

SMALL CLAIMS DIVISION

FIRST CITY COURT OF THE CITY OF NEW ORLEANS

Ellen M. Hazeur, Clerk
421 Loyola Avenue, Room 201
New Orleans, Louisiana 70112
(504) 407-0404

Read these instructions before filing a Small Claims Suit.

INSTRUCTIONS

1. The most you can sue for is \$5,000.00. The filing fee for a small claims petition is \$111.50 per defendant (CASH, VISA, MASTERCARD, AMERICAN EXPRESS OR DISCOVER ONLY) and \$20.00 service fee to the Constable for service in Orleans Parish. If service must be made outside of Orleans Parish it will cost more; you should contact the Constable's office at (504) 523-3258 to get the exact cost. Note that there will be additional service fees if you file pleadings that must be served.
2. **You must have the full name and address of the person you sue. You are responsible for keeping up with the defendant's current address.**
3. If the defendant is not domiciled in Orleans Parish, you should seek legal advice on whether Orleans Parish is the proper venue for your suit. You may need to sue the defendants in another parish. **You should check this before you pay your filing fees because no refunds will be given.**
4. It may take approximately 5 (five) months before you go to trial. However, there is no set time line for when your case will be settled. You must be available to come here often in order for your case to proceed forward. It is your responsibility to keep up with the status of your case. Anytime you wish to receive information on your case, you may call this office at (504) 407-0404 and give the clerk the case number. It will be written on the top left hand corner of your Small Claims petition.
5. If you sue a business or corporation, **you must find** the name and address of the registered agent or owner. To do this, call 1-225-922-1000, Secretary of State for businesses; 1-225-925-4704 for corporations, and 1-225-342-0895, Commissioner of Insurance for insurance companies. These are long distance calls. **Make sure you have the correct information before filing your claim.** (Corporation example: ABC Company, Inc., through Jack Jones, Registered Agent, Business: Henry John d/b/a John's Auto Repair.)
6. You can represent yourself in Small Claims. However, either party may hire an attorney if they choose. There are no attorneys in the Small Claims Division to advise or represent you. ***The Small Claims Clerk is not an attorney and can only give you procedural information on how to file a claim.***
7. A small claims suit can be transferred to the regular docket of First City Court by either party by filing a Motion to Transfer. The cost to do this is \$332.50.
8. **IMPORTANT** – Even if you get a judgment in your favor, this does not mean you will get your money! If a person is unemployed, does not own any property, or is on welfare or some assistance program, it may be impossible to collect. **The judgment is FINAL; there is no appeal in Small Claims.**
9. No one may file more than six (6) Small Claims per year.
10. **Approval to file a suit In Forma Paupers ("IFP") does not mean that you get to file your suit for free. It means that the court costs/fees will be DEFERRED until the end of the litigation. Even if you win your case, you may be ordered to pay your own court costs and these costs will be deducted from your award.**

YOU SHOULD DECIDE WHETHER OR NOT IT IS WORTH YOUR TIME AND MONEY TO SUE!

NO REFUNDS