



**Snohomish County District Court**  
Small Claims Department

## Packet for Small Claims Plaintiff

### Documents Included:

- |  |  |
|--|--|
| (1) <u>Plaintiff's Checklist</u> ( <i>below</i> )      | (4) <u>Proof of Service</u>                                  |
| (2) <u>How to Seek a Small Claims Judgment</u>         | (5) <u>Declaration Regarding Defendant's Military Status</u> |
| (3) <u>Notice of Small Claim and Mediation Hearing</u> | (6) <u>Declaration of Party or Witness</u>                   |
|  | (7) <u>Evidence Cover Sheet</u>                              |



### Plaintiff's Checklist

- 1. Determine the Proper District Court Division**
- 2. Complete the Required Form**  
Notice of Small Claim and Mediation Hearing
- 3. File Notice of Small Claim and Pay Filing Fee**
- 4. Have Each Defendant Served and Obtain Proof**
- 5. Verify the Defendant's Military Status**
- 6. File Required Forms 5 Days Before Mediation**  
Proof of Service or return mail receipt signed by each defendant  
Declaration Regarding Defendant's Military Status
- 7. Appear for Mediation Hearing** (online preferred)  
If no settlement, follow instructions on Order Setting Trial Date
- 8. Gather Evidence and Make 2 Copies**  
Use the Declaration of Party or Witness to submit written statement(s)  
Itemize your evidence and attach exhibits to the Evidence Cover Sheet
- 9. Send Evidence to Defendant 14 Days Before Trial**  
File a copy with the court if instructed on the Order Setting Trial Date
- 10. Appear at the Courthouse for Trial** (in person)



**How to Seek a Small Claims Judgment**

Washington law allows a court process in the small claims department to dispense speedy and quick justice. Attorneys and paralegals are excluded from participating in a small claims suit unless the judge grants advance permission. These materials include a step-by-step process to seek a small claims judgment in Snohomish County District Court. Utilize the Plaintiff's Checklist to track your progress. This packet contains information about the process and is not legal advice.

Any individual may bring a small claims suit for recovery of money where the amount claimed does not exceed **\$10,000**. A business, partnership, or corporation may bring a small claims suit for recovery of money where the amount claimed does not exceed **\$5,000**.



**Step 1: Determine the Proper District Court Division**

Snohomish County District Court has four divisions to serve you. The proper venue is governed by RCW 3.66.040 and generally requires that you file in the division where the defendant resides or does business. If you do not file your claim in the proper division, the Court may order it be transferred. The four divisions are:

<p><b><u>Cascade Division</u></b> 415 E Burke Ave Arlington, WA 98223 (360) 435-7700 <i>Serving: Arlington, Darrington, Granite Falls, Stanwood</i></p>	<p><b><u>Everett Division</u></b> 3000 Rockefeller Ave, 3<sup>rd</sup> Floor Everett, WA 98201 (425) 388-3331 <i>Serving: Most of Everett, Marysville, Mukilteo, West Lake Stevens, Tulalip</i></p>
<p><b><u>Evergreen Division</u></b> 14414 179<sup>th</sup> Ave SE Monroe, WA 98272 (360) 805-6776 <i>Serving: Gold Bar, Index, East Lake Stevens, Monroe, Snohomish, Sultan</i></p>	<p><b><u>South Division</u></b> 20520 68<sup>th</sup> Ave W Lynnwood, WA 98036 (425) 744-6800 <i>Serving: North Bothell, Brier, Edmonds, South Everett, Lynnwood, Mill Creek, Mountlake Terrace, Woodway</i></p>



**Step 2: Complete the Required Form**

Forms are attached to this packet. They are also available from the clerk at any court division or online at [www.SnohomishCountyWA.gov/5994](http://www.SnohomishCountyWA.gov/5994).

Complete the Notice of Small Claim and Mediation Hearing by identifying the parties in the upper left of page 1 and providing detailed information about the parties and a concise description of the claim on page 2. Affix your signature. The clerk will assign a case number and complete the rest of page 1 when you file your claim.



### **Step 3: File Notice of Small Claim and Pay Filing Fee**

File the Notice of Small Claim and Mediation Hearing in person at the courthouse. Electronic filing is not available. You will be required to pay a filing fee of **\$50.00**. The clerk will assign a mediation hearing date and provide you with a service packet that will include a "Packet for Small Claims Defendant."



### **Step 4: Have Each Defendant Served and Obtain Proof**

Service on each defendant is required promptly after filing the claim and at least **10 days prior** to mediation. Service allows the court to make decisions that affect the other party. If the defendant is a business or other entity, you must prove that service was accomplished to one of the individuals identified in RCW 4.28.080.

