



## ACCESS CENTER SMALL CLAIMS A-Z

### SUING IN THE CORRECT COURT: VENUE AND JURISDICTION

#### VENUE

1. Why are you filing your case in San Francisco? **You cannot file the case in San Francisco just because you live or work in San Francisco. You can file your case in San Francisco if the defendant lives in San Francisco or if the incident in question happened in San Francisco.**
2. Where did the incident occur? **If the incident happened in San Francisco, San Francisco is a proper venue.**
3. Where was the breach of contract? Where did the defendant enter the contract? Where was the contract was to be performed? **If the answer to any of these questions is “in San Francisco”, San Francisco is the proper venue.**

#### JURISDICTION

1. If the case is against a federal agency, the small claims court does not have jurisdiction.
2. If the case is a bankruptcy or a family law case, the small claims court does not have jurisdiction.
3. If the plaintiff is an individual, he or she can only ask for up to \$10,000. If the plaintiff is a business, the business can only request up to \$5,000. The small claims court does not have jurisdiction over claims that exceed these amounts. If the plaintiff's claim is worth over \$10,000, but he or she is choosing to use small claims court, he or she cannot file an additional claim for the remainder of the damages (claim splitting). Also, the plaintiff in a small claims case has **NO** right to appeal. The decision is final.
4. If you have a dispute with a party that you engaged with solely online, you may not be able to proceed with your case in San Francisco. If the work was performed in San Francisco by you, then you may file in San Francisco. However, you are required to serve your defendant within the State of California. So, if you enter into a contract for work with someone from another state, you

would not be able to use the San Francisco Small Claims Court to resolve your dispute because you will not be able to serve your defendant within the state. You may not mail service to your defendant or have a third party serve your defendant in another state. There are only two exceptions to this rule: 1) If you get into an auto accident in this state and your defendant resides in another state, 2) If you rent property in California from a person or business located in another state.