

TERMS AND DEFINITIONS FOR SMALL CLAIMS CASES

Alias Summons – a second summons issued in a case, in which return of service has been made and the defendant was not found.

Appearance Date – the date appearing on the summons, which sets the deadline by which the defendant must file an answer to the suit.

Complaint – the court document that is filed by the plaintiff to initiate the lawsuit.

Default Judgment – a judgment rendered by the court as a consequence of the non-appearance of the defendant, normally entered upon the failure of a party to appear or plead at the appointed time.

Defendant – the party being sued.

Plaintiff – the party that initiates the lawsuit.

Private Process Server – a person 18 years of age or older, not a party to the case or related to any party, authorized to serve process by order of the court.

Pro Se – a Latin term meaning “for oneself” or “in one’s own behalf”. A plaintiff filing her/his case without an attorney is considered pro se.

Rule to Show Cause – an order by the court, directing a party to appear before the court on a certain day, to show the court (judge) why he/she should not be held in contempt of court because of failure to comply with the court’s previous order.

Subpoena – a writ of the court, commanding a person to testify in a pending court case.

Summons – A pre-printed legal document, supplied by the Circuit Clerk, which notifies the defendant that s/he is being sued and commanding her/him to file an appearance or appear in the court for trial.

Writ of Attachment – An order by the court to the Sheriff, commanding him to take a person into custody for contempt of court and directing him to hold that individual until the day of court or admitting him/her to post bail for a future court date.