

SC-100

Plaintiff's Claim and ORDER to Go to Small Claims Court

Notice to the person being sued:

- You are the defendant if your name is listed in ② on page 2 of this form. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in ① and ② must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	03/18/19	1:30pm	57	Rm. 102
2.				
3.				

Date: JAN 18 2019 Clerk, by B. POOL, Deputy

Clerk stamps date here when form is filed.

FILED

2019 JAN 18 P 2:03

KATE CHERRY
CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CA

B. POOL

Fill in court name and street address:

Superior Court of California, County of

SUPERIOR COURT - MARTINEZ
725 COURT ST. P.O. BOX 911
MARTINEZ, CA 94553

Court fills in case number when form is filed.

Case Number:
MSC19 - 0072

Case Name:

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/smallelaims/forms.
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Plaintiff (list names):

Case Number: []

1 The plaintiff (the person, business, or public entity that is suing) is:
Name: ECKELMANN, CLAUDIA Phone: 925.969.2336
Street address: 82 DIABLO VIEW DR ORINDA CA 94563
Mailing address (if different):

If more than one plaintiff, list next plaintiff here:

Name:
Street address:
Mailing address (if different):

- Check here if more than two plaintiffs and attach form SC-100A.
Check here if either plaintiff listed above is doing business under a fictitious name. If so, attach form SC-103.
Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:
Name: HIGBEE & ASSOCIATES Phone:
Street address: 1504 BROOK HOLLOW DR #112 SANTA ANA CA 92705
Mailing address (if different):

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: MATTHEW K. HIGBEE Job title, if known: ATTORNEY
Address: 1504 BROOKHOLLOW DR #112 Santa ANA CA 92705

- Check here if your case is against more than one defendant, and attach form SC-100A.
Check here if any defendant is on active military duty, and write his or her name here:

3 The plaintiff claims the defendant owes \$ 500. (Explain below):
a. Why does the defendant owe the plaintiff money?
The defendant is claiming that defendant owes \$500. This action is aimed to adjudicate that claim.
When did this happen? (Date): Nov. 14, 2018
b. If no specific date, give the time period: Date started: Through:
c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)
The amount equals what the defendant claims the plaintiff owes
Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names):

Case Number: []

4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?
[X] Yes [] No If no, explain why not:
Yes, the plaintiff has requested in writing to cancel the debt - even offered \$25 to settle

5 Why are you filing your claim at this courthouse?
This courthouse covers the area (check the one that applies):
a. [X] (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
(2) Where the plaintiff's property was damaged.
(3) Where the plaintiff was injured.
b. [] Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
c. [] Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ Code, § 1812.10.)
d. [] Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ Code, § 2984.4.)
e. [] Other (specify):

6 List the zip code of the place checked in 5 above (if you know): 94523

7 Is your claim about an attorney-client fee dispute? [] Yes [X] No
If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: []

8 Are you suing a public entity? [] Yes [X] No
If yes, you must file a written claim with the entity first. [] A claim was filed on (date):
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?
[] Yes [X] No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500? [] Yes [X] No
If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: Jan. 18, 2019 ECKELMANN, CLAUDIA [Signature]
Plaintiff types or prints name here Plaintiff signs here

Date: [] Second plaintiff types or prints name here Second plaintiff signs here



Requests for Accommodations
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)