FRANKLIN COUNTY MUNICIPAL COURT PRE-FILE DEMAND LETTER

DATE:____

to parties to know their obligations and

responsibilities and to follow them.

Directions to Party Making a Demand:		Name	
Use this form letter when you want to invite another party to communicate/negotiate with you directly to try to resolve a matter on your own without a lawsuit.		Street Address	
	 	City, State, Zip Code	
		Other Party #1 Name, Street Address, City, State, Zip Code	
Step 1: Enter the name(s) and address(es) of the party or parties you wish to make a demand to. There is space for up to two parties, if necessary. Complete one letter for each party.		Name	
		Street Address	
		City, State, Zip Code	
	_	Other Party #2 Name, Street Address, City, State, Zip Code	
	Dear Sir/Madam:		
Step 2: Enter the name of the party or parties making a demand, so that the other party knows who the letter is from. If you are making the demand, then enter your name(s).	I/We, name(s) of person(s) making a demand:		
	Would	like to resolve the following matter with you:	
Step 3: Enter information that you want ——the other party to know about your demand (For example, what are you requesting and why are you requesting this?).	1	we request that you contact me/us directly, as follows, to attempt to e the matter with me/us directly (contact option not applicable if blank):	
Step 4: Provide your contact information so that the other party can contact you directly to try to resolve this issue with you outside of Court. Provide how long you are willing to wait for a response.		☐ Telephone Number:	
		☐ Email Address:	
	7	☐ Mailing Address:	
Step 5: Send your letter to the other party	☐ Other:		
	17	n/Day/Year:	
Directions to All Parties:		his date, I/we may pursue legal action.	
Attention: Only make contact with the other party or invite the other party to	Thank you.		
contact you directly if you are legally	P.S. If	you would like to resolve this matter, but prefer to have communication	
permitted to do so. If there is a court or	assista	nce from a neutral third party, contact me/us and let me know no later	
other order/condition/agreement, etc. limiting contact between parties, it is up	I	he date above so that I/we (persons making the demand) can request tion through the Franklin County Municipal Court's Free Pre-file	

Mediation Program. Mediation helps parties resolve a situation on their own

terms, outside of a courtroom. For more information about the Pre-file Mediation Program, see the website at smallclaims.fcmcclerk.com.

PREPARING FOR YOUR MEDIATION WHERE A DEBT IS ALLEGED.

Mediation is assisted negotiation. The mediator can help you and the other party share information and/or settlement offers with each other. It is up to you and the other party to decide if agreement can be reached. The following is information to help you prepare for your upcoming mediation. If you want legal advice, consult with your own attorney.

Sharing Information

Sometimes parties reach agreement in mediation as a result of information shared. Cases may be resolved or settlement offers may be given further consideration, based on one party sharing information and/or documentation with the other party in mediation. For example:

- Are you filing bankruptcy?
- Are you experiencing financial hardship?
- Do you have multiple creditors?
- Are you disputing the alleged debt due to fraud?

Making Settlement Offers

Sometimes parties reach agreement in mediation by accepting a settlement offer from the other party. All parties can make settlement offers during mediation if they wish. If you have an offer for the other party, it will be up to you to share that during mediation. Parties typically do not negotiate against themselves. In mediation, no one will force a party to make or accept an offer. An offer has to work for all parties for it to be accepted. A couple examples of offer types are:

- Payment of a sum of money, over time, by making periodic installment payments through a payment plan
- Payment of a sum of money quickly in a lump sum payment

Payment Plan Offers:

If you are offering a payment plan as a resolution, you may want to consider the following:

- How much will you pay in total?
- How much will each installment payment be?
- How often will you pay (weekly, monthly, etc.)?
- What are the due dates for each payment?
- How is payment to be delivered (in person, by mail, etc.)?
- What is the form of payment (check, cash, money order, etc.)?
- Is the other party asking that you agree to a judgment in their favor in order to accept the payment plan?

Lump Sum Payment Offers:

If you can afford to make a lump sum payment in a short time frame (for example, 30 days), the other party may be willing to accept less money and dismiss the case once your payment is received. Consider asking the other party in mediation about a lump sum payment, if you would like to know if this option is available.

Responding to Offers

When you make an offer to the other party, the other party may be able to give you a response during your scheduled mediation, or they may request that parties have another follow-up mediation at a later date to be able to get a response to your offer. It is up to the other party to decide if they accept or decline your offer.

