

APPEAL

If you win, however, the other party does have thirty days to appeal the decision. You cannot collect your money until this time has elapsed.

If the other party does wish to appeal, he does to the County Court House and files a "Notice of Intent to Appeal." This form shall then be served on both you and the District Justice who heard the case.



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How to Sue in District Justice Court

YOU MAY ALSO APPEAL

KEEP IN MIND THAT IF YOU LOSE THE CASE,
YOU ALSO HAVE THE RIGHT TO APPEAL.

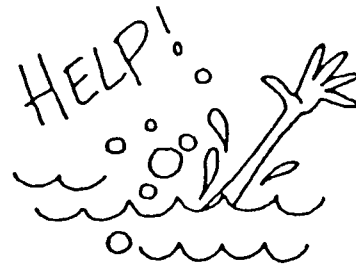
All appeals are heard in the Common Pleas Court. Since the procedure of this court is governed by the more formal Rules of Civil Procedure, an attorney is advised.

EXECUTION

If, after the time for appeal has lapsed, and no appeal was filed, and you still have difficulty collecting the judgment, ask the Justice to issue an "Order of Execution". This involves filling out a form. Then the Justice gives the order to the Constable and the Constable will then take steps to collect the money.

An execution order permits a Constable to levy on property; that is, to set aside property to be sold to pay the debt.

Any fees you pay to execute the judgment will be charged to the other party when the money is collected. THE FEES HOWEVER, MUST BE PAID IN ADVANCE.



GOT A CONSUMER COMPLAINT?
NEED CONSUMER INFORMATION?
NEED A SPEAKER FOR YOUR GROUP?

DELAWARE COUNTY OFFICE
CONSUMER AFFAIRS
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(610) 891-4865

EVELYN YANCOSKIE

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CHIEF SEALER



DELAWARE COUNTY OFFICE
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WEIGHTS & MEASURES



EVERY COMPLAINT NEEDS

WHO MAY USE A DISTRICT JUSTICE COURT?

You may file suit with a District Justice if you have a complaint against a person or a store and wish to recover money totalling less than \$8000.00. This limit excludes the cost of the suit itself; if you win you are entitled to be reimbursed for court cost. If you wish to sue for more than \$8000.00, you must sue in Common Pleas Court, a court which is much more formal and for which an attorney is practically mandatory.

SELECTING DISTRICT COURT

Once you decide that you want to sue in District Court, you must next determine which Justice has authority for your suit. You can sue in the district where the disputed transaction took place. You can sue in the district where you live if the business is located in, or the transaction occurred here. You can sue the merchant or business in the district where he lives, as long as he is not incorporated. This means that he personally can be held responsible for the disputed transaction. For assistance in finding the correct court, you can call (610) 565-6990 or (610) 891-4865.

HOW TO START THE SUIT

Once you find the correct court, the next step is to file a complaint on a form which you can obtain at the District Court office. The form is reasonably easy to complete as long as you have the required information.

- 1 - YOUR NAME AND ADDRESS
- 2 - BUSINESS NAME AND ADDRESS
- 3 - AMOUNT FOR WHICH YOU ARE SUING
- 4 - A SHORT STATEMENT OF WHY YOU BELIEVE YOU ARE ENTITLED TO THE MONEY. BE SURE TO PROVIDE ENOUGH INFORMATION SO THAT THE PERSON YOU ARE SUING KNOWS WHY HE IS BEING SUED.

FILING FEES

- Suits for less than \$100.00 - - \$31.00
- Suits from \$101 to \$500.00 - - \$31.00
- Suits from \$501 to \$2000.00 - - \$41.50
- Suits from \$2001 to \$4000.00- - \$51.50
- Suits from \$4001 to \$8000.00- - \$77.50

LANDLORD & TENANT CASES

- Less than \$2000.00- - - - - \$46.50
- \$2000.00 to \$4000.00 - - - - - \$57.00
- \$4001.00 - \$8000.00 - - - - - \$77.50

NOTIFYING THE OTHER PARTY

Once you have filed the complaint, you will receive a hearing date in the mail. The date must be between 12 and 60 days from the date you filed. The law requires that before the hearing, the other party must receive a copy of your complaint. This can be done in two ways:

- 1 - Request that the complaint be sent by certified mail.
- 2 - Request that a Constable hand deliver the complaint. There is an additional charge, however, if you win, these costs can be reimbursed. The Constable can leave the complaint with an adult resident, a person in charge of the business, or an officer of a corporation.

THE TRIAL

Present at the trial will be the District Justice, you, your witnesses, the person you're suing, and their witnesses. If either you or the defendant wish to be represented by an attorney, then they would be present also.

The Justice will explain procedures to you. During the trial, you will be given the opportunity to tell what happened to you. Take as much time as you need. Show any papers, bills, receipts or letters to the Justice. The Justice will probably ask questions, and he/she may permit the person you are suing to ask questions. Then you can call your witnesses to tell what they know about the case.

At some point the person being sued will take the stand to explain his side of the case. You will be permitted to ask questions of the defendant. The same procedure would apply to the defendant's witnesses.

After the Justice has heard all the facts from both sides and asked all his/her questions, he/she will close the case. He/she may tell you at this time what his/her decision is or they may choose to render a decision at a later time. In any event, they must reach a decision within five (5) days.

If you win the case, hopefully the loser will pay you without question. He is permitted to arrange a payment schedule with the District Justice.