a>	\$2,500
<a href="#">Louisiana</a>	\$5,000
<a href="#">Maine</a>	\$6,000
<a href="#">Maryland</a>	\$5,000
<a href="#">Massachusetts</a>	\$7,000 (No limit for auto accident property damage)
<a href="#">Michigan</a>	\$6,500
<a href="#">Minnesota</a>	\$15,000
<a href="#">Mississippi</a>	\$3,500
<a href="#">Missouri</a>	\$5,000
<a href="#">Montana</a>	\$7,000
<a href="#">Nebraska</a>	\$3,600 (adjusted every five years)



<a href="#">Nevada</a>	\$10,000
<a href="#">New Hampshire</a>	\$10,000
<a href="#">New Jersey</a>	\$3,000
<a href="#">New Mexico</a>	\$10,000
<a href="#">New York</a>	\$5,000 (\$3,000 in town and village courts)
<a href="#">North Carolina</a>	\$10,000
<a href="#">North Dakota</a>	\$15,000
<a href="#">Ohio</a>	\$6,000
<a href="#">Oklahoma</a>	\$10,000
<a href="#">Oregon</a>	\$10,000
<a href="#">Pennsylvania</a>	\$12,000
<a href="#">Rhode Island</a>	\$2,500
<a href="#">South Carolina</a>	\$7,500
<a href="#">South Dakota</a>	\$12,000
<a href="#">Tennessee</a>	\$25,000
<a href="#">Texas</a>	\$10,000
<a href="#">Utah</a>	\$11,000
<a href="#">Vermont</a>	\$5,000
<a href="#">Virginia</a>	\$5,000
<a href="#">Washington</a>	\$5,000
<a href="#">West Virginia</a>	\$10,000
<a href="#">Wisconsin</a>	\$10,000
<a href="#">Wyoming</a>	\$6,000

## 5 PHASES OF A SMALL CLAIMS LAWSUIT

There are five phases to a small claims lawsuit. Squabble guides you through each of them – we promise you’re never on your own.

### Phase 1: Determining whom to sue

You must sue the actual person or company responsible for your injuries.



In app, when we ask you, just provide the name and address of the party you intend to sue.

If it's a person, this should be pretty easy -- you can use his or her full name and home address (just watch your spelling). If you were hurt on someone's property, it could be a little tricky to determine property owner liability when the property is leased by a tenant or business. So take your time and make sure you get the correct party.

If you're suing a business: The app assists you in making sure you are naming the accurate legal entity and their designated legal "agent", which is the party who will automatically be served with Process (formal notice) through Squabble.

Note on Insurance: If the other party has insurance, there's no need to add their insurance company as a party you're suing. If they were uninsured at the time you were injured, no insurance company would be involved.

### **Phase 2: Filing the lawsuit**

You must file your lawsuit in the county where

- the injury occurred -or-
- in the county where you or the defendant resides.

You must explain the reason for your lawsuit. Don't go into detail. It's enough to say: "*Seeking compensation for injuries from a car accident that happened on (date of injury).*"

Don't list too much of what the defendant did wrong, or they will know exactly what you plan to argue. The defendant would then have time to prepare a defense to counter your arguments. You'll get into specifics when you explain things to the judge on your court date.

Remember: if the statute of limitations (the state's deadline to file) is about to run out on your claim, you must file a lawsuit before this date or forfeit your right to seek compensation. Don't worry, when you enter the details of your case into Squabble, the app automatically calculates whether your claim is within the statute of limitations.

Once the court accepts your filing, the defendant must be served notice of the lawsuit through a lawful means set out in the state's code of civil procedure. This is called "service of process" and will include the trial date that you will receive from the court. You'll receive a similar notice of the trial date from the small claims clerk.

In Squabble app, the whole process (including fees and service of process) takes minutes – and you can be sure that it's done right because of our [Triple-Check Money Back Guarantee](#).

### **Phase 3: Preparing for trial**

Before going into court, [organize and prepare your case](#).

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Put in the time to neatly organize your paperwork and written notes. This will help you be confident and persuasive when you speak in front of the judge.

Write out everything you plan to say and list the evidence you will show to the court. Prepare an outline of your story – what happened, how the defendant is responsible, and all the ways you’ve been injured.

	<b>If the defendant intended to injure you</b>	<b>If the defendant acted carelessly to injure you</b>
<b>What to prepare:</b>	Write an explanation as to <i>why</i> you think he or she <i>tried to do so</i> and what evidence supports that view.	Explain why their actions <i>weren't reasonable</i> , meaning they were <i>more careless than the average person would have been</i> .