Likewise, when a party makes an offer to you in mediation, it is up to you to decide if you accept or decline their offer. If their offer works for you, say so. Then parties can talk more about the specifics of the agreement. If their offer doesn't work for you, it is helpful if you explain the reason why the offer doesn't work for you. If you would like more time to evaluate their offer, consider asking if the other party is willing to do a follow-up mediation at a later date to allow you time to consider their offer.

Declining an Offer and Making a Counteroffer

Mediation doesn't have to end if the first offer is not accepted. If your offer doesn't work for the other party, they may share a counteroffer with you. If their offer doesn't work for you, you may share a counteroffer with them.

Trading offers back and forth in a respectful manner may help you eventually reach agreement. If it doesn't, then hopefully each of you will walk away with a better understanding of the disagreement.

Conditions to Agreement

In order to accept your offer, the other party may require you to agree to certain conditions. This list is not complete, but examples of those conditions might be:

- A payment plan with a judgment in the other party's favor (this is also called an Agreed Judgment Entry and is available in active cases only).
- A dismissal of your counterclaim (if you are a party in an active court case and have your own counterclaim).

If you are participating in a mediation and you reach agreement with the other party, be sure that you understand the conditions in the agreement that you will be signing. If you have a question, ask. If you do not understand an agreement, or have questions about how an agreement may impact your rights or credit, ask an attorney.

Agreement Reached in Mediation

If parties reach agreement at the end of mediation, the Mediation Program will report to the Court that parties participated in mediation, that agreement was reached, and the date that the Court can expect the agreement paperwork to be filed. Usually an attorney for one of the parties will write the agreement and send it to each party for signature, and then file with the Court.

No Agreement in Mediation

If parties do not reach agreement at the end of mediation, the Mediation Program will report to the Court that parties participated in mediation, and that no agreement was reached. The case will go back on the Court's active docket and proceed until a judge makes a final judgment in the case.

ANSWERS TO QUESTIONS ABOUT JUDGE/MAGISTRATE-REFERRED MEDIATION

1. What is mediation?

Mediation is a chance for parties to resolve one or more claims in a Court case with the help of a neutral party called a "mediator." The mediator helps the parties share information and/or settlement offers with each other. The mediator does not make a decision. The mediator does not say who is right or wrong. It is up to parties to decide if agreement is possible.

2. Is participation in mediation mandatory?

Yes. You have received a notice for mediation because the Judge or Magistrate assigned to your Court case has referred parties to mediation. The Mediation Department is required to notify the Court whether the mediation occurred, who attended, and the outcome of mediation.

It is extremely rare that the Mediation Department declines to hold a mediation (past examples of Department declined mediation include: a party has a lack of capacity and is unable to participate, a party notifies the Mediation Department that their safety concerns outweigh any possible benefit from mediation). The Mediation Department does not cancel a mediation due to a pending motion.

3. How can I participate in mediation?

There are three options for participating in mediation. You decide how you will participate:

- In-person at the scheduled date and time on the mediation notice, OR
- By-phone at the scheduled date and time on the mediation notice, OR
- Online through the Court's free online mediation website <u>at any time at least three business days</u> <u>prior to the scheduled mediation date/time on the mediation notice at courtinnovations.com/ohfcmc</u>

To notify the Mediation Department how you will participate in mediation, email mediation@fcmcclerk.com OR call 614-645-8576. Include the case number, party names, and the date/time of the mediation in any message to the Mediation Department. If you will participate by phone, tell us your phone number—the mediator initiates the phone call on telephone mediations.

PLEASE NOTE: TELEPHONE AND ONLINE PARTICIPATION ARE FOR MEDIATION ONLY.

4. How can I prepare for mediation?

In general, mediation participants find the time spent in mediation worthwhile when they do the following:

- Come prepared to talk about potential solutions for the Court case
- Are willing to consider information shared by the other party

For more information about how to prepare, please see our Mediation Preparation website at: https://smallclaims.fcmcclerk.com/home/mediation/prepare Also, the Self Help Resource Center at the Franklin County Municipal Court is a free walk-in service to help you represent yourself in court without a lawyer. The Self Help Resource Center is located at: 375 S. High Street, 6th Floor, Columbus, OH 43215. Hours of Operation: Monday - Friday, 9:00 AM - 3:00 PM. Website: fcmcselfhelpcenter.org

5. Do I still need to participate in mediation if I settle with the other party prior to my mediation date/time?

If you settle your Court case prior to your mediation date/time, your mediation date/time may be cancelled so long as you notify the Mediation Department that your Court case is settled, and you are ready for the Mediation Department to report the following to the Court:

- That the case is settled, what type of entry the Court should expect to be filed and when it will be filed by. The Court typically expects an entry to be filed no later than 30 days after the date that the case is reported as settled by the Mediation Department.

