


SC-300 Petition for Writ (Small Claims)

Clerk stamps date here when form is filed.

Petitioner <i>(fill in the name of the person asking for the writ)</i>
v.
Superior Court of California, County of _____
Respondent <i>(fill in the name of the court whose action or ruling you are challenging)</i>
Real Party in Interest <i>(fill in the name of any other parties in the trial court case)</i>

Clerk will fill in the number below:

Appellate Division Case Number:

 **Stay requested**
(see item 12 c. on page 6)

Instructions

- 1 This form is only for requesting a **writ** in a small claims case which does *not* relate to an action enforcing the small claims judgment.
- 1 Do not use this form for the appeal or trial de novo of a small claims matter or for writs on the appeal of a small claims matter. Other forms or pleadings should be used for those kinds of actions.
- 1 For requesting a writ relating to a court action regarding *enforcement* of a small claims judgment, you should use form APP-151, *Petition for Writ (Misdemeanor, Infraction, or Limited Civil Case)*. You can get that form and other forms for other writs and for appeals at any courthouse or county law library or online at www.courts.ca.gov/forms.
- 1 Before you fill out this form, read *Information on Writ Proceedings in Small Claims Cases* (form SC-300-INFO) to know your rights and responsibilities. You can get form SC-300-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- 1 Generally, you should file this form no later than **30 days** after the date the small claims court took the action or issued the ruling you are challenging in this petition (see form SC-300-INFO for more information about the deadline for filing a writ petition). It is your responsibility to find out if a special statute sets an earlier deadline. If your petition is filed late, the appellate division may deny it.
- 1 Fill out this form and make a copy of the completed form for your records and for the small claims court whose action or ruling you are challenging (called the respondent) and each of the other party or parties in the small claims case (called real party in interest).
- 1 Serve a copy of the completed form on the small claims court and serve a copy of the form and a copy of form SC-300-INFO on each real party in interest and keep proof of this service. *Proof of Service (Appellate Division)* (form APP-109) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.
- 1 Take or mail the completed form and your proof of service to the clerk's office for the appellate division of the court that took the action or issued the ruling you are challenging.

Appellate Division Case Name: _____

Appellate Division Case Number: _____

1 Your Information

a. Petitioner (the party who is asking for the writ):

Name: _____

Street address: _____

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail (if available): _____
Street City State Zip

b. Petitioner's lawyer (skip this if the petitioner does not have a lawyer for this petition):

Name: _____ State Bar number: _____

Street address: _____

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail (if available): _____
Street City State Zip

Fax (if available): _____

The Small Claims Court Action or Ruling You Are Challenging

2 I am/My client is filing this petition to challenge an action taken or ruling made by the small claims court in the following case:

a. Case name (fill in the small claims court case name): _____

b. Case number (fill in the small claims court case number): _____

3 The small claims court action or ruling I am/my client is challenging is (describe the action taken or ruling made by the small claims court): _____

4 The small claims court took this action or made this ruling on the following date (fill in the date): _____

5 If you are filing this petition more than 30 days after the date that you listed in **4**, explain the extraordinary circumstances that caused the delay in filing this petition: _____

The Parties in the Small Claims Court Case

- 6 I/My client (check and fill in a or b):
 - a. was a party in the case identified in 2.
 - b. was not a party in the case identified in 2 but will be directly and negatively affected in the following way by the action taken or ruling made by the small claims court (describe how you/your client will be directly and negatively affected by the small claims court's action or ruling):

- 7 The other party or parties in the case identified in 2 was/were (fill in the names of the parties):

Appeals or Other Petitions for Writs in This Case

- 8 Did you or anyone else file an appeal about the same small claims court action or ruling you are challenging in this petition? (Check and fill in a or b):

- a. No
- b. Yes (fill in the date the appeal/new trial is set for): _____

- 9 Have you filed a previous petition for a writ challenging this action or ruling? (Check and fill in a or b):

- a. No
- b. Yes (Please provide the following information about this previous petition).

- (1) Petition title (fill in the title of the petition): _____
- (2) Date petition filed (fill in the date you filed this petition): _____
- (3) Case number (fill in the case number of the petition): _____

(If you/your client filed more than one previous petition, attach another page providing this information for each additional petition. At the top of each page, write "SC-300, item 9.")

