

**SMALL CLAIMS INSTRUCTIONS
SECOND CITY COURT OF THE CITY OF NEW ORLEANS**

Darren Lombard, Clerk

225 Morgan Street, Room 201

New Orleans, Louisiana 70114

Office (504) 407-0435 Fax (504) 366-2970

Read these instructions before filing a Small Claims Suit.

INSTRUCTIONS

1. The most you can sue for is \$5,000.00. The filing fee for a small claims petition is \$115.50 per defendant (CASH OR CHECK ONLY) and \$20.00 service fee to the Constable for service in Algiers (70131 or 70114). If service must be made outside of Algiers it will cost more; you should contact the Constable's office at (504) 598-5365 to get the exact cost. **Note: There may be additional filing fees throughout your case and service fees if you file pleadings that must be served.**

2. You must have the full name and address of the person you sue. You are responsible for keeping up with the defendant's current address.

3. If the defendant is not domiciled in Orleans Parish, you should seek legal advice on whether Orleans Parish is the proper venue for your suit. You may need to sue the defendants in another parish. You should check this before you pay your filing fees because no refunds will be given. Also, if you are representing yourself in a small claims suit you must call the clerk's office to check for service information.

4. Once the suit is filed, you must be available to come here often in order for your case to proceed forward. It is your responsibility to keep up with the status of your case. Anytime you wish to receive information on your case, you may call this office at (504) 407-0435 give the clerk the case number. It will be written on the top left hand corner of your Small Claims petition.

5. If you sue a business or corporation, **you must find** the name and address of the registered agent or owner. To do this, call 1-225-922-1000, Secretary of State for businesses; 1-225-925-4704 for corporations, and 1-225-342-0895, Commissioner of Insurance for insurance companies. These are long distance calls. **Make sure you have the correct information before filing your claim.** (Corporation example: ABC Company, Inc., through Jack Jones, Registered Agent, Business: Henry John d/b/a John's Auto Repair.)

6. You can represent yourself in Small Claims. However, either party may hire an attorney if they choose. There are no attorneys in the Small Claims Division to advise or represent you. ***The Small Claims Clerk is not an attorney and can only give you procedural information on how to file a claim. For legal advice, contact Legal Aid at 504-529-1000.***

7. There is no appeal to a small claims Judgment. A defendant may request to transfer this suit to the regular docket of Second City Court small claims suit can be transferred to the regular docket of First City Court by either party by filing a Motion to Transfer. The cost to do this is \$311.

8. IMPORTANT – Upon receiving a judgment in your favor, please be reminded that the collection process is your responsibility. However, the Clerk's office will assist you in your efforts to collect your Judgment as much as possible. If a person is unemployed, does not own any property, or is on welfare or some assistance program, it may be impossible to collect. **The judgment is FINAL; there is no appeal in Small Claims.**

9. Approval to file a suit In Forma Paupers ("IFP") does not mean that you get to file your suit for free. It means that the court costs/fees will be DEFERRED until the end of the litigation. Even if you win your case, you may be ordered to pay your own court costs and these costs will be deducted from your award.

10. No one may file more than six (6) Small Claims per year.

YOU SHOULD DECIDE WHETHER OR NOT IT IS WORTH YOUR TIME AND MONEY TO SUE! **NO REFUNDS.**

THE FEE TO FILE A SMALL CLAIM IS \$115 FOR EACH NAMED DEFENDANT.

PLEASE NOTE THAT A HUSBAND AND WIFE ARE TWO SEPARATE DEFENDANTS.

IN ADDITION THE CLERK'S FEE YOU WILL HAVE TO PAY THE CONSTABLE'S OFFICE FOR ANY REQUIRED SERVICES.