

**SMALL CLAIMS WRIT
AND NOTICE OF SUIT**

JD-CV-40 Rev. 4-01
C.G.S. § 51-15
Pr. Bk. § 24-1 et seq.

**CONNECTICUT SUPERIOR COURT
SMALL CLAIMS SESSION**

Type or print legibly. Complete original and make one copy for each party to the action.
File the original and all copies with the clerk. Also, include one "Instructions to Defendant"
for each defendant and submit the appropriate entry fee.

DOCKET NO. SC
ANSWER DATE

SMALL CLAIMS AREA LOCATION
 G.A. _____ HOUSING SESSION AT: _____ JUDICIAL DISTRICT AT: _____

P L T F	NAME ADDRESS AND ZIP CODE OF PLAINTIFF #1		P L T F	NAME ADDRESS AND ZIP CODE OF PLAINTIFF #2	
	TELEPHONE NO. (w/area code) ("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION			TELEPHONE NO. (w/area code) ("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION	

ATTORNEY FOR PLAINTIFF(S)	JURIS NO.	TELEPHONE NO. (w/area code)
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D E F	NAME ADDRESS AND ZIP CODE OF DEFENDANT #1		D E F	NAME ADDRESS AND ZIP CODE OF DEFENDANT #2	
	TELEPHONE NO. (w/area code) ("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION			TELEPHONE NO. (w/area code) ("X" ONE) <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION	

FOR COURT USE ONLY:	ATTORNEY FOR DEFENDANT(S)	JURIS NO.	TELEPHONE NO. (w/area code)
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YOU ARE BEING SUED.
THE ABOVE PLAINTIFF(S) CLAIMS YOU OWE →
PLUS COURT COSTS, FOR THE FOLLOWING REASONS:

AMOUNT DUE \$	TOWN WHERE TRANSACTION/INJURY OCCURRED OR PREMISES LOCATED
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The undersigned, being duly sworn, deposes and says that the signer has read the claim and, to the best of the signer's knowledge, information and belief, there is good ground to support it.

SIGNED X	TYPE IN NAME AND TITLE OF PERSON SIGNING AT LEFT
SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)	SIGNED (Clerk, Notary, Comm. of Sup. Ct.) X

MILITARY SERVICE AFFIDAVIT

The undersigned deposes and says:

- that the undersigned is unable to determine whether or not the defendant(s) in this action are in the military or naval service of the United States.
- that the defendant is in the military or naval service of the United States.
- that no defendant in this action is in the military or naval service of the United States, and that, to the personal knowledge of the undersigned (state facts showing defendant is not in such service)

SIGNATURE AND TITLE **X**

SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)	SIGNED (Clerk, Notary, Comm. of Sup. Ct.) X
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SIGNED (Clerk) X

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P L T F	NAME ADDRESS AND ZIP CODE OF PLAINTIFF #1			P L T F	NAME ADDRESS AND ZIP CODE OF PLAINTIFF #2		
	# 1	TELEPHONE NO. (w/area code)	<input checked="" type="checkbox"/> ("X" ONE) <input type="checkbox"/> INDIVIDUAL		<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION	# 2	TELEPHONE NO. (w/area code)

ATTORNEY FOR PLAINTIFF(S)	JURIS NO.	TELEPHONE NO. (w/area code)
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INSTRUCTIONS TO DEFENDANT

For additional information obtain a copy of "THE SMALL CLAIMS PROCESS" (form JD-CV-45P) from the Clerk's Office

WHAT DO I HAVE TO DO TO DEFEND THIS CASE?

The first and most important step you must take is to file an answer on or BEFORE THE ANSWER DATE. The answer is your statement or reply to the claim stated on this notice. Your reply should be brief but specific. You do not need an attorney even if the plaintiff has one. However, you can have an attorney if you want to hire one. If you want the benefit of the regular rules or if you want the right to appeal this case, you must ask to transfer the case to the regular civil or housing docket. You may need an attorney to assist you and you will have to pay additional fees when you file the motion to transfer the case. The motion to transfer must be filed, in writing, with an affidavit and fees, ON OR BEFORE THE ANSWER DATE.

