

Do you want to sue someone for Personal Injury or Property Damage?

Step 1	<p>Complete the following forms in blue or black ink:</p> <p><input checked="" type="checkbox"/> (CM-010) Civil Case Cover Sheet</p> <p><input checked="" type="checkbox"/> (SUM-100) Summons</p> <p><input checked="" type="checkbox"/> (PLD-PI-001) Complaint – Personal Injury, Property Damage, Wrongful Death</p> <p><input checked="" type="checkbox"/> Causes of Action:</p> <ul style="list-style-type: none"> • PLD-PI-001(1) Cause of Action - Motor Vehicle • PLD-PI-001(2) Cause of Action – General Negligence • There are other causes of action – talk to a private attorney if you have questions <p><input type="checkbox"/> (CIV-050) Statement of Damages (not needed for Property Damage cases)</p>
Step 2	<p>Copies: Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 in addition to the original.</p>
<p>Step 3</p> <p>There is a filing fee unless the fee is waived.</p>	<p>File: Turn in the original and copies to the clerk’s office located at:</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> 191 North First Street San Jose, CA 95113 <i>Monday-Friday from 8:30am to 4:00pm.</i> </div> <div style="text-align: center;"> <input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA 95037 </div> </div> <p><input type="checkbox"/> If you are not asking for a fee waiver, you will pay the filing fee and get filed-stamped copies back when you file.</p> <p><input type="checkbox"/> If you are asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in 24 hours, OR your file- stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
Step 4	<p>Service:</p> <ul style="list-style-type: none"> • When you file, the clerk will give you information about Alternative Dispute Resolution and paperwork telling you and the defendant the date of your first court appearance. All of this paperwork must be given to the the person you are suing when you have them served. • After filing the initial paperwork, you have 60 days to serve the other party/ies. • You must serve a copy to the other party in your case and their attorney if they have one. <p><i>“Service” means that someone, NOT YOU, who is at least 18 years old must hand-deliver a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve (deliver) the papers for you or you can look in the yellow pages and hire a “process server” to deliver the papers for you for a fee.</i></p> <ul style="list-style-type: none"> • After papers are delivered, the server (person who delivered the papers) must complete the POS-010 Proof of Service of Summons form. • File the Proof of Service of Summons form with the Clerk’s Office.
Step 5	<p>What happens next:</p> <p>After you properly serve the paperwork:</p> <ul style="list-style-type: none"> ▪ The defendant has 30 days from the date they receive the paperwork to file an ANSWER. ▪ If the defendant DOES NOT file an answer within 30 days, you can take their “DEFAULT.” ▪ If the defendant DOES file an Answer you will need to file an At-Issue Memorandum form (local form). A private attorney or the Self-Help Center can help you with this step.

Self-Help Center/Family Law Facilitator’s Office
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 99 Notre Dame Avenue, San Jose, CA 95113
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www.scscourt.org

Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp

State of California Courts Self-Help