

## SECOND CITY COURT FOR THE CITY OF NEW ORLEANS

### STATE OF LOUISIANA

#### **You filed a Small Claim in Second City Court, What's next?**

- Once you filed your claim with the Clerk's Office, you will be assigned a case number. Make sure you keep track of this information because this is how Second City Court will be able to identify and help you with your case. **Second City Court will not contact you with updates on your case.** If you have any questions about your case, you must contact the Clerk's Office (504) 407-0435 or the Constable's Office for service (504) 598-5365.

\*Please note that lawsuits take time and this is not something that will be resolved in a short amount of time.\*

- You must pay the Constable's Office for service of the Small Claim. After 10 business days, check with the constable's office to see if your small claim has been served. You may contact them by phone (504)598-5365 or you may check the website, [www.algiersconstable.com](http://www.algiersconstable.com), for your case's service information. Make sure that you enter the case number just like you see it on your small claim including the dash.

\*Be aware that depending on the case load and/or the location of where your documents need to be served, it may take more than 10 business days for service to be returned to the Constable's Office\*

- Once your small claim has been served, the defendant (person you are suing) has ten calendar days to file an answer to the lawsuit. They may file an extension of time to answer if they need more time to do so. To check on the status of the answer, you may contact the Clerk's Office, 504-407-0435 and someone would be happy to assist you. Please make sure to have your case number ready.
- If your small claim has come back and it was unable to be served, you have two options for reissue: reissue service at another location (which there is a fee to the Constable's Office and the Clerk's Office) or file for a Special Process Server to serve the Small Claim (fee to the Clerk's Office). The Special Process Server can be anyone as long as they are at least 18, not related to you or the case, and must reside in Louisiana. They will have to go get an affidavit notarized stating the service of the defendant if they serve the small claim.

#### **\*Your case will not go forward if the defendant is not served\***

- Defendant files an answer, your next step would be to file a Motion to set trial with the Clerk's Office. The motion will have to be served, so you will have to pay the Constable's Office for service. We will give you a court date and give you a copy of the motion. If the Judge's Office is closed when you file the motion, you must contact the Court to get your court date. Make sure you appear on your court date with all documentation/witnesses that are needed for your case.
- If the defendant does not file an answer after the allotted time, you can file a default judgment. A Default Judgment means the person failed to answer and you win your case by default. The forms can be picked up with the Clerk's Office, you must get an affidavit notarized. We will give you the next few court dates and you just need to bring the Affidavit & Default Judgment back to the Clerk's Office on one of those dates along with your documentation proving your case to be presented in front of the Judge.
- **Second City Court cannot give legal advice.** Consider calling a lawyer right away. The New Orleans Bar Association's Lawyer Referral Service can be reached at 504-561-8828. If you qualify, you may be able to get free legal help from SOUTHEAST LOUISIANA LEGAL SERVICES - call 504-529-1000. Information on legal proceedings can also be found on [www.louisianalawhelp.org](http://www.louisianalawhelp.org).