**You are not allowed to serve the Defendant – someone else must do this for you** and provide proof that the defendant was in fact served. Service may be done by:

- (1) A registered process server;
- (2) A person over age 18 not connected to the case as a party or witness; or
- (3) Certified mail **with a return receipt(s) - must be signed by each defendant.**

If you choose (1) or (2) above, provide the Proof of Service to the server. If you choose (3) above, go to the post office and select certified mail with "**return receipt**" addressed to each defendant.

You will not be granted a judgment without proof of service.



### **Step 5: Verify the Defendant's Military Status**

**The law prohibits you from obtaining a default judgment if you skip this step.**

Federal and State laws protect the rights of military personnel. If the defendant is not a business, partnership, or corporation, you are required to prove that the defendant is not on active duty before you are granted a default judgment. Follow the instructions on the Declaration Regarding Defendant's Military Status form to prove the defendant's military status.

The preferred method for completing this step of the process is to obtain a printout from an online search at <https://scra.dmdc.osd.mil/scra/> (Defense Manpower Data Center database), but it does require that you have the defendant's social security number or date of birth. If you do not have the defendant's SSN or DOB but you have personal knowledge about the defendant's military status, you may submit a sworn statement; the judge will determine if it is sufficient. You may also consult RCW 38.42.050 if you are unable to determine the defendant's military status.

If the defendant is an active service member, the Court will decide how to proceed when you appear for mediation.



## **Step 6: File Required Forms 5 Days Before Mediation**

File documents with the court **at least five days prior to your mediation hearing.**

- (1) Proof of Service or certified mail return receipt signed by each defendant; and
- (2) Declaration Regarding Defendant's Military Status if any defendant is not a business, partnership, or corporation.

If you have been unable to timely complete service or verify the defendant's military status prior to mediation, you must still appear for the mediation hearing.



## **Step 7: Appear For Mediation Hearing**

Log in at [www.SnohomishCountyWA.gov/5995](http://www.SnohomishCountyWA.gov/5995) for mediation as instructed on the Notice of Small Claim and Mediation Hearing. If you do not have an electronic device to appear remotely, you may appear at the courthouse. The judge will explain the mediation process.

If you and the defendant(s) are present, you must participate in mediation. Most cases are successfully resolved through mediation with the assistance of a trained and experienced dispute resolution specialist. If you reach an agreement at mediation, the case is over and both sides will be bound by the agreement.

If you fail to resolve your case at mediation, the court will schedule a trial before a judge on an Order Setting Trial Date. Each party must provide a mailing address and/or email address for the exchange of evidence prior to trial. Trials are conducted in person at the courthouse. Remote appearances are not allowed.

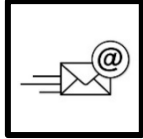
If only one party appears for mediation, the judge will decide how to proceed.



## **Step 8: Gather Evidence and Make 2 Copies**

As the plaintiff, you have the burden at trial of proving by a **preponderance of the evidence** (more likely than not) that the defendant is liable to you for a specific amount of damages. In addition to providing testimony at trial, you may want to gather evidence to support your claim such as documents, receipts, records, photographs and witnesses. To provide sworn statements, use the Declaration of Party or Witness. Organize your evidence and attach all of your exhibits to the Evidence Cover Sheet. **Make 2 copies** (for the judge and defendant).

**NOTE: Audio and video evidence must be saved on a USB thumb drive and provided to the defendant and the court.** All other evidence must be printed on single-sided 8.5" x 11" paper. Text or social media evidence may be provided by taking a "screen-shot" on an electronic device, printing the images. All evidence should be itemized and attached to the Evidence Cover Sheet. **Thumb drives are for audio and video files ONLY – not evidence that can be printed.**



## **Step 9: Send Evidence to Defendant 14 Days Before Trial**

Itemize and describe each piece of evidence you intend to use at trial on the Evidence Cover Sheet and attach all exhibits. Send a copy to the defendant at least **14 days prior to the trial date**. The evidence does not need to be served by someone else as was required in step 4; use the mailing address or email address provided by the defendant on the Order Setting Trial Date. If you fail to comply with this step, the judge may exclude your evidence. The same rule applies to the defendant.

Some judges prefer that you also file a copy of your evidence with the court 14 days before trial. Other judges want you to bring the court's copy to trial. Comply with your judge's instructions on the Order Setting Trial Date.



## **Step 10: Appear at the Courthouse for Trial**

Trials are not conducted remotely – you must appear at the courthouse. Bring your copy of the evidence and the court's copy if instructed on the Order Setting Trial Date. At the trial, both sides may testify and answer questions from the judge. The judge will review the evidence and decide if anyone else may testify. If you intend to use audio or video evidence from a thumb drive, please bring a device to play that evidence in open court. The court does have equipment to play audio and video files but it would require that the thumb drive go through a security/virus check to protect county equipment. This process could cause delay.

