District Court

Small Claims Lawsuit
(Self-represented Litigant)

Instructions on How to File a Small Claims Lawsuit

Use this packet to file a court case for money if the amount is $5,000 or less, not including court costs (fees for using the court). When you are done, file the case with the Clerk of the District Court – Small Claims Division.

Need Other Services? See page 7 of this packet.

This Small Claims Lawsuit form has five (5) parts:

Part 1: Statement and Reason for Claim
Part 2: Military Service Affidavit
Part 3: Expert Witness
Part 4: No Appeal
Part 5: Signature and Notary

Part 1 – Statement and Reason for Claim

Plaintiff: The plaintiff is the person who files a court case for money. You are the plaintiff in this case.

Defendant: The defendant is the person or company who owes you money.

There may be more than one plaintiff or defendant in a case. If you have more than one plaintiff or defendant, see page 6 to add the information.

Use this section to tell the court about yourself and the defendant. Tell the court how much the defendant owes you and why.

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Case Number To be filled in by the court

Part 1 – Statement and Reason for Claim

Your name, address, telephone, and email	
Name and address of your lawyer if you have one	
Defendant's name, address, telephone, and email. **No P.O. Box.**	

There may be more than one (1) plaintiff and/or defendant in this case. Only fill this out if you have more than one (1) plaintiff and/or defendant.

Plaintiff's Name	Address	Telephone	Email

Defendant's Name	Address	Telephone	Email

Tell the court how much the defendant owes you and why.

The defendant owes me this much. $

If you win your lawsuit, the court clerk will tell you the amount you will receive from the Defendant as well as any interest and court costs you may be owed.

Briefly explain in a couple of sentences why the defendant owes you money.

Part 2 – Military Service Affidavit

Federal law protects servicemembers who are defendants in a lawsuit while they are deployed or on active duty. This protects the servicemember from a court judgment (decision of the lawsuit) entered against them without first receiving notice of the lawsuit and a chance to defend the case. Find the law: 50 U.S.C.A. § 3931 and G.L. 1956 § 30-7-10.

Use this section to tell the court about the defendant's military service. **Please check the box that applies.**

☐ The defendant is in the United States military service or is a member of the national guard on state active duty for a continuous period exceeding ninety (90) days because _____
_____.

☐ The defendant is not in the United States military service or is a member of the national guard on state active duty for a continuous period exceeding ninety (90) days because _____
_____.

☐ I was unable to determine whether the defendant is in military service.

Part 3 – Expert Witness

An expert witness is a person with knowledge or experience in a particular field or with a special skill. In some cases, you may need an expert witness to support your case. Not sure? Talk to a lawyer.

Do you plan to use an expert witness? If yes, bring your expert witness to the trial.
☐ Yes ☐ No

Part 4 – No Appeal

I understand that I must give up my right to an appeal. An appeal is when another court reviews your case. By law, you must agree that even if you do not like the outcome of the case, you cannot challenge the decision made by the judge. Find the law: G.L. 1956 § 10-16-4(b).

Part 5 – Signature and Notary



You must sign this form in front of a notary. A notary is a person authorized by law to confirm your identity and certify that you signed this form. **Wait to sign this form until you are with the notary. If you fail to sign this form in front of a notary, the court will not accept and file your claim.**

I swear that the information written in this form is complete and accurate to the best of my knowledge.

_____
Your Signature

This section is for the notary to complete:

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of the person's knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

⚠ What to do Next?

Step 1: **Make one (1) copy of this form, pages 2 to 5**.

Step 2: **File the completed form, pages 2 to 5,** with the Clerk of the District Court – Small Claims Division at the address checked below.

PLEASE NOTE

If the plaintiff is a corporation with assets under $1 million, you must file this form in the division of the District Court where the defendant resides. If the assets are over $1 million, you must be represented by an attorney.

☐ Murray Judicial Complex 2nd Division District Court 45 Washington Square Newport, Rhode Island 02840-2913 (401) 841-8350 Cities and towns: Jamestown, Little Compton, Middletown, Newport, Portsmouth, and Tiverton.	☐ Noel Judicial Complex 3rd Division District Court 222 Quaker Lane Warwick, Rhode Island 02886-0107 (401) 822-6750 Cities and towns: Coventry, Cranston, East Greenwich, Foster, Johnston, Glocester, Lincoln, North Kingstown, North Providence, North Smithfield, Scituate, Smithfield, Warwick, West Greenwich, and West Warwick.
☐ McGrath Judicial Complex 4th Division District Court 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239 (401) 782-4131 Cities and towns: Charlestown, Exeter, Hopkinton, Narragansett, New Shoreham, Richmond, South Kingstown, and Westerly.	☐ Garrahy Judicial Complex 6th Division District Court One Dorrance Plaza Providence, Rhode Island 02903-2719 (401) 458-5400 Cities and towns: Barrington, Bristol, Burrillville, Central Falls, Cumberland, East Providence, Pawtucket, Providence, Warren, and Woonsocket.

Step 3: **You must print** the Answer to Small Claims Lawsuit and the four (4) Language Assistance Notices in Cambodian, English, Portuguese, and Spanish from the Judiciary's website at www.courts.ri.gov under the heading of forms.

Step 4: **Bring the packet** (this Small Claims Lawsuit form **pages 2 to 5**, the Summons that the court will give you, Answer to Small Claims Lawsuit, and four (4) Language Assistance Notices) to the sheriff's office (670 New London Avenue, Cranston, RI, (401) 275-2900) or to a licensed constable (located on the website for

the Department of Business Regulations at https://dbr.ri.gov/real-estate-and-commercial-licensing/constables) to be served. Service is delivery of the paperwork to the defendant in person so the defendant has notice of the lawsuit and may answer.

Step 5: **Keep a copy for your records.**

Step 6: **If the defendant does not answer the lawsuit**, the court can enter a judgment by default. This means the court can order the defendant to pay you the money you are owed without the defendant being there.

Step 7: **If the defendant does answer the lawsuit,** the court will refer the case to mediation. You must contact the mediator by the date in the notice that the court will send to you.

Step 8: **Prepare for trial**. If the mediation was not successful, the court will send you a hearing notice with a trial date. Gather evidence, witnesses, and plan what you are going to say.

Need Other Services?

Request for Language Access Services: If you need language assistance, please contact the Office of Court Interpreters (OCI) at (401) 222-8710 or by email at oci@courts.ri.gov as soon as you receive this form.

Request for Accommodations: Sign language interpreters, assistive listening systems or devices, or Communication Access Realtime Translation (CART) services are available upon advanced request. For these and other accommodations, contact the clerk's office or complete the Request Form for Sign Language Interpreters, Assistive Listening Equipment, or Other Americans with Disabilities Act Accommodation and submit to the clerk as soon as you receive this form. TTY users can contact the District Court through Rhode Island Relay at 7-1-1 or 1-800-745-5555 (TTY).

Information: See a manual on Instructions on How to File a Small Claims Case for further instructions or use the QR (quick response) code below.

How to scan a QR code with the Camera app

1. Open the camera app from the Home Screen, Control Center, or Lock Screen.
2. Select the rear-facing camera. Hold your device so that the QR code appears in the viewfinder in the Camera app.
3. Tap the notification to open the link associated with the QR code.