ANSWERS TO QUESTIONS ABOUT RENT ESCROW MEDIATION

1. What is rent escrow mediation?

Mediation is a chance for landlords and tenants to resolve almost any landlord-tenant issue with the help of a neutral party called a "mediator." The mediator helps the parties share information and/or settlement offers with each other and can document an agreement. It is up to landlord and tenant to decide if agreement is possible. The mediator does not make a decision. The mediator does not say who is right or wrong. Either landlord or tenant or the mediator can end mediation at any time.

2. Who can participate in mediation?

Landlords and tenants as named on the rent escrow application may participate in mediation. Also, each side is allowed to have a "support person" participate with them in mediation if they wish. That support person may be an attorney or a non-attorney.

3. Are landlords and tenants required to participate in rent escrow mediation?

No. Participation in the rent escrow mediation is completely voluntary for both landlords and tenants. No one is required to participate in rent escrow mediation. A mediation only goes forward if both sides participate. A mediated agreement could resolve a case sooner than a court hearing.

4. I want to participate in mediation. How can I do so?

There are three options for participating in rent escrow mediation. Landlords and tenants can be:

- In-person at the scheduled date and time on the mediation notice, OR
- By-phone at the scheduled date and time on the mediation notice, OR
- Online through the Court's free online mediation website <u>at any time prior to the scheduled mediation</u> <u>date/time on the mediation notice at courtinnovations.com/ohfcmc</u>

To notify the Mediation Program how you will participate, email mediation@fcmcclerk.com OR call/send a text message to 614-398-1982. Include the case number, party names, and the date/time of the mediation in any message to the Mediation Program.

PLEASE NOTE: TELEPHONE AND ONLINE PARTICIPATION ARE FOR MEDIATION ONLY.

5. How can I prepare for mediation?

In general, mediation participants find the time spent in mediation worthwhile when they do the following:

- Come prepared to talk about potential solutions for the Court case
- Are willing to consider information shared by the other party

For more information about how to prepare, please see our Mediation Preparation website at: https://smallclaims.fcmcclerk.com/home/mediation/prepare Also, the Self Help Resource Center at the Franklin County Municipal Court is a free walk-in service to help you represent yourself in court without a lawyer. The Self Help Resource Center is located at: 375 S. High Street, 6th Floor, Columbus, OH 43215. Hours of Operation: Monday - Friday, 9:00 AM - 3:00 PM. Website: fcmcselfhelpcenter.org

6. I want to reschedule mediation. How can I do so?

Request a reschedule by email at mediation@fcmcclerk.com OR call/send a text message to 614-398-1982. Include the case number, party names, and the date/time of the mediation in any message to the Mediation Program. Mediation will only be rescheduled if both sides agree to the reschedule request. Any reschedule date may delay the mediation by several weeks. Before making a reschedule request, consider all participation options as stated in #4 above.

7. I want to decline mediation. How can I do so?

Notify the Mediation Program that you decline rent escrow mediation by email at mediation@fcmcclerk.com OR call/send a text message to 614-398-1982. Include the case number, party names, and the date/time of the mediation in any message to the Mediation Program. You are not required to provide any excuse or reason to decline rent escrow mediation.

8. How do I proceed in Court?

Both Landlords and tenants have the option to file a motion with the Rent Escrow Clerk to schedule a courtroom hearing. Individuals can represent themselves or be represented by an attorney. Business entities may need an attorney. For questions regarding Rent Escrow, contact 614-645-7420.

FRANKLIN COUNTY MUNICIPAL COURT ONLINE CASE RESOLUTION



RESOLVE YOUR CASE WITHOUT GOING TO COURT BY USING ONLINE CASE RESOLUTION.

WEBSITE ADDRESS:

courtinnovations.com/ohfcmc

INFORMATION AND ANSWERS TO FREQUENTLY ASKED QUESTIONS

The Franklin County Municipal Court offers **free online case resolution** as an option, if you are interested in trying to resolve your Court case with the Plaintiff (the Party who filed the case against you) prior to your Court date. The Court's free online case resolution website is **courtinnovations.com/ohfcmc**.