**Be prepared.** You have limited time (perhaps no more than 15 - 30 minutes) to **efficiently, concisely and persuasively** present your case. At the conclusion of the trial, the judge will issue a written order and provide a copy to both parties.



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## **Do You Need an Interpreter?**

If you need an interpreter for you to fully and equally participate, please contact the court immediately at (425) 388-3893 or [support\\_sdc-interpreter@snoco.org](mailto:support_sdc-interpreter@snoco.org). The court will need time to secure the presence of an interpreter. An interpreter will be provided at no expense to you.



## **Do You Need a Disability Accommodation?**

If you need an accommodation for a disability in order to fully and equally participate, please follow the instructions at [www.snohomishcountywa.gov/5990](http://www.snohomishcountywa.gov/5990).



**Snohomish County District Court**  
 Cascade     Everett     Evergreen     South

1) \_\_\_\_\_

2) \_\_\_\_\_

Plaintiff(s),

vs.

1) \_\_\_\_\_

2) \_\_\_\_\_

Defendant(s).

No: \_\_\_\_\_

**NOTICE OF SMALL CLAIM AND MEDIATION HEARING**

Small Claims Department

**TO THE DEFENDANT(S):** The plaintiff has filed a small claim against you. A concise description of the claim is on page 2. Your case is scheduled for a mandatory mediation hearing. Read the Packet for Small Claims Defendant for information about the court process.

**NOTICE OF MEDIATION HEARING:** *(To be completed by the clerk when the plaintiff files the claim)*

Date: _____	Time: _____
Judge: _____	Dept.: _____
Login: <a href="http://www.snohomishcountywa.gov/5995">www.snohomishcountywa.gov/5995</a>	<i>(Link to judge / Dept. above)</i>

**MEDIATION HEARINGS ARE SCHEDULED TO BE HELD REMOTELY VIA ZOOM:** Trained mediators will appear remotely; it is best for you to appear remotely as well. However, if you are not able to appear from an electronic device, you may appear at the courthouse.

**REMOTE HEARING INSTRUCTIONS:** Appear remotely by using an electronic device with audio and video capabilities. Prepare for your hearing and comply with the following:

- (1) Download and practice with the Zoom application prior to your hearing date. Learn how to log in, change your display name, connect your audio, mute/unmute your audio and turn your video off/on.
- (2) Find a QUIET INDOOR LOCATION, preferably alone in a room. Do not appear outside. Do not appear from a vehicle. Use earbuds or headphones to free up your hands for taking notes.
- (3) Appear from a location with a strong data connection, preferably *wifi*.
- (4) Dress and behave appropriately for court – as if you were physically in the courtroom with the judge.
- (5) Log in by going to [www.snohomishcountywa.gov/5995](http://www.snohomishcountywa.gov/5995) at least 10 minutes prior to your scheduled hearing; click the link for the assigned judge and department indicated above.
- (6) Change your display name to your first and last name (required to be admitted to the hearing).
- (7) Remain muted until your case is called. Be patient.

**MEDIATION IS MANDATORY:** Appearance and participation in mediation is required. If you fail to appear as directed, a judgment may be entered against you for the amount claimed plus filing and service fees. Go to [www.VOAWW.org/drc](http://www.VOAWW.org/drc) for more information about mediation.

**IDENTIFICATION OF THE PARTIES:** (To be completed by the plaintiff as thoroughly as possible)

<b><u>PLAINTIFF #1:</u></b>	<b><u>DEFENDANT #1:</u></b>
Mailing Address: _____ _____	Mailing Address: _____ _____
Phone: _____	Phone: _____
Email: _____	Email: _____
<b><u>PLAINTIFF #2:</u></b>	<b><u>DEFENDANT #2:</u></b>
Mailing Address: _____ _____	Mailing Address: _____ _____
Phone: _____	Phone: _____
Email: _____	Email: _____

**STATEMENT OF CLAIM:**

I, the undersigned plaintiff, declare:

(1) The defendant owes me: \$ \_\_\_\_\_ (amount of damages sought).

(2) This amount became due on: \_\_\_\_\_ (date).

(3) The defendant owes me this amount for:

- Automobile Accident     Wages     Loan     Goods Sold     Rent     Property Damage  
 Faulty Workmanship     Return of Deposit     Other: \_\_\_\_\_

(4) Concise Description of Claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_ (city), \_\_\_\_\_ (state) on \_\_\_\_\_ (date)

\_\_\_\_\_  
Plaintiff's Signature

**INTERPRETERS:** If an interpreter is needed for you to fully and equally participate in mediation, please contact the court immediately at (425) 388-3893 or [support.sdc-interpreter@snoco.org](mailto:support.sdc-interpreter@snoco.org). The court will need time to secure the presence of an interpreter. An interpreter will be provided at no expense to you.

