

## Instructions to Plaintiff

The "Small Claims Court" is a part of Connecticut's court system where a person can sue for **money damages only up to \$5,000**. That amount is set by state law and may change from time to time. You may also be able to get interest and costs.

When a tenant (renter) of residential real estate property sues a landlord for the return of a wrongfully withheld security deposit, the Judicial Authority (Magistrate) may award the tenant twice the amount of the security deposit even if the total amount of damages and costs, combined, is greater than \$5,000. Read sections 51-15(d) and 47a-21 of the Connecticut General Statutes for more information.

### **The small claims court does not hear libel and slander cases.**

The instructions below are numbered. The numbers are the same as the numbered sections of the *Small Claims Writ and Notice of Suit* (form JD-CV-40). These instructions are to help you correctly fill out each section of the *Small Claims Writ and Notice of Suit*. For more information, get a copy of *How Small Claims Court Works* (form JDP-CV-45) from the Clerk's Office or from our website at [www.jud.ct.gov/faq/smallclaims.html](http://www.jud.ct.gov/faq/smallclaims.html).

**Note:** Unless you are hiring a state marshal to serve (deliver) the *Small Claims Writ and Notice of Suit* for you, you must deliver a copy of the completed original *Small Claims Writ and Notice of Suit* to each defendant with the *Instructions to Defendant* (form JD-CV-121), before filing those documents with the court. See *How to Serve (Deliver to Defendant) a Small Claim Writ and Notice of Suit* (form JD-CV-122) for instructions. You must deliver a copy of all the documents you want to file with the court, for example, all attachments to the original writ must be delivered. After all of those documents have been delivered, file the original *Small Claims Writ and Notice of Suit* and copies of your supporting documents (for example, a lease or a contract) with the court, with the appropriate entry fee and *Statement of Service* (form JD-CV-123) for each defendant. Keep a copy of the *Small Claims Writ and Notice of Suit* and the *Statement of Service* for your records. Keep the original of any supporting documents.

### **1. Information That Will Determine Where The Trial Will Be**

The information you give in this section will determine where the trial will be held as long as the information complies with the law.

**If you are suing as a Landlord or Tenant**, enter the town where the rental property is located.

**If you are an Individual Plaintiff**, choose and enter one of the following: the town (a) where you live, (b) where the defendant lives or where the defendant's business is located, or (c) where the transaction or injury occurred. If you leave this section blank, the town where you live will determine the trial location.

**If you are a Business Entity**, including a domestic or United States corporation or a limited liability company, choose and enter one of the following: the town (a) where the defendant lives, (b) where the defendant is doing business, or (c) where the transaction or injury occurred. If you leave this section blank, the town where the defendant lives will determine the trial location.

**Note:** An out-of-state **Individual Defendant** must own real or personal property in Connecticut to be sued in small claims court.

### **2. Case Type Codes:**

The small claims case type code will contain a major code, which will be either S or H, and a minor code, which will be a number.

Select the code that best describes your case:

Code	Description
S00	Small Claims - Collection - Credit Card (Original Owner)
S05	Small Claims - Collection - Hospital
S10	Small Claims - Collection - Medical Non-Hospital
S15	Small Claims - Collection - Purchased Debt
S20	Small Claims - Contract - Home Improvement
S25	Small Claims - Contract - Other
S50	Small Claims - Tort - Motor Vehicle
S55	Small Claims - Tort - Other
S90	Small Claims - All Other
H11	Small Claims Housing - Return of Security Deposit
H13	Small Claims Housing - Rent and/or Damages

### **3. Claim Between Landlord and Tenant (Renter)**

If the claim is between a landlord and a renter (tenant), then select the box for "Yes". If not, then select the box for "No".

### **4. Rental Property Location**

If you answered "Yes" to question 3, then write the name of the town where the rental property is located.

### **5. Plaintiff(s)**

You are the plaintiff because you are the person suing the other party. If there is more than 1 plaintiff, use the *Continuation of Parties* (form JD-CV-67). Enter the complete and correct legal name, address, and telephone number of each plaintiff. For each plaintiff, select the box for the type of plaintiff filing.

### **6. Attorney Information**

To be filled out by an attorney only if representing the plaintiff.

### **7. Defendant(s)**

The defendant is the person you are suing. If you are suing more than 1 person, use 1 box for each defendant. For more than 2 defendants, use the *Continuation of Parties* (form JD-CV-67). Enter the complete and correct legal name, address, and telephone number of each defendant. For each defendant, select the box for the type of defendant being sued.

**Note:** The name of the person or business you are suing must be exact. If you make a mistake and list the wrong name, or leave out any part of any name, your claim may not be allowed.

### **8. Statute of Limitations**

A statute of limitations is a time limit on how long you have to start a case. The time limit is different for each type of case. More information can be found in Chapter 926 of the Connecticut General Statutes. If you claim the defendant(s) owe(s) a consumer debt, which is a debt or obligation made primarily for personal, family, or household reasons, you must give the reasons why you believe that the statute of limitations time limit has not run out. See section 52-350a(2) of the Connecticut General Statutes.

### **9. Address Verification**

Select all boxes that apply showing how you know the address you give for each defendant is accurate and provide the date you checked the addresses.

### **10. Amount Claimed**

Enter the amount of money you are claiming the defendant owes you. The amount may not be more than the statutory limit for small claims matters. If you claim pre-judgment interest or that you should be awarded double damages because you are a tenant and your landlord wrongfully withheld your security deposit, select the box(es) that apply.

Do **not** include the filing fee, amount of pre-judgment interest, or double damages for a wrongfully withheld security deposit.