Here are answers to frequently asked questions about online case resolution:

1. Is online case resolution the same thing as E-FILING?

NO. Online case resolution is a dispute resolution program offered through the Franklin County Municipal Court Dispute Resolution Department and is a way for you to try to negotiate a settlement outside of Court.

The E-Filing program, on the other hand, is a separate program offered through the Franklin County Municipal Court Clerk's Office. For more information on the Franklin County Municipal Court Clerk's Office E-filing program, see the half-sheet attached.

2. What is the online case resolution website?

The online case resolution website puts you into direct contact with the Plaintiff's attorney, if you want to try to negotiate a settlement prior to your Court date. By logging on to the free online case resolution website **before your court date**, you can share information and/or settlement offer(s), if any, you may have directly with the Plaintiff's attorney. Through this website you are communicating via text—the system is similar to text messaging. Should you have questions, there is a "Help Center" link on the website (courtinnovations.com/ohfcmc) which provides videos and answers to frequently asked questions.

3. If I settle with the Plaintiff prior to my Court date do I still have to appear at the Court date/time?

<u>Court staff can not tell you what to do.</u> If you want to see what is on record with the Court (including court hearing date(s) and time(s)), you can view the docket for your case on the Franklin County Municipal Court home page at <u>www.fcmcclerk.com</u>; click on "Search Records" to search for your case.

WHETHER YOU RESOLVE YOUR CASE WITH THE PLAINTIFF THROUGH ONLINE CASE RESOLUTION OR OTHERWISE, IF YOU HAVE QUESTIONS ABOUT WHAT THE PLAINTIFF WILL ASK THE COURT TO DO ABOUT THE UPCOMING COURT DATE, CONTACT THE PLAINTIFF'S ATTORNEY DIRECTLY.

4. What about if I do not want to use the online case resolution website?

You do not have to use the free online case resolution website if you do not want to. If you do not wish to use the free online case resolution website, but you still want to attempt to resolve your case **prior to your court date**, you can find the name and contact information (such as email address, phone number, fax number) for the Plaintiff's attorney on the Complaint that you received from the Court. You will typically find this information at the bottom of the last page of the Complaint.

5. How quickly will the Plaintiff's attorney respond through the online case resolution website?

Court staff do not control the schedules of the Plaintiff's attorneys and are not able to predict how quickly you might get a response to any information and/or settlement offer(s) you share with the Plaintiff's attorney, whether online or otherwise. If you wish to use the online case resolution website, you should login sooner rather than later. Otherwise there may not be enough time to complete the online case resolution process prior to your court date.

6. What about if I want to tell the Court my side of the case?

To tell the Court your position and share your evidence with the Court, appear in person at your Court date/time.

7. Does the magistrate assigned to my case have access to the online case resolution website?

NO. The Court magistrate assigned to your case DOES NOT have access to your online case resolution website. YOU CAN NOT COMMUNICATE INFORMATION TO THE COURT THROUGH THE ONLINE CASE RESOLUTION WEBSITE.

8. Is there any general information you can share about how to use online case resolution?

See the "Help Center" link on the online case resolution website (courtinnovations.com/ohfcmc) for information about making and responding to offers, payments plans, and so on.

Call for an interpreter: 614-645-7455 Hablo español - Je parle français - أنا أتحدث العربية Waxaan ku hadlaa af-Soomaali - Ma Nepali Bolchu Franklin County Municipal Court - 375 South High St. 16th Floor

HOW DOES SMALL CLAIMS WORK?



1 File a claim



Small Claims Court is for money damages only, up to \$6,000.

2 Pay the filing fee

\$78

The fee can be paid by cash, cashier's check, personal check or credit card.

3 File with the clerk



Take the original and 3 copies of the complaint and the fee to the **3rd floor of the Municipal Court** or file by mail

375 S. High St. 16th Floor, Cols., OH 43215

Watch for hearing date



Watch your mail! You may also view case information online.

The hearing date will be set **30-40** days after filing.

For more information go to smallclaims.fcmcclerk.com or call (614) 645-7381

CONFUSED ABOUT QUESTION #3?

