

SMALL CLAIMS HOW TO AMEND OR CHANGE A CLAIM-PREJUDGMENT

You can Change or amend a claim that has already been filed in Small Claims Court.

AMENDING A CLAIM WHEN DEFENDANT HAS *NOT* BEEN SERVED

To amend a claim you have **not** yet served on the defendant, go to the Small Claims Court clerk where you filed your claim and ask to have an amendment added to the claim. Be sure to take all of your original claim forms with you because the clerk will need to stamp your claim with the amended information. If you do not provide the clerk with the original claim, she/he will be unable to amend your claim.

AMENDING A CLAIM WHEN THE DEFENDANT HAS BEEN SERVED

If any or your defendants **have** been served on the original claim, you will need to get permission from the Judge at trial to amend your claim. If your amendment asks for more money, you may need to re-serve your claim.

You may always dismiss your case without prejudice and re-file at a later date. This is not the best option when filing near the statute of limitations period.

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Produced by the Small Claims Court Advisory Program of the Legal Aid Society of Orange County
Phone (714) 571-5277 Website (<http://www.ocsmallclaims.com/>)