

I Want to File a Civil Lawsuit- Where do I Start?

Civil Self-Help Services

Hall of Justice
813 6th Street
Room 117, First Floor
Sacramento, CA 95814



Before you file, think about...

Who should I sue?

It may not be obvious who should be named as a defendant. Is a business involved? More than one person? Think about who might be responsible for your damages.

Will I have to pay court costs and attorney's fees for the defendant(s) if I do not win?

Certain types of cases require the plaintiff to pay court costs and attorney's fees for the Defendant if the Court determines the Defendant is the prevailing (winning) party. A fee waiver will not relieve you of this responsibility.

What causes of action should I pursue?

A "cause of action" is the legal theory on which you base your Complaint. Your Complaint may have several causes of action. To win your case, you need to prove each and every element of the cause(s) of action you allege.

What are the statutes of limitations for my causes of action ?

The statute of limitations is the length of time from the alleged injury or damage that you have to file a lawsuit. If the statute of limitations has run, you may not be able to recover anything for your damages.

How much do I want to sue for?

The amount of money you seek to recover will determine your initial filing fees to the court, and will make a difference in some of the procedures you follow.

Is the Civil Division the right place to sue?

If you are only seeking money damages, and are asking for less than \$10,000, it may benefit you to file your claim in Small Claims Court. That process is simpler, less expensive and faster than in the civil division.

Is the person I want to sue "judgment proof?"

Even if you win the case and obtain a judgment, if the person who injured/damaged you has no assets or insurance, it may not be possible to actually recover any money you are awarded.

What is the legal name of the business entity I am suing?

The name the company uses for business purposes may be different from the name of the business entity. For example, Joe's Café is the name of the restaurant, but the business entity is Smith Restaurant Group, Inc.

Who is the agent for service of process?

The agent for service of process is the person authorized to receive legal documents on behalf of a company. Look the company up on the Secretary of State's website.

www.businesssearch.sos.ca.gov.

| Fees to Start a Civil Case | |
|---|-------------|
| Unlimited (more than \$25k or nonmonetary relief) | \$435 |
| Limited (\$10k-25k) | \$370 |
| Limited (less than \$10k) | \$225 |
| Limited (BP 6322.1(c)(1)) | \$181 |
| Small Claims | \$30 - \$75 |

When will I have my day in court? When can I talk to a Judge?

Most civil cases do not get to trial. If they do, it may take a year and a half or more to get there. If you are in court on a motion in your case, you will only be able to speak to the Judge about the issues relevant to the motion.

Do I have to know the law to represent myself?

Yes. It is important that you know and understand the law and procedures that apply to your case. You will be held to the same standard as an attorney– the judge will not “go easy” on you.

What is discovery?

Discovery is the way both sides collect and exchange information about the case and prepare for trial. The information gathered during discovery is not filed with the court. It is shared with the other side in the lawsuit. Failure to respond to formal discovery may result in sanctions, including dismissal.

Can I talk to the other party about settling the case?

Parties are encouraged resolve the case through settlement at any time **however**, you can't talk to the party directly if they have an attorney. If the other party has an attorney you have to speak to the attorney instead.

BE ADVISED even if self-represented parties have little or no legal training, they are required to follow all rules that govern civil litigation. A party representing them self will be treated like any other party and is entitled to the same, but no greater, consideration than other litigants and attorneys.

This is not meant to dissuade you from filing a lawsuit– we want you to have reasonable expectations with regards to your case.

To Start a Lawsuit you must file:

- **Complaint** - either on pleading paper or Judicial Council Forms.
- **Civil Case Cover Sheet** (CM-010)
- **Summons** (SUM-100)
- If asking the Court to waive the filing fee, **Fee Waiver** (FW-001) and **Order on Fee Waiver** (FW-003).

Mail to, or drop the original plus 2 copies of each document and filing fee at:

Sacramento Superior Court
720 9th Street, Room 102
Sacramento, CA 95814

Other Helpful Resources:

Sacramento County Public Law Library

609 9th Street, Sacramento, CA 95814

(916) 874-6011

Saclaw.org

Self-Help Appointment Screening (916) 476-2731

California Bar Association Referral Services Directory

Find legal assistance in the Sacramento Area and Northern California.

Tinyurl.com/25us82d5



| Hours | | | | |
|--------------|------------|------------|------------|------------|
| Mon | Tue | Wed | Thu | Fri |
| 8:30-12:00 | 8:30-12:00 | 8:30-12:00 | 8:30-12:00 | 8:30-12:00 |
| 1:30-4:00 | 1:30-4:00 | 1:30-4:00 | CLOSED | 1:30-4:00 |

Hours are subject to change based on staff availability.

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