

SMALL CLAIMS DIVISION

FIRST CITY COURT FOR THE CITY OF NEW ORLEANS

INSTRUCTIONS FOR DEFENDANT (PARTY BEING SUED)

ATTENTION

YOU ARE BEING SUED IN SMALL CLAIMS COURT

It is very important for you to read and follow these instructions!

1. Read the Statement of Claim; it will tell you who is suing you (the plaintiff) and why.
2. If you want to pay this claim, you should contact the plaintiff immediately and make arrangements. The plaintiff's address and telephone number are on the Statement of Claim.
3. If you want to contest this claim, you must decide whether or not you want to have the case remain in Small Claims Court. In Small Claims Court, the ordinary rules of evidence do not apply. This allows you to simply come in and tell the judge your side of the case at the appointed time. **You do not need a lawyer**, but you may bring one if you wish. The judge will help both sides present their case. If you lose, periodic payments of the claim may be arranged by the judge in Small Claims Court.

If you decide to remain in Small Claims and you lose your case, **you may not appeal**. However, if you win, the plaintiff may not appeal either. If you want the right of appeal, you must follow the directions in Number 4. If you want the case to remain in Small Claims Court, you must follow the directions in Number 5. **If you are unsure of what to do you should talk with an attorney about it immediately.**

4. If you wish to retain the right of appeal, you must transfer this case to the regular civil docket of First City Court. To do so, you must file a Motion to Transfer along with an Answer or Motion for Extension of Time, both of which must be filed within ten (10) days from the date you were served with the Statement of Claim and Citation. You must pay \$306.00 to transfer the case to the regular docket of First City Court. If the Answer is not filed along with the Motion to Transfer, you are required to pay an additional \$225.00, There is also a Constable's fee to serve this motion; call the Constable's Office (504-523-3258) for the amount of the fee.
5. If you decide to contest this claim in Small Claims Court, or if you want to be able to pay this claim over a period of time, you must either file an Answer or other pleadings in the Clerk's Office at 421 Loyola Avenue, Room 201, New Orleans, LA 70112 within ten (10) days after you have received these documents.