

## **TRIAL INFORMATION SHEET**

### **READ CAREFULLY!**

- **TRIAL DATE:** Do not forget your trial date. Failure to come to court on the given date at the right time may result in your losing the case and the other side winning the case. Give yourself plenty of time to park, get to the courthouse, go through security, and report to your assigned courtroom. You should arrive at least 30 minutes prior to your trial time.
- **COUNTERCLAIMS:** If the defendant is allowed a certain number of days to file a counterclaim, they must file the claim within the specified number of days. File a counterclaim with the Clerk of the Court. If you are the plaintiff and you have been given written notice that a counterclaim has been filed against you, this means that you are now being sued by the defendant. If the defendant files such an action, each party has a claim pending against the other. If, at the time of trial, the counterclaim has been properly filed, there are two lawsuits being considered by the judge at the same time-the plaintiff's suit against the defendant and the defendant's suit against the plaintiff.
- **SETTLEMENTS BEFORE TRIAL:** In the event that ALL claims and counterclaims are settled by the parties, both parties should notify the Clerk of the Court, Civil Division, IN WRITING of the settlement. Only after the plaintiff and the defendant have notified the clerk in writing is it NOT necessary for the parties to appear in court. If a counterclaim has been filed, settlement of one claim has no effect on the other claim, and that remaining claim will proceed to trial on the date given in the trial agreement.
- **THIRD PARTY COMPLAINTS:** If you are the defendant and you believe that if the plaintiff wins their case against you, a third party should pay you so you can pay the plaintiff, you must file a third party complaint. You must serve the third party with notice of your claim prior to the trial within the time allowed. The person served must appear in court.
- **TRIAL PREPARATION:** Bring all witnesses, documents and all other evidence you plan to present at the trial. There is only one trial! Have everything ready and be on time. If you need something for the trial, such as an expert witness (an automobile mechanic, a carpenter, a repairman, etc.) or a particular document, make sure you have that necessary person or evidence at trial. **Many cases involving a claim of improper repairs, workmanship or allegations that a fee charged was not reasonable require expert testimony.**
- **WITNESSES:** Bring necessary witnesses to trial. If you need to subpoena your witnesses, it is your responsibility to do so and you should do it as soon as possible. It may take weeks to get a witness served with the proper paperwork. If you add a witness to your witness list, you must send the name(s) to the other party and to the Clerk of the Court, Civil Division. Consideration of an affidavit from a witness, in lieu of a personal appearance, is at the judges' discretion.
- **INTERPRETERS:** The court does not provide language interpreters for civil cases. You are responsible for bringing a language interpreter to court if necessary.

- **COURT REPORTER AND APPEALS:** Your non-jury trial will not be recorded. If you wish to have the proceedings recorded, a court reporter must be present. It is your responsibility to secure and pay for a court reporter. Appeals to a higher court because you are not satisfied by the outcome are governed by special rules. One of these rules requires that the appellate court have a complete record of the trial to review for errors. If you do not have a court reporter at your trial, your chances for success on appeal will be severely limited.
- **ADDRESS CHANGES:** All changes in address must be furnished in writing to the Clerk of the Court and the opposing party.
- **ADDITIONAL PROBLEMS:** If you have questions on a small claims case concerning procedures (such as filing motions or issuing subpoenas), please contact the Clerk of the Court, Civil Division. The clerk is not authorized to practice law and therefore cannot give you legal advice. In the event that you need legal advice, please contact an attorney of your choice.
- **TRIAL:** Each party will be asked to give a concise opening statement outlining what the case is about and what they intend to prove. Please have this prepared for trial. You may also wish to prepare a list of appropriate questions to ask of the witnesses.
- **Orange County:** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
- **Osceola County:** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, FL 34741, (407)742-2417, at least 7 days before your scheduled court appearance , or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.