If you select YES to Question #3



You give **the court** the permission to resend the summons and complaint by ordinary mail if the certified mail is returned as "Refused" or "Unclaimed"



The court will resend the summons and complaint automatically with **no** additional work required by you if the certified mail is returned "Refused" or "Unclaimed"



There will be **no added court costs** if you choose to select "Yes"



Also, **YOU MUST** check 'Waiver of Notification of failure' line on 'New Civil Case Filing' cover sheet if you select "Yes"

If you select NO to Question #3



You will be notified about failed service and you will be responsible for requesting the court to resend the summons and complaint



You must do additional work because you must give the court further instructions on how you want to proceed



You may have to **pay additional court fees** if you choose to select "No"



DO NOT check 'Waiver of Notification of failure' line on 'New Civil Case Filing' cover sheet if you select "No"

Empowering the Community and **Improving Court Efficiency**

How Courts can Provide Legal Information and Conflict Education on a Proactive and Preventative Basis

Veronica Cravener: Franklin County Municipal Court Small Claims and Dispute Resolution Supervisor

Robert Southers: Franklin County Municipal Court Self Help Resource Center Manager



Why provide services to self-represented litigants?

- In 2014, only 5% of renters received eviction prevention services.¹
- 24-26% of litigants appearing in Small Claims Court are represented by counsel.²
- In 2018, 69% of cases referred to FCMC mediation program by the Court had at least one self-represented party.³
- Nationally, courts report that 75% or more of cases have at least one self-represented litigant.⁴

- 1. Statistic received from Franklin County Commissioner Marilyn Brown.
- 2. Statistic received from former Small Claims and Mediation Manager Eileen Pruitt.
- 3. Statistic provided by Small Claims and Dispute Resolution Supervisor Veronica Cravener.
- 4. Self-Represented Litigants Network, SRLN Brief: How Many SRLs?, https://www.srln.org/node/548/ (accessed January 13, 2020).

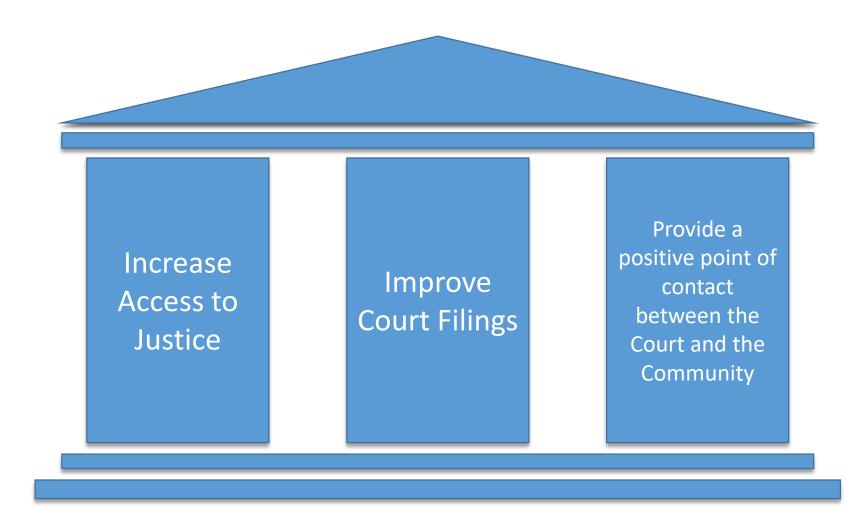


Background: Self Help Resource Center

- People who cannot afford representation still need access to courts
- Ohio Supreme Court
 - Task Force on Access to Justice, Report and Recommendations, March 2015
 - Recommended self-help centers "as an option to respond to the needs of those who are unable to afford legal services."
 - Self-help centers "have been shown to have a positive impact on court procedure, with pro se litigants filing more complete paperwork."
- Columbus Bar Association, New Lawyers Section



Our Mission



What We Do

- Offer informational material
- Access legal resources
- Refer Visitors to legal services
- Provide positive court interactions
- We DO NOT provide legal advice



