

**INSTRUCTIONS TO DEFENDANT
(NOTICE TO PERSON BEING SUED)**

JD-CV-121 Rev. 7-12

Please read the instructions carefully.

For more information, get a copy of *HOW SMALL CLAIMS COURT WORKS* (form JDP-CV-45) from the Clerk's Office or from our website at www.jud.ct.gov/faq/smallclaims.html.

What Do I Have To Do To Defend This Case?

The person suing you (the Plaintiff) delivered to you (served you with) a copy of the Small Claims Writ and Notice of Suit; and related documents, if any. The plaintiff will now file the Small Claims Writ and Notice of Suit and related documents with the court. The court will send you an Answer form and a Counterclaim form with the number the court assigns to the case, called the "docket number" of the case, and the date you must file your Answer, and Counterclaim if you make one, by. The Answer form and the Counterclaim form should be sent to you soon but it could take up to 6 weeks depending on when the plaintiff files the case with the court.

The Answer is your response or reply to the plaintiff's claim. If you claim the plaintiff owes you money, this is called a Counterclaim. There is a \$90.00 fee to file a Counterclaim. Your Answer, and your Counterclaim if you make one, should be specific but brief. Fill out the entire Answer form, and the Counterclaim form if you make a Counterclaim, and sign them. Keep a copy of each for yourself and send a copy to each attorney or other representative of the plaintiff, or if the plaintiff is representing himself or herself, to the plaintiff. Send the original Answer form to the court by mail, fax or hand delivery at the address or fax number shown below on or before the answer date. If you make a Counterclaim, mail the original Counterclaim with the \$90.00 fee to the court or hand deliver them to the address shown below on or before the answer date. **You cannot fax a Counterclaim and its filing fee to the court.** Please be sure to give us any change of your address.

Do not answer until you get the Answer form and Counterclaim form from the court but if you do not get an Answer form and Counterclaim form within 6 weeks of being served, contact the court to ask why. If you do not file an Answer in writing with the court, a money judgment could enter against you. This is called a default judgment.

You may make an agreement with the plaintiff before the plaintiff files the lawsuit in court or at any time before the court enters a judgment. You may hire a lawyer to represent you if you want to.

You can find helpful information on our website at: <http://www.jud.ct.gov/faq/smallclaims.html> and you may check the status of your case after it has been given a docket number at: http://www.jud2.ct.gov/Small_Claims/.

If you have any questions, you can visit or call the **Centralized Small Claims Office at 80 Washington Street, Hartford, CT 06106**. The telephone number in the Hartford area is 860-756-7800. The toll free telephone number in Connecticut is 866-383-5927. The fax number is (860) 756-7805.

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 to use the regular rules of court in this case or if you want the right to appeal this case, you must file a motion to transfer the case to the regular civil or housing docket of the superior court. You may need an attorney to help you in filing that motion and you will have to pay fees to file it. The motion to transfer **must** be filed, in writing, with an affidavit and with the correct fees, **on or before the answer date**.

What Happens If I Do Not File An Answer? If you do not file an Answer, the file will be reviewed by a magistrate who will decide whether a judgment can enter without a hearing for the full amount of the claim plus court costs, or if a trial needs to be scheduled.

What Happens If I File An Answer? If you file an Answer, **do not go to court on the answer date**. After the court receives your Answer, a trial will be scheduled if one is required. Cases are scheduled for trial as quickly as possible.

What Should I Do If The Plaintiff Owes Me Money? If you claim the plaintiff owes you money, this is called a Counterclaim. Explain how much the plaintiff owes you and why on the Counterclaim form. Fill out the entire Counterclaim form and sign it. Keep a copy for yourself and send a copy to each attorney or other representative of the plaintiff, or if the plaintiff is representing himself or herself, to the plaintiff. Mail the original Counterclaim form with the

\$90.00 fee to the court or hand deliver them to the address shown above on or before the answer date. Please be sure to give us any change of your address.

What If I Know I Owe The Plaintiff Some Money? If you know you owe the plaintiff something, but you do not agree with the amount the plaintiff is asking for 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 trial to question how the plaintiff added up the amount claimed.

What Should I Do If I Admit That I Owe The Plaintiff The Whole Amount? If you are sure that you owe the whole amount but you want time to pay, you must file an Answer **not later than the Answer date**, stating that you want time to pay the claim and why you are asking for the extra time to pay. You may ask for a period of time during which you can make payments that you suggest. If you do not, and you are an individual, the court will enter a judgment with an order of payments of \$35.00 each week until the judgment is paid. If you ask to pay less than \$35.00 per week and the plaintiff does not agree, a trial will be scheduled.

A judgment against a business entity, for example, a corporation, or a judgment against a landlord for return of a security deposit, will be ordered paid in the full amount. This will be entered as a judgment of the court.

If you pay the plaintiff/plaintiff's attorney the full amount owed **plus costs**, if any, before the answer date, tell the court on the Answer form. **Do not send payment(s) to the court.**

Where And When Do I Have To Go To Court? If a trial is required, you will be sent a notice of the date, time and place of the trial. Even if you filed an Answer or a request for time to pay, the court can enter a judgment against you if you do not come to court on the date and time set for the trial.

What Do I Need To Bring To Court? On the day of the trial, you must bring all your witnesses and evidence (bills, invoices, checks) to court with you. This includes any defective or damaged goods that can be brought to court safely and easily, estimates of damages, pictures, and anything else that you want the court to look at. Be complete and organized in your case. **A small claims judgment cannot be appealed.**

ADA Notice

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA/.