Reasons for This Petition

- 10 The small claims court made the following legal error or errors when it took the action or made the ruling described in 3 (check and fill in at least one):

- a. The small claims court has not done or has refused to do something that the law says it must do.
 - (1) Describe what you believe the law says the small claims court must do: _____

- (2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the small claims court must do this: _____

10 (continued)

(3) Identify the supporting documents (the documents from the small claims case) and describe what the judge said or did that shows that the court did not do or refused to do this:

(4) If something was said at the small claims court that is relevant to your request for a writ, provide a fair summary of what was said by you and others, including the court (other than what you described above), that is relevant to your request for writ.

☐ Check here if you need more space to describe the reason for your petition and attach a separate page or pages describing it. At the top of each page, write "SC-300, item 10a."

b. ☐ The small claims court has done something that the law says the court cannot or must not do.

(1) Describe what the small claims court did: _____

(2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the small claims court cannot or must not do this: _____

(3) Identify the supporting documents (the documents from the small claims case) and describe what the judge said or did that shows that the court did this: _____

(3) If something was said at the small claims court that is relevant to your request for a writ, provide a fair summary of what was said by you and others, including the court (other than what you described above), that is relevant to your request for writ.

☐ Check here if you need more space to describe the reason for your petition and attach a separate page or pages describing it. At the top of each page, write "SC-300, item 10b."

10 (continued)

c. The small claims court has performed or said it is going to perform a judicial function (like deciding a person's rights under law in a particular situation) in a way the court does not have the legal power to do.

(1) Describe what the small claims court did or said it is going to do: _____

(2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the small claims court does not have the power to do this:

(3) Identify the supporting documents (the documents from the small claims case) that shows that the court did or said it was going to do this: _____

(4) If something was said at the small claims court that is relevant to your request for a writ, provide a fair summary of what was said by you and others, including the court (other than what you described above), that is relevant to your request for writ. _____

Check here if you need more space to describe this reason for your petition and attach a separate page or pages describing it. At the top of each page, write "SC-300, item 10c."

d. Check here if there are more reasons for this petition and attach an additional page or pages describing these reasons. At the top of each page, write "SC-300, item 10d."

11 This petition will be granted only if there is no other adequate way to address the small claims court's action or ruling other than by issuing the requested writ.

a. Explain why there is no way other than through this petition for a writ-through an appeal, for example-for your arguments to be adequately presented to the appellate division:

b. Explain how you/your client will be irreparably harmed if the appellate division does not issue the writ you are requesting: _____

Order You Are Asking the Appellate Division to Make

12 I request that this court (*check and fill in all that apply*):

a. order the small claims court to do the following (*describe what, if anything, you want the court to be ordered to do*): _____

b. order the small claims court not to do the following (*describe what, if anything, you want the court to be ordered NOT to do*): _____

c. issue a stay ordering the small claims court not to take any further action in this case until this court decides whether to grant or deny this petition (*describe below why it is urgent that the small claims court not take any further action and check the Stay requested box on page 1 of this form*):

I/My client:

(1) asked the small claims court to stay these proceedings, but the small claims court denied this request (*include in your supporting documents a copy of the small claims court's order denying your request for a stay*).

(2) did not ask the small claims court to stay these proceedings for the following reasons (*describe below why you did not ask the small claims court to stay these proceedings*):

d. take other action (*describe*): _____

e. grant any additional relief that the appellate division decides is fair and appropriate.

Appellate Division Case Name: _____

Appellate Division Case Number: _____

Supporting Documents

13 Are the following documents attached as required by rule 8.972(b)(1) (Check a or b):

- 1 The small claims court ruling being challenged in this petition
- 1 All documents and exhibits submitted to the small claims court supporting and opposing you/your client's position
- 1 Any other documents or portions of documents submitted to the small claims court that are necessary for a complete understanding of the case and the ruling being challenged?
 - a. Yes, these documents are attached.
 - b. No, these documents are not attached for the following reasons (explain why these documents are not attached and give a fair summary of what is in these documents. Note that rule 8.972 provides that, in extraordinary circumstances, the petition may be filed without these documents, but the petitioner must explain the urgency and the circumstances making the documents unavailable):

14 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on any attached pages providing further responses to the questions above is true and correct.

Date: _____

Type or print petitioner's name

Petitioner's signature