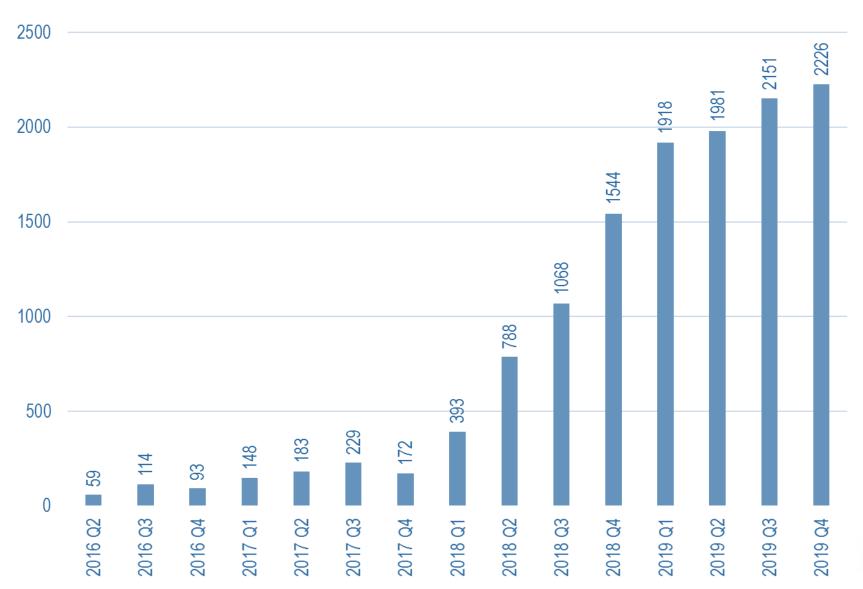


Services Provided In the Following Areas:

- Criminal Record Sealing/ Expungement
- Landlord/Tenant
- General Division Claims
- Small Claims
- Debt Collection, Consumer Claims



Number of Visitors



Self Help Center and Dispute Resolution Align

Proactively Provide Legal Information to Court-Users

+

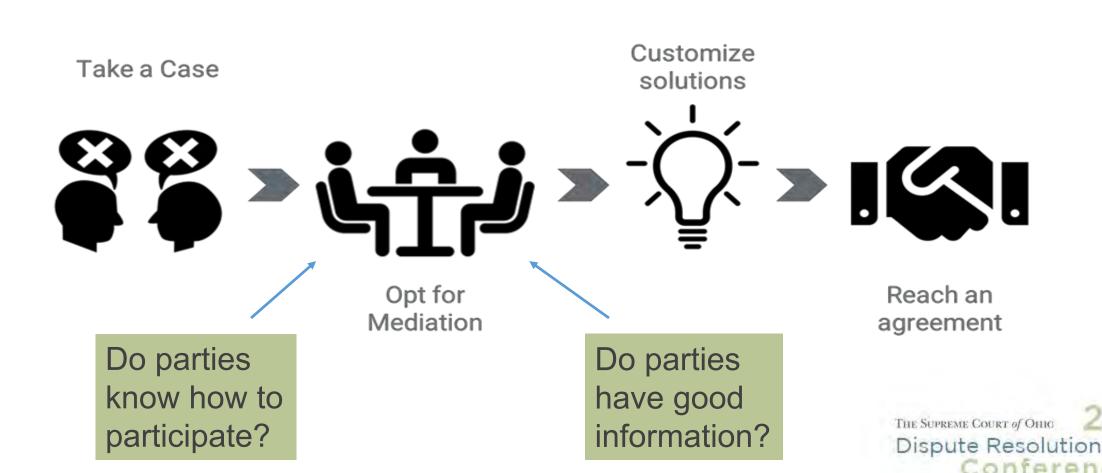
Proactively Provide Conflict Education to Court-Users

Positive Outcomes for Court and Court-Users



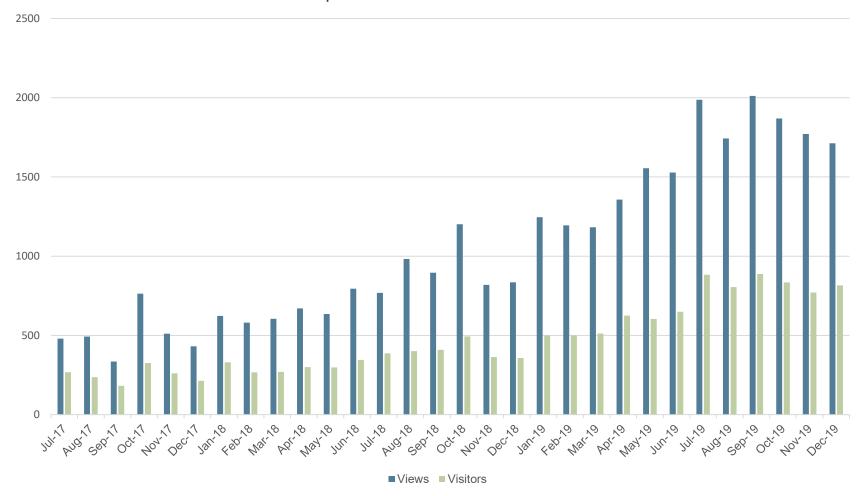


Dispute Resolution as a Continuum of Service



Solution 1: Self Help Blog

Self Help Resource Center Website Traffic





Solution 1: Self Help Blog

Self Help Blog

In this blog, you can find monthly articles to help you understand some of the most common questions answered at the Center. For additional information on any of the topics covered in the blog articles, please visit the Center during our normal business hours or check out the other useful information throughout this website.

