



MLSC

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Small Claims Court-Marianas Office

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Marianas Office-MLSC*

If you have a claim for damages (money) against someone –individual or business—and your claim is “small”, meaning less than \$5,000, you can file your claim in CNMI Superior Court without a lawyer, using the Small Claims process.

You might use this in situations like the following:

- * to get back your rent security deposit
- * to collect for property damage to your car in a minor accident without personal injury
- * to collect money owed to you from a private loan
- * to collect money caused by trespassing
- * to collect for breach of a contract

The CNMI Superior Court Judge assigned to Small Claims is Judge Lillian Ada Tenorio. Although the CNMI Superior Court does not have a page dedicated to Small Claims, you can find relevant information on their website as follows:

- fees for Small Claims action: <https://www.nmijudiciary.gov/court-filing-fees> (Use the filter on the left to select Small Claims.)
- form to initiate Small Claims case [summons & complaint; docket; and also waiver of filing fee forms]: <https://www.nmijudiciary.gov/court-forms>
- contact for Superior Court clerks / help: <https://www.nmijudiciary.gov/contacts-directory>

The process for Small Claims is fairly easy and designed to be for people who don't have attorneys, although attorneys are permitted in Small Claims Court.

1. The claimant (Plaintiff) prepares and files a Summons & Complaint and submits a docket form. The Plaintiff must either pay the filing fee or submit and be approved for a fee waiver.
2. The Court assigns a date and time for hearing and adds it to the Summons & Complaint (or advises the Plaintiff who puts it in).
3. The Plaintiff, with the help of the Court, arranges for a copy of the Summons & Complaint to be served on (given to) the opposing party (Defendant). Plaintiff himself or herself doesn't do the delivery/service.

4. Plaintiff shows up to Court at the date and time of the hearing. Defendant may show up to Court at the date and time of the hearing.

5. If the Defendant doesn't show up, the Judge may ask Plaintiff a few questions under oath and grant a "default" judgment.

6. If the Defendant does come to Court, the Judge may ask the Defendant if he agrees with the Complaint or objects to it. If Defendant objects to it, usually the Judge will continue the case to another date for a full hearing.

7. Although this is the usual way things go, Plaintiffs and Defendants need to be prepared to present all of their evidence at the first hearing. So if you have documents, bring them. If you have witnesses, bring them. If the case is continued, be sure to bring everything to that hearing. Also note that the Defendant may file a counterclaim (his or her own claim) against the Plaintiff.

8. The Judge will make a ruling after hearing the evidence and will either grant a judgment in favor of Plaintiff or deny the claim; and grant a judgment on the counterclaim if there is one or deny it. The judgment may be for the full amount requested or more or less than requested, but no more than \$5,000, the Small Claims limit.

9. If you are the Plaintiff, once you have a judgment, you need to collect on it! The Judge will typically ask the Defendant how s/he is going to pay and set up a payment schedule. If you are the Defendant, do not promise to make payments that you can't afford to make every payday or month. If your family is so poor that you are receiving Food Stamps (NAP benefits) or Section 8 housing assistance, tell the Court this and that you can't afford to pay.

10. If you are the Plaintiff, you may need to file more forms, like a Motion for an Order in Aid of Judgment if the Defendant did not appear; or an Order to Show Cause and Contempt if he appeared, was ordered to pay, and fails to pay.

The advantages to Small Claims Court are the speed of the process and the ability to proceed without the expense of an attorney. However, please note that a litigant can appeal the case to the regular Superior Court and have a full trial *de novo* (new trial).

The legal information we provide here is general information to help you decide how to handle legal issues. It is not advice about what you should or should not do. For advice, or for more legal help, please contact your local MLSC office and request legal assistance.

Caution!--laws are different in different locations. The information here applies only in this jurisdiction. Do not use the information here for legal issues in other jurisdictions.