

## If my case goes to trial (checklist)

You must be prepared, **on time**, and present in court with all of your witnesses, documents, photos, etc. If you are late you may lose your case automatically without an opportunity to be heard. If you must be late, contact the court in advance. The following is a checklist, which shows some issues to consider when preparing your case.

All parties shall keep the clerk informed of any address change. All court notices come by regular mail, unless certified or registered mail is paid for in advance before the court date is set.

I will bring the following to Court to help prove my case (when applicable):

Written contracts - leases, IOU's notes, etc.

Letters or papers relating to the case.

Bills or estimates. You should bring the person who prepared the estimates to court with you.

Cancelled checks.

Photographs.

Witnesses. Notarized statements will usually not be accepted. Bring all witnesses in person.

Other evidence.

I have witnesses who can testify directly of knowledge they have of the case. They have first hand information and will not be testifying to hearsay information. Impartial witnesses who have no stake in the outcome of the case are generally more believable.

I must get a subpoena for some witnesses to make sure that they appear or to excuse them from work.

This case involves damage to property.

I can describe in detail the damage and have repair bills, receipts, checks written, written estimates of damage or repair, or other reliable evidence to help support my claim of the value of the property after the damage. The case of damages must always be proven by live testimony. Always bring the person to Court who prepared any estimates.

I can describe the condition and the value of the property before the damage and after the damage. I am qualified to do so myself or will bring someone with me who is qualified.

**For the plaintiff:**

The party that I have named is liable to me. There is no other person or corporation who I have not named in the claim who is liable in whole or in part to me. Just because a person is an officer of a corporation does not make him liable.

I can prove the amount of the complaint. I have not asked for more money than what is owed to me.

**For the defendant:**

I filed an answer to the Plaintiff's claim on time. I don't owe the money because someone else is responsible.

I don't owe the Plaintiff money for any reason.

The Plaintiff is suing for more than he was damaged.

The Plaintiff owes me money, and I have set forth my counter-claim with a dollar amount in my answer. Your counter-claim must be proven in the same way as the Plaintiff's claim.

I admit I owe part or all of the money the Plaintiff claims. I understand that if I am not able to reach an agreement with the Plaintiff (i.e., Consent Judgment, Dismissal, or a continuance pending settlement) that a Judgment may be entered against me.

NOTE: THE MAGISTRATE COURT ATTEMPTS TO USE SIMPLE PROCEDURES BUT IS SUBJECT TO THE SAME RULES OF LAW AND EVIDENCE AS ANY OTHER COURT. YOU MAY WISH TO SEEK LEGAL ADVICE FROM AN ATTORNEY IF THE IMPORTANCE OF YOUR CASE WARRANTS IT.

YOU HAVE THE RESPONSIBILITY FOR PRESENTING YOUR CASE AND THIS FORM GIVES ONLY GENERAL INFORMATION WHICH MAY NOT BE ADEQUATE IN YOUR CASE.