

Civil Court Of The City Of New York

Small Claims /Commercial Claims Part
County of Kings
141 Livingston Street
Brooklyn, New York 11201

Today's Date: 10-27-2005

JA

The Hearing of your claim has been set for 6:30 P.M. in the
Small Claims /Commercial Claims Part Courtroom
Room 305
DEC 13 2005
Only the Judge presiding at the Hearing can grant an adjournment.
The Clerk cannot grant any change in the scheduled date or time.

Index No.:
81053 KSC 2005

FEE: 20.00 Paid

SMITH VS. JONES

Your Case is Scheduled for
Tuesday,

December 13, 2005

INSTRUCTIONS TO SMALL CLAIMS / COMMERCIAL CLAIMS CLAIMANT HEARING

You must be present, with any witness(es) and/or other proof of your claim, at the time and place indicated above. If your claim is for property damage, in order to prove your claim you must produce, at the time of trial, either:

- (1) An Expert Witness (for example, a Mechanic)
- (2) A Paid Receipt (itemized, marked "Paid," and signed), or
- (3) Two Estimates for services or repairs (itemized and signed)

Once service of the Notice of Claim is complete, you may request the Clerk to issue a Subpoena for Records and/or a Subpoena to Testify, to compel someone to appear. Such Subpoenas are issued by the Court without any fee, but you will be required to pay a fee to the person on whom the Subpoena is served. Your request for such Subpoena must be made of the Clerk before the date of the Hearing.

If you have not received a copy of the booklet "A Guide to Small Claims" or "A Guide to Commercial Claims", please request one.

JUDGES AND ARBITRATORS

The Judge can only hear a limited number of cases at each session of Court. Most Hearings are held before volunteer Arbitrators who are attorneys with at least five years of experience and thoroughly knowledgeable in the law.

The decision of a Judge is subject to appeal but no appeal of an Arbitrator's decision is permitted since there is no official court transcript of Hearings held before Arbitrators.

Either party may choose to have the case heard only by the Judge, by responding "by the Court," at the time of the calendar call. If you request your case "by the Court" it is quite possible that you will have to return for trial at another time.

INSTRUCTIONS FOR ANSWERING THE CALENDAR CALL

If you are ready for trial and you are willing to have your case heard by an Arbitrator..... Answer: (Your Name/Claimant), Ready

If you wish: to request a postponement of your case,
to change the amount of the claim, or
to add an additional party Answer: Your Name, Application

If you are ready for trial but you are not willing to have your case heard by
an Arbitrator and you are requesting that the case be heard only by the Judge Answer: Your Name, Ready By the Court

RESULT OF NON-APPEARANCE (DEFAULT)

If the Defendant (the person you are suing) fails to answer or appear for trial an Inquest may be held. In an Inquest, you (the Claimant) must prove your case to the satisfaction of the Arbitrator even though the Defendant is not present. In almost all instances the Inquest will result in a Judgment in favor of the Claimant.

If you (the Claimant who is suing) fail to appear, the case will generally be Dismissed.

SETTLEMENT

If you and the Defendant are able to work out a settlement, the written agreement (Stipulation of Settlement) should be filed with the Court. This should be done on or before the date set for the Hearing. The document provided to the Court must include the SC Number of your case and the year.

If the Defendant admits the claim but desires more time to pay, and you are not willing to accept the plan for payment, you must both appear personally on the date set for the Hearing. At that time, with the aid of the Court, you may be able to reach agreement on the terms of payment.

AVISO: ESTA INFORMACIÓN ESTÁ DISPONIBLE EN ESPAÑOL BAJO PEDIDO.

— BRING THIS SHEET WITH YOU AT ALL TIMES —