This project is a collaboration between the Franklin County Municipal Court Self Help Resource Center and the Franklin County Municipal Court Small Claims and Dispute Resolution Division.

This blog is for informational purposes only and should not be relied on for legal advice. If you need legal advice, contact an attorney.

First and Second Cause in an Eviction: What's the difference?

In Ohio,
evictions can be
separated into
two parts: the
first cause and
the second
cause. But why is
an...

Read more Sealing vs. Expungeme nt: What's the difference?

If you have a criminal record, you may have heard that it can be sealed or expunged if it meets...

Read more How to
Prepare for
Your
Mediation at
the Franklin
County
Municipal
d,
Court

Are you planning to represent yourself in a mediation at the Franklin County Municipal Court? If you have received a...

> Read more



In the News

Court News Ohio: "Closing Civil Justice Gaps"

"Courts throughout Ohio have opened help centers to assist the public with questions about non-criminal cases. The need for guidance is substantial, and centers at two municipal courts – which have assisted thousands in just a few years – serve as models for tackling this growing challenge."

New Self Help Resource Center Assists Self-Represented Litigants with Navigating the Court System







Solution 2: Improving Forms

- Low resolution rates of 2nd cause evictions
- Lack of contact information can make it hard to reach parties
- Adding fields to the Center's forms such as phone number, email address, and updated address can allow mediators to contact parties that may otherwise not be reachable



Solution 3: Mediation Information Sheets

Provides Self Help Center Info

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Solution 4: Conflict Education

FRANKLIN COUNTY MUNICIPAL COURT PRE-FILE DEMAND LETTER

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Use this form letter when you want to invite another party to communicate/negotiate with you directly to try to resolve a matter on your own without a lawsuit.

Step 1: Enter the name(s) and address(es) of the party or parties you wish to make a demand to. There is space for up to two parties, if necessary. **Complete one letter for each party.**

Step 2: Enter the name of the party or parties making a demand, so that the other party knows who the letter is from. If you are making the demand, then enter your name(s).

Step 3: Enter information that you want the other party to know about your demand (For example, what are you

	Name		
	Street Address		
	City, State, Zip Code		
/	Other Party #1 Name, Street Address, City, State, Zip Code		
	Name		
	Street Address		
-	City, State, Zip Code		
	Other Party #2 Name, Street Address, City, State, Zip Code		
Dear 9	Sir/Madam:		
I/We, name(s) of person(s) making a demand:			
	—		
Would like to resolve the following matter with you:			
	•		

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Solution 4: Conflict Education

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There will be **no added court costs** if you choose to select "Yes"



Also, **YOU MUST** check 'Waiver of Notification of failure' line on 'New Civil Case Filing' cover sheet if you select "Yes"

If you select NO to Question #3



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You must do additional work because you must give the court further instructions on how you want to proceed



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DO NOT check 'Waiver of Notification of failure' line on 'New Civil Case Filing' cover sheet if you select "No" Franklin County Municipal Court - 375 South High St, 16th Floor

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1 File a claim



Small Claims Court is for money damages only, up to \$6,000.

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Watch your mail! You may also view case information online.

The hearing date will be set 30-40 days after filing.

For more information go to smallclaims.fcmcclerk.com or call (614) 645-7381

Dispute Resolution

Future Ideas for Collaboration

- Youth Education
- Cross-Training





Contact Information

Robby Southers

Manager, Franklin County Municipal Court Self-Help Resource Center

FCMC Self Help Resource Center 6th Floor | 375 S. High St., Columbus, OH 43215

Phone: 614-645-0517

Email: southersr@fcmcclerk.com



Contact Information

Veronica Cravener

Small Claims and Dispute Resolution Supervisor, Franklin County Municipal Court

375 S. High Street, 16th Floor Columbus, OH 43215-4520

Phone: 614-645-8611

Email: CravenerV@fcmcclerk.com

