

## IF YOUR CASE GOES TO TRIAL:

You must be prepared and ON TIME for your trial with all of your witnesses, documents, photos, etc., present in court. 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 check list which shows some things to consider in preparing your case.

- I have contacted the other side to see if we could work out an out-of-court settlement.
- I will bring the following to court to help prove my case:
  - Written contract (leases, IOU's, notes, etc.)
  - Letters or papers relating to the case
  - Bills or statements
  - Canceled checks
  - Photographs
  - Witnesses (Affidavits will usually not be accepted).
  - Other evidence
- I have witnesses who can testify directly of knowledge they have of the case. They have not heard things from someone else, they know first-hand. Impartial witnesses who have no stake in the outcome of the case are generally more believable.
- I must get a subpoena (order to appear) for some witnesses to make sure that they appear or to excuse them from work.
- This case involves damage to property (for example, a car).
  - I can describe in detail the damage and have repair bills, written estimates of repair or other reliable evidence to help support my opinion of the value of the property after the damage. (The cause of damage must always be shown by live testimony).
  - I can describe the condition of the property before the damage and have checked out what it was worth then.

## FOR PLAINTIFF:

- The party I have named is liable to me. (There isn't another person or corporation who is not names who really owes the money to me).
- I can prove the amount of the complaint. I have not asked for more than what is really owed me.

## FOR DEFENDANT:

- I filed an answer to Plaintiff's claim on time.
- I don't owe the money because someone else is responsible.
- I don't owe the Plaintiff anything for some other reason.
- The Plaintiff is suing for more than he was damaged.
- The Plaintiff owes me money and I have set forth my claim with a dollar amount in the answer. (This claim must be proven in the same way as Plaintiff's claim.)
- I owe most or all of the money the Plaintiff claims, but I need more time to pay it. With help from the Clerk's Office, I sent the Plaintiff a proposed "Consent Judgement Payable In Installments" but the Plaintiff did not accept it.

**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 if the importance of your case warrants it.**

You have the responsibility for presenting your case and this form gives general advice which may not be satisfactory in your case.