

COWLITZ COUNTY DISTRICT COURT, STATE OF WASHINGTON
 SMALL CLAIMS NOTICE OF COUNTERCLAIM

_____ S _____

CASE NUMBER

COUNTERCLAIM PLAINTIFF

COUNTERCLAIM DEFENDANT

Name	Name
Street	Street
City/State/Zip	City/State/Zip
Phone	Phone

TO THE COUNTERCLAIM DEFENDANT-You are hereby notified that the counterclaim plaintiff(s) filed a claim against the counterclaim defendant(s) in the above-entitled court. The reasons for the claim and the amount of the claim are stated below. **ALL PARTIES** listed are directed and required to appear personally at the **previously scheduled hearing date** in the Small Claims Department of Cowlitz County District Court, 312 SW 1st Ave, Kelso WA.

STATEMENT OF CLAIM FOR \$10,000 OR LESS

THE COUNTERCLAIM PLAINTIFF SEEKS THE RECOVERY OF MONEY FROM COUNTERCLAIM THE DEFENDANT AS FOLLOWS-

The Reason(s) I Claim The Counterclaim Defendant Owes Me Money	Itemized List of Amount(s) The Counterclaim Defendant Owes Me			
	Date Owed	Amount	Description of Amount Owed	Proof
<input type="checkbox"/> Landlord/Tenant Claim I am the <input type="checkbox"/> landlord <input type="checkbox"/> tenant		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> Vehicle Claim <input type="checkbox"/> Vehicle was not properly repaired <input type="checkbox"/> Vehicle was repaired but not paid <input type="checkbox"/> Vehicle was damaged <input type="checkbox"/> Purchase/sale of vehicle		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> Services Claim <input type="checkbox"/> Services not properly performed <input type="checkbox"/> Services performed but not paid		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> Loan was Not Re-Paid		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> The Item I Purchased Does Not Work		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> My Property Was Damaged		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> I Was Injured		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> Business Transaction		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> NSF (Not Sufficient Funds) Check		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document
<input type="checkbox"/> Other (Describe) -		\$		<input type="checkbox"/> Testimony <input type="checkbox"/> Document

Total amount of money I claim the counterclaim defendant(s) owe(s) me is \$ _____

****This amount may NOT exceed \$10,000 if plaintiff(s) is an individual or \$5000 if plaintiff(s) is a business entity****

To The Counterclaim Plaintiff-

The counterclaim plaintiff must properly complete this Notice of Claim form as follows-

- The counterclaim plaintiff's failure to specifically list the amount of each item being sought may result in a continuance or denial of that amount.
- The counterclaim plaintiff **should not** include the filing fee or service fee(s) in the itemized list of amounts being sought.
- Under "Proof," all applicable boxes (testimony and/or document) for each specific itemized amount sought must be checked.
- The counterclaim plaintiff is responsible for having the counter claim defendant(s) served with a copy of this claim and the court clerk cannot assist with service.
- If the counterclaim plaintiff fails to appear at any hearing, the counterclaims plaintiff's claim will be dismissed by the Court.
- If the counterclaim defendant fails to appear at any hearing, judgment may be entered against counterclaim defendant for the amount of the claim.

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

DATE AND PLACE OF SIGNING

COUNTER CLAIM PLAINTIFF

ORIGINAL SMALL CLAIM NUMBER _____ S _____

Revised 2/11/2019

TO ALL PARTIES

To prepare for the pre-trial hearing (date listed on front of this sheet)

- Each party needs to bring **three (3) copies** of any exhibits, evidence, documents or photos (photos on any devices will not be considered) they wish the judge to consider at the trial.
- **Please do not bring witnesses to the pretrial** but provide a list of any witnesses that will be testifying on your behalf the day of the trial.
- Failure to provide the correct number of copies at the time of the pre-trial may result in your case being reset to another date.
- Occasionally, the court calendar cannot be completed in the time available, for a variety of reasons, which may result in your case being reset to another date.

**** PLEASE BE PREPARED....NO COPY MACHINES ARE AVAILABLE AT DISTRICT COURT****

If your case is prepared to move forward to a full trial, both parties will leave the pre-trial with a new court date to appear for a full small claim trial.

CONTINUANCE OF THE TRIAL DATE

Continuances will only be granted for good cause. All requests for continuances of the trial date must be in writing, filed with the court, and served on all other parties. The party requesting the continuance must appear in court on the date of the trial, unless notified in writing by the court that the trial date has been rescheduled.

WHAT HAPPENS AT THE TRIAL?

When you arrive at the court, check in at the District Court office before going to the assigned courtroom. When your case is called in the courtroom, come forward to the counsel table and the judge will swear in all the parties and witnesses. Don't be nervous, remember that a trial in small claims court is informal. The judge will ask the plaintiff to give their side first, then will ask the defendant their explanation. Be brief and stick to the facts. The judge may interrupt you with questions, which you should answer straight out and to the best of your knowledge. Be polite – don't interrupt – not just to the judge but also to your opponent. Whatever happens, keep your temper. Good manners and an even temper help the fair, efficient conduct of the trial, and make a good impression. After the judge has heard both sides, he or she will normally announce the decision right then and will sign and hand the parties a judgment.

WHAT IF WE SETTLE?

In most cases, neither party is one hundred percent right or wrong. You are encouraged to try to settle your case before trial. If you settle the dispute before the hearing, you must inform the court in writing so the hearing can be canceled and your case dismissed. If the other party agrees to pay at a later date, you may ask the court for a continuance. If the other party pays before the postponed date, notify the court in writing to cancel the hearing. If you do not receive your money by the time of the continued hearing, proceed with the case in court. If you drop the suit, the filing fee and service costs are not returned.