**DISABILITY ACCOMMODATION:** If you need an accommodation for a disability in order to fully and equally participate in mediation, please follow the instructions at [www.snohomishcountywa.gov/5990](http://www.snohomishcountywa.gov/5990).



**Snohomish County District Court**  
 Cascade    Everett    Evergreen    South

1) \_\_\_\_\_

2) \_\_\_\_\_

Plaintiff(s),

vs.

1) \_\_\_\_\_

2) \_\_\_\_\_

Defendant(s).

No: \_\_\_\_\_

**PROOF OF SERVICE**

Small Claims Department

I, \_\_\_\_\_ (server's name), am not the plaintiff, the defendant, a witness or other interested party in this matter. I am over the age of 18 and am a resident of the State of Washington.

I served the following documents:

- |  |  |
|--|--|
| <input type="checkbox"/> Notice of Small Claim and Mediation Hearing | <input type="checkbox"/> Notice of Counterclaim                  |
| <input type="checkbox"/> Packet for Small Claims Defendant           | <input type="checkbox"/> Declaration of Party or Witness         |
| <input type="checkbox"/> Extended Notice of Mediation Hearing        | <input type="checkbox"/> Evidence Cover Sheet (with attachments) |
| <input type="checkbox"/> _____                                       | <input type="checkbox"/> Notice of Motion Hearing                |
| <input type="checkbox"/> _____                                       | <input type="checkbox"/> _____                                   |

I served the following party:  Plaintiff #1    Plaintiff #2    Defendant #1    Defendant #2

I served the above-checked document(s) by delivering a true copy by the following method:

- Personal service. (Complete the details below)
- By leaving the documents at the house or the party's usual abode with a person of suitable age and discretion living with the party. (Complete the details below)
- The party is a business or other entity and service was upon one of the individuals identified in RCW 4.28.080. (Complete the details below)

Name of person served: \_\_\_\_\_

Description of person served: \_\_\_\_\_

Address where served: \_\_\_\_\_

Date and Time Served: \_\_\_\_\_

Manner served: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_ (city), \_\_\_\_\_ (state) on \_\_\_\_\_ (date)

Service Fee Paid to Server: \$ \_\_\_\_\_

\_\_\_\_\_  
 Server's Signature





**Snohomish County District Court**  
 Cascade    Everett    Evergreen    South

1) \_\_\_\_\_

2) \_\_\_\_\_

Plaintiff(s),

vs.

1) \_\_\_\_\_

2) \_\_\_\_\_

Defendant(s).

No: \_\_\_\_\_

**DECLARATION REGARDING  
DEFENDANT'S MILITARY STATUS**

Small Claims Department

**I declare:** *(must select 1, 2 or 3)*

1.  **The defendant is not a service member.**

I searched the Department of Defense Manpower Data Center status database at <https://scra.dmdc.osd.mil/scra/>. I am attaching the report.

I have personal knowledge that the defendant is not a service member because:

\_\_\_\_\_  
 \_\_\_\_\_

2.  **I am not able to determine if the defendant is a service member** because:  
*(include information about efforts you made to find out and consult [RCW 38.42.050](#))*

\_\_\_\_\_  
 \_\_\_\_\_

3.  **The defendant is a service member:**

<b>Military Branch</b>	<b>State of Residence</b>	<b>Duty Status</b>
<input type="checkbox"/> U.S. Armed Forces	<input type="checkbox"/> Washington	<input type="checkbox"/> On active military status
<input type="checkbox"/> National Guard or Reserves	<input type="checkbox"/> Not Washington	<input type="checkbox"/> Not on active military status

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_ (state) \_\_\_\_\_ on (date) \_\_\_\_\_

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Signature of Declarant







**Snohomish County District Court**  
 Cascade    Everett    Evergreen    South

1) \_\_\_\_\_  
 2) \_\_\_\_\_  
 Plaintiff(s),

vs.

1) \_\_\_\_\_  
 2) \_\_\_\_\_  
 Defendant(s).

No: \_\_\_\_\_

**EVIDENCE COVER SHEET**

Small Claims Department

**RULES FOR FILING EVIDENCE**

- (1) Documents must be printed on 8.5" x 11" paper, single-sided and legible.
- (2) Use paper clips rather than staples for the court's copy (for scanning purposes).
- (3) ONLY audio and video files may be saved, filed and served on a USB thumb drive.
- (4) Evidence that is not audio or video must be printed and filed on paper.
- (5) Evidence filed WILL NOT be returned; it becomes part of the official court record.

I am the:  Plaintiff    Defendant    Other: \_\_\_\_\_

I am attaching the following evidence for the Court's consideration:

Photos of: \_\_\_\_\_

Declaration(s) of: \_\_\_\_\_

Other: *(describe each exhibit and attach them in the order listed)*

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_

\_\_\_\_\_  
Print Name of Person Filing Evidence

\_\_\_\_\_  
Signature