

NEW YORK STATE UNIFIED COURT SYSTEM

**A GUIDE TO
SMALL CLAIMS &
COMMERCIAL SMALL CLAIMS**
in the
**NEW YORK STATE
CITY, TOWN &
VILLAGE COURTS**



This Guide shows you how to:

Start your case
File a commercial claim in City Court
Collect a judgment
Find the right court for your small claim

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What is Small Claims Court?

Small Claims Court is a special part in City, Town or Village courts where you can sue for **money**:

- Up to \$5,000 in City Courts
- Up to \$3,000 in Town and Village Courts



You cannot sue to *make* someone do something or for pain and suffering. For example, you can't use Small Claims Court to get back your laptop that you lent your friend.

Small Claims Court:

- Is inexpensive and easy to use,
- You do not *have to* have a lawyer,
- The Court will notify the defendant for you,*

** If the Court is not able to notify the defendant by mail, the clerk will tell you what to do.*

Before you start your case, read these important facts:

The defendant must live, work, have a place for doing business, or own property you are/were renting in New York. (See page 4, *Which Small Claims Court do I use?*)

For **small claims**, you must:

- Be a person who is 18 or older
- Fill out a court form that explains your claim
- Pay a court fee (\$10 – \$20)

For **commercial small claims**, you must:

- Be a corporation, association, partnership, LLC or assignee
- Pay a court fee (\$25 per claim, plus postage costs)
- Send a demand letter first for consumer transactions
- Start the case in a City Court (you can't sue in a Town or Village Court)

You **cannot** file more than 5 commercial claims statewide per calendar month.

Deadline! There are strict deadlines for claims against a municipality, city, or county agency. See page 12.