

Clerk stamps date here when form is filed.

Request

This form is used to ask the court to make an order before or after the trial in a small claims case. The court will notify all plaintiffs and defendants in this case about its decision by mail, at the trial, or at a hearing (depending on when the request is filed).

If you are the person asking the court to make an order, ask the Small Claims Advisor if this is the right form for the kind of order you want. If so, follow these steps:

- Fill out page 1 of this form and file it at the clerk's office.
- If you are making this request *before* your trial, you must mail (or deliver in person) a copy of this form to all other plaintiffs and defendants in your case. *Exception:* If the plaintiff's claim has not been served, you do not have to serve this request on the other plaintiffs and defendants in your case.
- If you are making this request *after* the judge has decided your case, the clerk will mail a copy of this form to all other plaintiffs and defendants in your case. The court will give the other plaintiffs and defendants at least 10 days to answer this *Request*.

If you receive this form, read below, then fill out ⑦–⑩ on page 2.

① The person asking the court to make an order is:Name: Odd Fellows Sierra Recreation Assoc., Inc.Address: P.O. Box 116, Long Barn CA 95335

Check one: A defendant in this case A plaintiff in this case
 Other (explain): _____

② Notice to: (List names and addresses of all other defendants and plaintiffs in your case.)

a.	Name <u>Charles Varvayanis</u>	Address <u>P.O. Box 395, Long Barn, CA 95335</u>
b.	<u>Patricia Jones</u>	<u>P.O. Box 395, Long Barn, CA 95335</u>

c. _____

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 2" on top.

If your request is made before the trial and after the claim was served, fill out below:

I mailed delivered in person a copy of this form to everyone listed in ② on (date): 08/02/12

③ I ask the court to make the following order (specify):

Dismissal for Lack of Jurisdiction as set forth on SC-103, Items 3 and 4

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 3" on top.

④ I ask for this order because (explain and give facts of your case here):

See Attachment

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 4" on top.

⑤ In making its order, I ask the court to consider the information on this form, any records on file, and, if the court holds a hearing, the evidence presented at that hearing.**⑥ I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.**Date: 08/02/12

Del Wallis, President of Defendant

Type or print your name


 Sign your name

Fill in court name and street address:

**Superior Court of California, County of
 Tuolumne**
 41 W. Yaney Ave.
 Sonora, CA 95370

Fill in your case number and case name below:

Case Number:
 SC18586

Case Name:
 Varvayanis v. OFSRA

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Answer

The person listed in ① on page 1 of this form has asked the court to make an order in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- Read page 1 to see what the person in ① is asking for.
- Fill out ⑦–⑩ below.
- Mail your completed form to the court right away.
- Mail a copy of this form to each plaintiff and defendant listed in ① and ② on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants in this case or will make a decision at a court hearing or trial.

If you do nothing, the court may make the order without hearing from you.

⑦ The person filing this answer is:

Name: _____

Address: _____

Check one: A defendant in this case A plaintiff in this case

⑧ Tell the court what you want to do about this request.

(Check all that apply):

- a. I agree to the order requested in ③.
- b. I do not agree to the order requested in ③. *(Explain below):*

Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 8" on top.

c. I ask the court to have a hearing to decide this matter.

⑨ I mailed a copy of this form to everyone listed in ① and ② of this form on *(date)*: _____

⑩ I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: _____

Type or print your name

Sign your name

? **Need help?**
For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

If the request on page 1 was made after the hearing, the clerk fills out below.

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and *(check one)*:

- A Certificate of Mailing is attached.
- The *Request for Court Order and Answer* was mailed first class, postage paid, to all parties at the addresses listed in ②.

On *(date)*: _____

From *(city)*: _____, California

Clerk, by _____, Deputy

Fill in court name and street address:

Superior Court of California, County of Tuolumne
41 W. Yaney Ave.
Sonora, CA 95370

Fill in your case number and case name below.

Case Number:
SC18586
Case Name:
Varvayanis v. OFSRA

1 SC 105, Items 3 and 4

2 I. Statement of the Facts

3 Plaintiffs CHARLES VARVAYANIS and PATRICIA JONES allege that they are entitled to a
4 damages in the sum of \$270.00 because Defendant changes its gate polices and procedures. This is one
5 of three (3) small claims actions filed by Plaintiffs against Defendant that are set for trial on August 23,
6 2012 in Dept. 5 of this court.
7

8
9 II. The Sum of the Three Small Claims Actions filed Against Defendant by

10 Plaintiffs Exceeds Small Claims Jurisdictional Limits

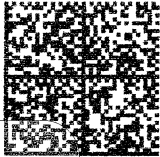
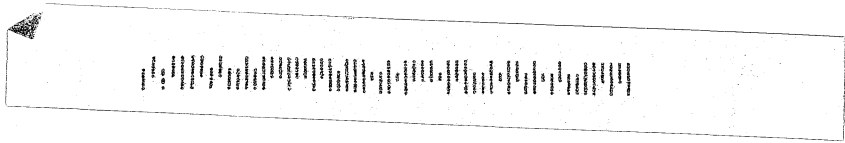
11 Section 116.221 grants a small claims court jurisdiction over actions brought by natural persons
12 for amounts not more than \$10,000.00. Where a single plaintiff has several small claims against a
13 defendant, the total sum is the test of jurisdiction. (*Emery v. Pacific Employers Ins. Co.* (1937) 8 Cal.2d
14 663, 666 [67 P.2d 1046]; *City and County of San Francisco v. Small Claims Court* (1983) 141
15 Cal.App.3d 470, 477 [190 Cal.Rptr. 340].)
16
17

18 As set forth above, this action is one of three (3) small claims actions filed by Plaintiffs against
19 Defendant that are set for trial on August 23, 2012 in Dept. 5 of this court. Plaintiffs ask for recovery of
20 \$8,460.00 in SC 18553. Plaintiffs seek recovery of \$2,048 in SC 18563. In this matter, Plaintiffs seek
21 recovery of \$270. The total damages requested by Plaintiffs in all three actions are \$10,778.
22

23 Plaintiffs by filing three (3) separate small claims actions against Defendant have exceeded the
24 jurisdictional amount of this court for natural persons.
25
26
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28 III. Conclusion

1 Plaintiffs' case is not appropriate for resolution in small claims court because Plaintiffs have
2 filed three (3) separate small claims actions, the aggregate of which exceeds \$10,000.00. Defendant
3 accordingly asks that Plaintiffs' case be dismissed for lack of jurisdiction.
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02 1P **\$ 001.50⁰**
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MAILED FROM ZIP CODE 95370

DAMBACHER, TRUJILLO & WRIGHT
A Professional Law Corporation
32 N. Washington Street
Sonora, CA 95370

TO: Patricia Jones
P.O. Box 395
Long Barn, CA 95335