### **11. Reason for Claim**

Give a clear, brief description of your case. You may attach additional pages, if needed. The claim must be for money damages only. Interest and/or the amount for double damages for a wrongfully withheld security deposit **must** be listed in this section. You may attach exhibits or documents to support your case (for example, a lease or contract). However, **do not** attach original versions; attach only copies. Attachments may not be returned to you. You may bring original documents to your hearing.

### **12. Signature and Oath**

Your signature **must** be under oath. You must sign the writ in front of the person who is taking your oath. You must also clearly print your name and title, if applicable, in the box provided. Your oath must be taken at the time you sign the writ, and the person who took your oath (the Clerk, a Notary, or a Commissioner of the Superior Court) must also sign. Attorneys are Commissioners of the Superior Court.

**Keep a copy of all documents for your records.**

**SMALL CLAIMS WRIT  
AND NOTICE OF SUIT**

JD-CV-40 Rev. 9-19  
C.G.S. §§ 51-15, 51-345(g)

**This form is available  
in other language(s).**

STATE OF CONNECTICUT  
SUPERIOR COURT  
SMALL CLAIMS SESSION  
[www.jud.ct.gov](http://www.jud.ct.gov)



Type or print legibly. This Small Claims Writ and Notice of Suit must be served on (delivered to) the defendant(s) before filing it with the court. See Instructions to Plaintiff on reverse.

1.) Location information that will determine where the trial will be:	2.) Case type code (See list on reverse page 1)
	Major: _____ Minor: _____

3.) Is this a claim between a landlord and a tenant (renter)? (Select one) <input type="checkbox"/> Yes <input type="checkbox"/> No	4.) If you answered "Yes" to question #3, state the town where the rental premises is located:
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Parties	Name (Last, First, Middle Initial) and Address of Each Party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	(Select one) <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> Individual <input type="checkbox"/> DBA <input type="checkbox"/> Corporation	P-01
5.) First Plaintiff	Name: Address: Telephone:		

6.) Name, address, and zip code of Attorney for Plaintiff(s)	Attorney's Juris Number	Telephone number (w/area code)
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7.) First Defendant	Name: Address: Telephone:	(Select one) <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> Individual <input type="checkbox"/> DBA <input type="checkbox"/> Corporation	D-01
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For more than 1 plaintiff/defendant, attach *Continuation of Parties* (form JD-CV-67) and select this box.

8.) If this claim is a consumer debt, which is a debt or obligation made primarily for personal, family, or household reasons, give the reasons why you believe that the statute of limitations has not expired.

9.) How did you check in the last 6 months that the address given for defendant(s) is accurate?

Select all boxes that apply and provide the dates that the address was checked.

I checked town or city records (for example, checking a street list or tax records) \_\_\_\_\_ (date checked)  
 I checked with the Department of Motor Vehicles \_\_\_\_\_ (date checked)  
 I received correspondence (letters or other mail) from the defendant with that return address \_\_\_\_\_ (date checked)  
 I received other proof from the defendant that the address is current \_\_\_\_\_ (description of proof and date checked)  
 I mailed by first class mail, at least 4 weeks before this small claims action was filed, a letter to the defendant at the address used and the letter has not been returned to me by the United States Postal Service \_\_\_\_\_ (last date checked for returned letter)

10.) Amount claimed*	<b>Plus Costs</b>	<input type="checkbox"/> Plus pre-judgment interest** <input type="checkbox"/> Plus double damages for security deposit withheld**
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\*The Amount Claimed may not be more than \$5,000. Do not include amounts for pre-judgment interest or doubling the security deposit in box 10.

\*\*If you select one or more boxes, you MUST explain how much you want for each item in section 11 below.

**To Defendant(s):**

11.) You are being sued. The Plaintiff(s) claims you owe the above amount plus costs and pre-judgment interest and/or double damages for a withheld security deposit (if selected) for the following reasons:

The person signing below, being duly sworn, states that he or she has read the claim above and the information contained in this form and, to the best of his or her knowledge, information and belief, there is good ground to support the claim and the information is true.

12.) Signed	Type in name of person signing at left and title, if applicable	For Court Use Only (Date/Stamp)
Subscribed and sworn to before me on	Signed (Clerk, Notary, Commissioner of the Superior Court)	

**ADA NOTICE**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at [www.jud.ct.gov/ADA](http://www.jud.ct.gov/ADA).

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1.) Location information that will determine where the trial will be:	2.) Case type code (See list on reverse page 1)
	Major: _____ Minor: _____

3.) Is this a claim between a landlord and a tenant (renter)? (Select one) <input type="checkbox"/> Yes <input type="checkbox"/> No	4.) If you answered "Yes" to question #3, state the town where the rental premises is located:
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Parties	Name (Last, First, Middle Initial) and Address of Each Party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	(Select one) <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> Individual <input type="checkbox"/> DBA <input type="checkbox"/> Corporation	P-01
5.) First Plaintiff	Name: Address: Telephone:		

6.) Name, address, and zip code of Attorney for Plaintiff(s)	Attorney's Juris Number	Telephone number (w/area code)
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7.) First Defendant	Name: Address: Telephone:	(Select one) <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> Individual <input type="checkbox"/> DBA <input type="checkbox"/> Corporation	D-01
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 I checked with the Department of Motor Vehicles \_\_\_\_\_ (date checked)  
 I received correspondence (letters or other mail) from the defendant with that return address \_\_\_\_\_ (date checked)  
 I received other proof from the defendant that the address is current \_\_\_\_\_ (description of proof and date checked)  
 I mailed by first class mail, at least 4 weeks before this small claims action was filed, a letter to the defendant at the address used and the letter has not been returned to me by the United States Postal Service \_\_\_\_\_ (last date checked for returned letter)

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**To Defendant(s):**

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Docket Number		