WHAT SHOULD I DO IF THE PLAINTIFF OWES ME MONEY?

Briefly state how much the plaintiff owes you and why. This portion of your answer is a counterclaim.

WHAT HAPPENS IF I DO NOT FILE AN ANSWER?

If you do not file an answer it means that 1) you do not disagree with the reasons why the plaintiff claims you owe the money AND 2) you do not disagree with the amount of money that the plaintiff claimed. Therefore, if you do not file an answer, the court may enter a judgment against you by default for the full amount of the claim plus court costs.

WHAT IF I KNOW I OWE THE PLAINTIFF SOME MONEY?

Even if you think you owe the plaintiff something, but you disagree with the amount claimed or you are not sure how much you owe the plaintiff, you should file a written answer. This gives you a chance to come to court for a hearing to question how the plaintiff arrived at the amount claimed.

WHAT SHOULD I DO IF I ADMIT THAT I OWE THE PLAINTIFF THE ENTIRE AMOUNT CLAIMED?

1. If you pay the plaintiff/plaintiff's attorney the total amount owed plus court costs, if any, before the answer date, notify the court, on the answer form, that payment has been made. Do not send payments(s) to the court.
2. If you are sure that you owe the entire amount claimed but you want time to pay, you must file an answer NOT LATER THAN THE ANSWER DATE, stating that you wish time to the debt and your reasons for requesting additional time. You may also want to propose a payment schedule.

WHERE AND WHEN DO I HAVE TO GO TO COURT?

After the court receives your answer, it will determine if a hearing is required. YOU DO NOT HAVE TO GO TO COURT ON THE ANSWER DATE but you must make sure the Small Claims Clerk receives your written answer by that date. You will receive a notice of the date, time, and court location of the hearing, if required.

Even if you filed an answer or a request for time to pay, the court can enter a judgment against you if you fail to come to court on the date and time set for a hearing.

WHAT WILL HAPPEN ON THE DAY I HAVE TO GO TO COURT?

1. On the day you are scheduled to be in court, you should get there before the scheduled time.
2. Each case will be called to make sure all the parties are there.
3. The plaintiff's case will be presented first. When the plaintiff has finished you will be given an opportunity to ask questions about the testimony or evidence and then you will be asked to present your side of the case. When you are finished, the plaintiff will have an opportunity to ask questions of you and your witnesses.
4. On the day of the hearing, it is essential that you bring all your witnesses and papers, (bills, invoices, checks, etc.) to court with you. This includes any defective or damaged goods that can conveniently be brought to court, estimates of damages, pictures, etc.
5. You should notify your witnesses as soon as you know the hearing date. You may go to the clerk's office to request a subpoena for the witnesses to come to court. There is no fee for the subpoena, but you will have to pay the fee for having it served by a proper officer. This subpoena must be served at least 18 hours before the hearing date unless the court orders otherwise.
6. It might be helpful to make a brief outline of your case for your own use. Although the small claims procedures are designed to be informal, a clear presentation of your position is most important. Although it varies a great deal, you should assume you will be in court a minimum of one to four hours.
7. You will receive a written notice of the court's decision.

WHAT IF I NEED TO POSTPONE THE CASE?

If it is impossible for you to come to court on the day assigned, you should first call the plaintiff or the attorney, if the plaintiff has one, and explain the problem. If the person you called is willing to postpone the case, you should then call the small claims clerk and ask for a continuance and tell the clerk that the plaintiff or the plaintiff's attorney has agreed. Ask the plaintiff or attorney to call the court to confirm the agreement. The clerk will set a new hearing date and send a notice to all parties.

If the plaintiff objects to a continuance, you should still call the clerk, explain your reasons for the request and tell the clerk that the plaintiff does not agree.

Each party will be allowed one continuance if by agreement. Any other requests for a continuance will be referred to the court.

WHAT HAPPENS IF I LOSE THE CASE?

If you lose this case, the court will send you a notice of judgment stating the amount you owe and when it is due. The court may order you to pay the entire amount at one time or to make periodic payments until the entire amount is paid.

