

# Small Claims Court Definitions

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**Plaintiff** - the person who brings the action or complains or sues in a small claims case.

**Defendant** - the person or organization who is sued by the plaintiff in a Small Claims action.

**Judgment Creditor** - the party, whether plaintiff or defendant, in whose favor a judgment is awarded.

**Judgment Debtor** - the party that the judgment has been entered against.

**Person** - an individual, corporation, partnership, firm, association, or other entity.

**Individual** - a natural person.

**Party** - means a plaintiff or defendant

**Motion** - a oral or written request that a party makes to the court for a ruling or order on a particular point.

**Declaration** - a written statement that is used in court signed by an individual which includes the date and place of signing, and a statement under penalty of perjury that its contents are true and correct.

**Good Cause** - a good reason. It means circumstances sufficient to justify the requested order or other action, as determined by the judge or referee.

**Mail** - first-class mail with postage fully prepaid, unless stated otherwise.



## Judiciary of Guam

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**Chief Justice**  
**Robert J. Torres, Jr.**  
Supreme Court of Guam  
475-3300

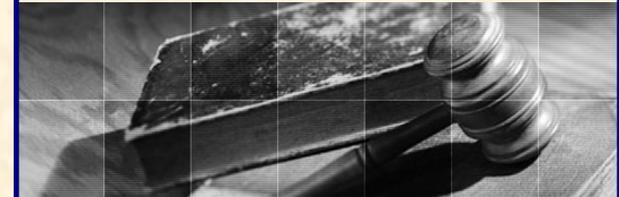
**Presiding Judge**  
**Alberto C. Lamorena, III**  
Superior Court of Guam  
475-3410

**Richard B. Martinez**  
Clerk of Court  
Courts & Ministerial Division

**Jenbel V. Manibusan**  
Traffic Violations Bureau Clerk  
Traffic Violations Bureau/Small Claims Division



## SMALL CLAIMS DIVISION



## SUPERIOR COURT of GUAM

This informational brochure was produced in accordance with the Judiciary of Guam's Strategic Plan to improve access to our courts and the delivery of court services.

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# Small Claims Court



When you are not able to resolve a problem directly with another person or a business, Small Claims Court can be an effective option. For disputes within the monetary and subject matter jurisdiction of Small Claims Court, Small Claims Court can be one of the speediest and most effective ways to resolve a dispute. This brochure is written to help you make the best possible use of the Small Claims Court when you find yourself involved in a dispute.

## What is small claims court?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person or business who's suing someone else is called the **plaintiff**. The person or business who is sued is called the **defendant**.

## Who can sue in small claims court?

Any competent person who is 18 years old or older.

## How much money can I ask for?

Any person or business can sue for up to \$10,000.00 in the Small Claims Division. Counterclaims may also be filed for up to \$10,000.00. If a bona-fide counterclaim or cross-claim is in excess of \$10,000.00, the matter shall be handled as a regular civil case. Any person sued for more than \$5,000.00 may apply to the Small Claims court for transfer of the matter out of the Small Claims Division to be handled as a regular civil or other case in the Superior Court of Guam, which motion, if timely made, shall be granted as a matter of right. Parties who file their case in the Small Claims Division or who appeal their case are not entitled to a jury trial.

## Do I have to pay to file?

Yes. The initial filing fee is based on the amount you are suing for plus the Summons fee:

### Amount of your claim: Filing Fees

AMOUNT OF CLAIM	FILING FEE
\$ 1.00 - \$ 500.00	\$20.00
\$ 501.00 - \$ 2000.00	\$30.00
\$2001.00 - \$ 3500.00	\$40.00
\$3501.00 - \$ 5000.00	\$50.00
\$5001.00 - \$ 6500.00	\$60.00
\$6501.00 - \$ 8000.00	\$70.00
\$8001.00 - \$ 9500.00	\$80.00
\$9501.00 - \$10000.00	\$90.00

## When will my first hearing be set?

Your first hearing will be set for court not earlier than 20 days after you file your claim but may be set beyond 30 days depending on the court calendar.

## What kinds of cases go to small claims court?

There are different kinds of cases. The most common are: car accidents, property damage, landlord/tenant rent deposit disputes, and collection of money owed.

## What will happen at my hearing?

The judge will listen to both sides of the story. To help tell your side, bring evidence like: witnesses, pictures, bills, receipts, contracts, repair estimates, promissory notes or other relevant documents that support claim/case.

The judge may make a decision at your hearing, or decide at a later date (if at a later date you will be notified). Instead of a judge, you may have a Judge Pro Tem (temporary judge) or Referee at your hearing. They have the power of judges and are lawyers appointed to hear and decides cases.

## What to Do If You Are Being Sued Checklist

1. Talk to the person or business that is suing you. Try to work things out before going to court.
2. Try mediation or other ways to solve problems without going to court.
3. Get ready for court. You should think about what you're going to say. Get your evidence ready. Talk to witnesses. Go to the courthouse and watch a small claims hearing. That way you'll know what to expect.
4. If you owe the other person money, pay it or try to work out a payment plan before the hearing. If you need to, ask to have the hearing on another day so you can have more time to try to settle your problems without going to court.
5. Go to your hearing.

## Can I appeal the judge's decision?

You can't appeal if you were the one who filed the claim. If someone else files a claim against you and you lose, you can appeal.

## Do I have to go to court?

If you're suing someone, you must go to court. You can't send anyone else to represent you in court.

## Where can I find additional information?

Superior Court of Guam website.

<http://www.guamcourts.org/superior.html>

Small Claims Rules/Forms:

<http://www.guamcourts.org/Small%20Claims/smallclaims.html>