Outline in advance all of the costs you’ve incurred because of your injuries and attach your proof for each one.

Make each of your points clear and brief. You’ll also need to prepare a “closing statement” that summarizes all the points you already made.

Practice, practice, practice making your presentation and closing statement out loud.

Dress appropriately. Judges notice those who show respect to the court. Your appearance also makes a statement about your professionalism, determination, and belief in your case.

## *Witnesses*

Bring people who can help you explain your case to the judge and to prove what you’re arguing. You won’t have much time to present your side, so it’s important that your witnesses are prepared. Make sure they arrive at the courthouse fully prepped to give consistent testimony. Don’t tell them to lie. Just make sure they give similar versions of the facts.

## *Subpoenas*

Most small claims courts permit parties to subpoena witnesses and documents relevant to their case. Subpoenas should be free. Just download one or more subpoena forms from your county court’s website. Enter the case number, the witnesses’ names, and describe any documents or other evidence you want them to bring.

If there are witnesses who agree to testify on your behalf, they may require subpoenas to show their employers so that they can be excused from work.

You can request subpoenas be served on friendly and unfriendly witnesses, but you only want witnesses who will help prove your case. Please don’t subpoena a witness merely to annoy someone – it will weaken your credibility with the judge.



After your case is filed, we'll update you every step of the way about the status of your case and we'll provide you with tips to make sure you're well-prepared for your court date.

#### **Phase 4:** Arguing your case in court

Small claims courts are designed to help people resolve disputes without a lawyer. However, some courts allow attorneys to represent the parties, so don't be surprised if you get to court and see an attorney is there to represent the defendant.

If the defendant carried insurance, the insurance company has a "duty to defend" their insured, even if they already denied your injury. The company would hire a lawyer to represent the defendant in your small claims case.

Because you're the plaintiff, you'll be the first to present your side of the case and share the evidence that supports your position.

Focus on the facts but don't exaggerate -- the judge is much more likely to find your believable and rule in your favor if you're honest and to the point.

Don't worry too much about following strict formalities. Small claims court is meant to be used by non-lawyers, without strict procedural rules.

Although the judge will give both sides some slack when it comes to out-of-court statements made by third parties, we recommend having all your witnesses there and ready to testify. If not, you'll have a difficult time convincing the judge that their statements are true.

#### *Quick Tip:*

Judges don't want witnesses sitting in the courtroom listening to other witnesses' testimonies. It raises the possibility they'll repeat what was previously said by another witness, or that they'll avoid contradicting what another friendly witness said.

Before your trial starts, we recommend politely asking the judge to require all witnesses to wait in the hall until called, and not to discuss their testimony with each other. The judge will understand what you mean and will probably agree.

This will give you an advantage if the defendant hasn't prepared their witnesses.

Don't interrupt the defendant or witnesses while they're testifying. And try to ignore any interruptions from the defendant while you're testifying, or later in the trial when you're summarizing your case. The judge will warn the person and probably ignore anything they said when interrupting. The more you appear focused and respectful, the better off you'll be.

After all testimony, the judge may ask you both to summarize your cases. Here's where you can give the "closing statement" you prepared. Summarize each point you made in the case and explain how the testimony and evidence support each of those points.



Leading up to your trial date, we'll be in constant communication with you, providing you with Pro Tips on the best way to convince the judge of your position.

### **Phase 5: Getting the judgment**

After hearing all the testimony, the judge will render their decision. If you lose, you may be able to appeal to a higher court. Talk to a lawyer, if you're considering an appeal. Higher courts have strict procedural rules, and you won't have the leeway you get in small claims court.

If you win a small claims lawsuit against an insured defendant, their insurance company will probably send you a check within a few weeks. The defendant also has the right to appeal, but most small claims verdicts are not worth the cost of the appeals process.

If the defendant was not insured, they might voluntarily make arrangements to pay the judgment. Otherwise, you will need to take steps to "enforce" the judgment. Squabble's in-app enforcement mechanism will be available in Winter 2021 or Spring 2022. This will enable you collect on your judgment all through the app. Until then, your court's clerk will have resources to help you collect.

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Additional questions?

Email us at [info@squabbleapp.com](mailto:info@squabbleapp.com) or [support@squabbleapp.com](mailto:support@squabbleapp.com). We can't offer legal advice, but we can help you understand how the system works and how to prepare for court.