WHAT HAPPENS IF I DON'T PAY THE JUDGMENT?

If you fail to make the payment or payments as required, the plaintiff will be entitled to obtain an execution on your wages, bank account or your property. An execution gives a proper officer the authority to attempt to recover the money from your wages, bank account or other property. The plaintiff is also entitled to postjudgment interest and other statutory fees. After the proper officer serves an execution, you will be advised about possible exemption or modification claims that may be available to you.

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4. On the day of the hearing, it is essential that you bring all your witnesses and papers, (bills, invoices, checks, etc.) to court with you. This includes any defective or damaged goods that can conveniently be brought to court, estimates of damages, pictures, etc.
5. You should notify your witnesses as soon as you know the hearing date. You may go to the clerk's office to request a subpoena for the witnesses to come to court. There is no fee for the subpoena, but you will have to pay the fee for having it served by a proper officer. This subpoena must be served at least 18 hours before the hearing date unless the court orders otherwise.
6. It might be helpful to make a brief outline of your case for your own use. Although the small claims procedures are designed to be informal, a clear presentation of your position is most important. Although it varies a great deal, you should assume you will be in court a minimum of one to four hours.
7. You will receive a written notice of the court's decision.

WHAT IF I NEED TO POSTPONE THE CASE?

If it is impossible for you to come to court on the day assigned, you should first call the plaintiff or the attorney, if the plaintiff has one, and explain the problem. If the person you called is willing to postpone the case, you should then call the small claims clerk and ask for a continuance and tell the clerk that the plaintiff or the plaintiff's attorney has agreed. Ask the plaintiff or attorney to call the court to confirm the agreement. The clerk will set a new hearing date and send a notice to all parties.

If the plaintiff objects to a continuance, you should still call the clerk, explain your reasons for the request and tell the clerk that the plaintiff does not agree.

Each party will be allowed one continuance if by agreement. Any other requests for a continuance will be referred to the court.

WHAT HAPPENS IF I LOSE THE CASE?

If you lose this case, the court will send you a notice of judgment stating the amount you owe and when it is due. The court may order you to pay the entire amount at one time or to make periodic payments until the entire amount is paid.

WHAT HAPPENS IF I DON'T PAY THE JUDGMENT?

If you fail to make the payment or payments as required, the plaintiff will be entitled to obtain an execution on your wages, bank account or your property. An execution gives a proper officer the authority to attempt to recover the money from your wages, bank account or other property. The plaintiff is also entitled to postjudgment interest and other statutory fees. After the proper officer serves an execution, you will be advised about possible exemption or modification claims that may be available to you.

INSTRUCTIONS TO PLAINTIFF

For additional information obtain a copy of "THE SMALL CLAIMS PROCESS" (form JD-CV-45P) from the Clerk's Office.

ARE THERE ADDITIONAL EXPENSES INVOLVED?

If the notice of suit is returned to the court undelivered, the clerk shall, upon your request, issue a further notice setting a new answer date. You will have to have a proper officer deliver the court papers, and the proper officer will charge you a fee for the service. When serving an out-of-state corporation, a proper officer must serve the papers and you must pay for the service. If you win the case, you are entitled to recover costs from the defendant. Other expenses, such as service of subpoenas and application fees for execution are also possible. If proper officer's service is not made on the defendant within 120 days from the original answer date, your case may be dismissed.

WHAT HAPPENS IF THE CASE IS TRANSFERRED TO THE REGULAR DOCKET?

If your case is transferred at the defendant's request, the clerk will inform you of that fact. It will be more difficult for you to handle your case without an attorney under the normal court rules. You may wish to consult an attorney.

WHAT HAPPENS AFTER I FILE THE CLAIM?

After you file the claim, the clerk assigns a date by which the defendant has to respond to your claim (this is called the ANSWER DATE) and mails a copy to you and to the defendant. If the defendant does not send an answer to the court by the answer date, a default judgment will enter or a hearing will be scheduled, as appropriate. If the clerk receives an answer from the defendant and your claim is being contested, a hearing will be scheduled. The clerk will send you a copy of the defendant's answer. You and the defendant will receive a written notice from the court telling you when to come to court. If the defendant files a counterclaim against you, you must file an answer to the counterclaim by the new answer date which will be assigned.

