



Fishkill Town Court Office *Small Claims Court Directions*

Small Claims Court Directions

You have filed a Small Claims case with this Court. Please read carefully.

1. Notice of this case will be sent to the Defendant by regular mail and certified mail. As long as one letter is not returned to this Court, it will be considered served on the other party.
2. The copy of this notice that was given to you today is the only notice that you will receive. Please post it somewhere so that you do not forget the date.
3. On the day of the hearing, you must bring with you all witnesses and evidence. You must be ready to proceed on that day.
4. If you settle with the Defendant prior to the Court date, you must send them a letter telling them that you have withdrawn the case against them. A copy of that letter must also be sent to the Court. Your filing fee cannot be refunded.

5. **ADJOURNMENTS:**

If you are going to ask for an adjournment, you must notify the other party well in advance that you have done so. Only the presiding Justice can grant your request. The request must be made in writing at least 10 business days prior to the Court date. Be advised that your request may be denied, and if you are not ready to go to trial on this day your case may be dismissed, or **if you are the defendant an award may be made without your having been heard.**

NOTE:

** The clerks of the Court are not permitted to help you in preparing your case.
Please do not ask them to do so **

Instructions for filing a counterclaim:

The counterclaim must be for money only. The amount of the counterclaim cannot be more than \$3,000. Any counterclaim for more than \$3,000 must be brought in another part of the Court or in a different Court.

The defendant may file a counterclaim within five days after receiving the notice of a claim and must pay a \$3 filing fee plus the cost of mailing. The defendant may also file a counterclaim **on the day of the hearing**. If the defendant files a counterclaim on the day of the hearing and you are not prepared to defend against the counterclaim, you can ask the Judge to postpone the hearing until another day. In some cases, the Judge might decide to delay the hearing, even if you do not ask for an adjournment. If you receive notice of a counterclaim before the date of your hearing, you must be prepared to present your claim and defend against the counterclaim on the day of your hearing.

You the defendant, must write a letter notifying the plaintiff of the counterclaim in which you outline why and how much you are suing for. This letter must be sent by certified mail or be served by a processor (not someone related to the case). A copy of this letter along with the certified mail stub must be submitted to the Court before your Court date. When you receive the **green card back** from the Post Office, you must also submit this to the Court as proof that the letter was received.

Note: Please do not e-mail the Court for information, you must call or write to the Court for further information.