

## How to File Suit in District Court

If you have a complaint against an individual and/or business and cannot settle out of court, a District Court may help you recover your money. The procedure is inexpensive and an attorney is generally not necessary. The suits can only be filed in an attempt to recover less than \$8,000. However, you may also be entitled to costs related to a filing.

A civil suit can be filed in the District where the action occurred or where the defendant can be served. You can obtain the necessary paperwork either at the District Court or by visiting [www.AOPC.org](http://www.AOPC.org). Please be sure to include a brief description of why you are filing and the amount you are seeking.

You can return your complaint along with the appropriate filing fees by mail or in person. Below are current filing fees for 2010.

\$69.50 for a suit involving less than \$500.00

\$84.50 for a suit involving \$501.00 to \$2,000.00

\$100.00 for a suit involving \$2,001.00 to \$4,000.00

\$138.00 for a suit involving \$4,001.00 to \$8,000.00

You will need to contact the District Court to obtain the appropriate postage cost or constable fees if complaint is to be served by constable.

A hearing should be scheduled no less than 12 but not more than 60 days from the time you have filed. The other party will receive the complaint either by mail or by constable.

Participating in the hearing will be you, any witnesses, the defendant and the District Judge. You are permitted to bring an attorney if you so choose. The District Judge will explain the court's operating procedure. Do not be afraid to ask questions. Both sides will be given the opportunity to tell their view of the story, present any documents, and question each other. The District Judge must reach a decision within five (5) days; however, a ruling may be made the day of the hearing.

After the hearing, if judgment is entered in your favor, the other party has thirty (30) days to pay the judgment, make arrangements with you to pay installments or to file an appeal. A notice of intent to appeal must be filed with the prothonotary in the county courthouse. You will receive a copy of this notice. Common Pleas Court will then hear the entire case over again. It is important to understand that this procedure is much more formal and it is highly recommended that you be represented by an attorney.

If after 30 days judgment has not been satisfied and an appeal has not been filed, you may proceed by filing an order of execution. You will need to contact the District Court in order to determine the fees for this procedure.

If you have further questions, please do not hesitate to contact the Department of Consumer protection.