



Snohomish County District Court
Small Claims Department

Packet for Small Claims Defendant

Documents Included:

- (1) Defendant's Checklist (below)
- (2) How to Defend a Small Claim
- (3) Notice of Counterclaim
- (4) Proof of Service
- (5) Declaration of Party or Witness
- (6) Evidence Cover Sheet



Defendant's Checklist

- 1. Take Note of the Assigned District Court Division**
- 2. Review the Served Documents**
- 3. Optional: File Counterclaim and Pay Filing Fee**

Notice of Counterclaim

****If you are not filing a counterclaim, skip to step 6****

- 4. Have Each Plaintiff Served and Obtain Proof**
- 5. File Proof of Service 5 days Before Mediation**
- 6. Appear for Mediation Hearing (online preferred)**

Proof of Service or return mail receipt signed by each plaintiff

If no settlement is reached, follow instructions on Order Setting Trial Date

- 7. 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
- 8. Send Evidence to Plaintiff 14 Days Before Trial**
File a copy with the court if instructed on the Order Setting Trial Date
- 9. Appear at the Courthouse for Trial (in person only)**



How to Defend a Small Claim

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. If you were served with a Notice of Small Claim and Mediation Hearing, the following step-by-step procedural explanation may help you better understand what to expect as your case proceeds through Snohomish County District Court. Utilize the Defendant’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: Take Note of the Assigned District Court Division

Snohomish County District Court has four divisions to serve you. Your case is assigned to one of the following divisions as indicated on the Notice of Small Claim:

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



Step 2: Review the Served Documents

The Notice of Small Claim and Mediation Hearing was filed by the plaintiff. It should contain a concise description of the nature of the plaintiff’s claim against you and details about the mediation hearing.

Mediation is mandatory. Clear your schedule to appear for this hearing. *Note: you are encouraged to appear remotely* rather than in person at the courthouse for the mediation hearing.



Step 3: Optional: File Counterclaim and Pay Filing Fee

Some defendants wish to file a small claim against the plaintiff; this is called a “counterclaim.” If you choose to file a counterclaim you will have the burden to prove by a preponderance of the evidence (more likely than not) that the plaintiff is liable to you for a specific amount of damages. **Counterclaims should be filed as soon as possible** to allow time to serve the plaintiff. Service is required to be completed at least 10 days before mediation.

File your Notice of Counterclaim in person at the court division where your case is assigned. Electronic filing is not available. Use the same case number as on the Notice of Small Claim and Mediation Hearing. You will be required to pay a filing fee of **\$50.00**. Your counterclaim will be mediated at the same time as the plaintiff’s claim.

Obtain a copy of the Notice of Counterclaim from the clerk to be served on each plaintiff.

***IF YOU DO NOT FILE A COUNTERCLAIM, SKIP TO STEP 6 ***



Step 4: Have Each Plaintiff Served and Obtain Proof

Service on each plaintiff is required promptly after filing the counterclaim and at least **10 days prior** to mediation. Service allows the court to make decisions that affect the plaintiff. If the plaintiff 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 plaintiff – someone else must do this for you and provide proof that the plaintiff 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 plaintiff.**

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 plaintiff.

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



Step 5: File Proof of Service 5 Days Before Mediation

File the Proof of Service or certified mail return receipt signed by each plaintiff **at least five days prior to your mediation hearing.**

If you have been unable to timely complete service prior to mediation, you must still appear for the mediation hearing. The judge will decide how to proceed.



Step 6: Appear for Mediation Hearing

Log in at 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 plaintiff(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 whether to (1) proceed to trial without the other party, (2) continue the mediation hearing, (3) dismiss the claim/counterclaim or (4) schedule a hearing on a motion for default judgment.

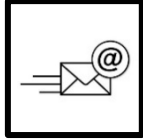


Step 7: Gather Evidence and Make 2 Copies

As the defendant, you have no burden of proof; the burden is on the plaintiff to prove the claim. However, if you filed a counterclaim, you have the burden of proving by a preponderance of the evidence (more likely than not) that the plaintiff is liable to you for a specific amount of damages.

In addition to providing sworn testimony at trial, you may want to gather evidence such as documents, receipts, records, photographs and witnesses to defend against the plaintiff's claim and/or support your counterclaim. To provide written statements, use the Declaration of Party or Witness. Organize your evidence and attach your exhibits to the Evidence Cover Sheet. **Make 2 copies** (for the judge and plaintiff).

NOTE: Audio and video evidence must be filed on a USB thumb drive and served on the plaintiff. 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 and attaching them to the Evidence Cover Sheet. **Thumb drives are for audio and video evidence ONLY.**



Step 8: Send Evidence to Plaintiff 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 plaintiff 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 plaintiff 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 plaintiff.

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 9: 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.



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. 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.



Snohomish County District Court
 Cascade Everett Evergreen South

1) _____

2) _____

Plaintiff(s),

vs.

1) _____

2) _____

Defendant(s).

No: _____

NOTICE OF COUNTERCLAIM

Small Claims Department

TO THE PLAINTIFF(S)

The defendant has filed a counterclaim against you. This counterclaim will be included in the mandatory mediation already scheduled on the Notice of Mediation Hearing.

STATEMENT OF COUNTERCLAIM

I, the undersigned defendant, declare that the plaintiff owes me \$ _____.

This amount became due on _____ (date).

Concise Description of Counterclaim: _____

I request that the court dismiss plaintiff's case and enter a judgment for the defendant for the sum set forth in paragraph A above, plus court costs and service fees.

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)

 Defendant #1 Signature

 Defendant #2 Signature

Mailing Address: _____

Phone: _____ Email: _____



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:

Notice of Small Claim and Mediation Hearing

Packet for Small Claims Defendant

Extended Notice of Mediation Hearing

Notice of Counterclaim

Declaration of Party or Witness

Evidence Cover Sheet (with attachments)

Notice of Motion Hearing

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: _____

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