WHAT IF I NEED TO POSTPONE THE CASE?

If it is impossible for you to come to court on the day assigned, you should first call the defendant or the attorney, if the defendant has one, and explain the problem. If the person you called is willing to postpone the case, you should then call the small claims clerk and ask for a continuance and tell the clerk that the defendant or the defendant's attorney has agreed. Ask the defendant or attorney to call the court to confirm the agreement. The clerk will set a new hearing date and send a notice to all parties. If the defendant objects to a continuance, you should still call the clerk, explain your reasons for the request and tell the clerk that the defendant does not agree.

Each party will be allowed one continuance if by agreement. Any other requests for a continuance will be referred to the court. However, during the months of January and July of each year, small claims cases which have not gone to judgment within one year from the date on which they were filed shall be dismissed.

WHAT WILL HAPPEN ON THE DAY I HAVE TO GO TO COURT?

1. On the day you are scheduled to be in court, you should get to court before the scheduled time.
2. Each case will be called to make sure all the parties are there.
3. Your case will be presented first. When you have finished, the defendant will be given an opportunity to ask you or your witnesses questions about what has been said or other evidence that has been presented. The defendant will then be asked to tell his or her side of the case. You will be given a similar opportunity to ask questions of the defendant and defendant's witnesses when he or she has finished.
4. You will be advised of the court's decision a few days

HOW SHOULD I PREPARE FOR THE TRIAL?

On the day of the hearing, it is essential that you bring all your witnesses and any papers (bills, leases, invoices, checks, etc.) to court with you. This includes any defective or damaged goods that can be brought to court conveniently, estimates of damage, pictures, etc. You should notify your witnesses as soon as you know the hearing date. You may go to the clerk's office to request a subpoena for the witnesses to come to court. There is no fee to request the subpoena, but you will have to pay the fee to have it served by a proper officer. This subpoena must be served at least 18 hours before the hearing unless the court orders otherwise.

Although it varies a great deal, you should assume you will be in court a minimum of one to four hours. It might be helpful to make a brief outline of your case for your own use. Although the small claims procedures are designed to be informal, a clear presentation of your position is most important.

WHAT HAPPENS IF I WIN THE CASE?

If you win the case the court will send you a notice of the amount owed you and when it is due. If you have asked for and received an order for periodic payments, the notice will specify how much is to be paid to you (or your attorney if you have one) and when the payments are to begin. This decision of the court is called the "judgment."

CAN I APPEAL THIS CASE?

No. If you want to be able to appeal this case, then you must file your claim with the regular civil or housing docket of the Superior Court. If the defendant files a counterclaim to your small claims suit, you may file a motion to transfer the case to the regular civil or housing docket. Cases filed with, or transferred to, the regular civil or housing docket will be more expensive and complicated and you will probably need an attorney, but you will be able to appeal if you lose.

CAN THE DEFENDANT APPEAL IF I WIN?

No. If the defendant wants to be able to appeal, the case must be transferred to the regular civil or housing docket of the Superior Court. Although very few defendants ask to transfer a case, the defendant does have same right to transfer the case. Generally, if the defendant makes his request by the ANSWER DATE, and in the right manner, the judge or magistrate must order the case transferred.

WHAT SHOULD I DO IF THE DEFENDANT DOES NOT PAY THE JUDGMENT?

If the defendant fails to make the payment or payments as required, you are entitled to ask the court for an execution. An execution gives a proper officer the authority to attempt to recover the money on your behalf from the defendant's wages, bank account or other property. The details on how to obtain an execution, if you need one, are explained on the Notice of Judgment you will receive from the court after the case is finished. The most important thing to remember is that the court does not collect the money for you. Rather, the court's purpose is to hear the case and make a decision and to give you the necessary permission to have its orders enforced if they are not complied with.