6-06/100.00 Writ of Attachment Prohibited

A prejudgment writ of attachment cannot issue in a small claims case**. (**CCP 116.140)

• 6-06/100.10 Court Structure

An attorney (temporary judge) may hear a small claims case with the consent of the parties. There shall be least one night session or Saturday session in courts with seven or more judicial officers. (CCP 116.240) (CCP 116.250)

• 6-06/100.20 Discovery Prohibited

Formal discovery is prohibited in small claims court. (CCP 116.310)

• 6-06/100.30 Informal Hearing

Small claims hearings shall be informal and witnesses are permitted to testify. The plaintiff shall prove the claim even if the defendant fails to appear for hearing. (CCP 116.510) (CCP 116.520)

• 6-06/100.40 Jurisdiction

A natural person may sue for not more than $10,000. An artificial person may sue for not more than $5,000 including a writ of possession to enforce an innkeeper's lien. The court may grant equitable relief (rescission, restitution, reformation, and specific performance) as well as money damages. The court may also issue a conditional judgment. (CCP 116.220) (CCP 116.221)

• 6-06/100.50 Limit on Filings

In general, a person may not file more than two small claims actions for more than $2,500 in any calendar year. (CCP 116.231)

• 6-06/100.60 Transfer to Superior Court

A small claims case may be transferred to the superior court if the defendant's claim exceeds the jurisdiction of the small claims court. (CCP 116.390)