

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

SHANNA COUPER ORONA

PLAINTIFF (S)

VS.

CITY AND COUNTY OF SAN FRANCISCO

DEFENDANT (S)

SMALL CLAIMS ORDER

NO.: CSM-23-866830

Small Claims - Continue Order

The Court orders this case continued per request of plaintiff to Sep-19-2023 at 3:30 pm in Department 506, 400 McAllister Street San Francisco, CA 94102.


DATED: Jul 25, 2023


JUDGE PRO TEM

Judicial Officer

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on Jul 25, 2023 I served the foregoing Small Claims - Continue Order on each party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

Dated : JUL-25-2023

By: VJONES 

SHANNA COUPER ORONA
131 STEUART STREET, STE 400
SAN FRANCISCO, CA 94105


CITY AND COUNTY OF SAN FRANCISCO
1 DR.CARLTON B.GOODLETT PLACE
SAN FRANCISCO, CA 94102

CITY AND COUNTY OF SAN FRANCISCO
1 DR.CARLTON B.GOODLETT PLACE
SAN FRANCISCO, CA 94102



Superior Court of California
County of San Francisco
Small Claims Division
400 McAllister Street, Room 103
San Francisco, CA 94102

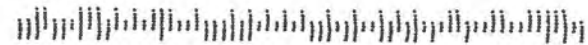


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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

SHANNA COUPER ORONA

SMALL CLAIMS ORDER

PLAINTIFF (S)

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NO.: CSM-23-866830

CITY AND COUNTY OF SAN FRANCISCO

Small Claims - Continue Order

DEFENDANT (S)

The Court orders this case continued per request of plaintiff to Sep-19-2023 at 3:30 pm in Department 506, 400 McAllister Street San Francisco, CA 94102.

DATED: Jul 25, 2023

JUDGE PRO TEM

Judicial Officer

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on Jul 25, 2023 I served the foregoing Small Claims - Continue Order on each party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

Dated : JUL-25-2023

By: VJONES

SHANNA COUPER ORONA
131 STEUART STREET, STE 400
SAN FRANCISCO, CA 94105
[REDACTED]

CITY AND COUNTY OF SAN FRANCISCO
1 DR.CARLTON B.GOODLETT PLACE
SAN FRANCISCO, CA 94102

SC-150**Request to Postpone Trial**

See instructions on other side.

- ① My name is: Shanna Couper Orona
 Mailing address: 131 Steuart Street, Suite 400
San Francisco, CA 94105
 Phone: [REDACTED]
 I am a (check one): ☒ plaintiff ☐ defendant in this case.

- ② My trial is now scheduled for (date): 7/27/2023

- ③ I ask the court to postpone my trial until (approximate date):
9/7/2023

- ④ I am asking for this postponement because (explain):
☐ If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 4" at the top.
Additional time needed in light of a pending decision in
related litigation.

- ⑤ If your trial is scheduled within the next 10 days, explain why you did not ask for a postponement sooner.
☐ If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper.
 Write "SC-150, Item 5" at the top.

Plaintiff was awaiting a related decision in the California Court of Appeal that was expected to be published sooner and needs additional time to prepare after that decision takes effect.

- ⑥ **Has your claim been served by a method allowed by law?** (See form SC-104B, What Is "Proof of Service"?, for information about how the claim can be served. Check and complete all that apply):

- ☐ If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper.
 Write "SC-150, Item 6" at the top.

- a. ☐ No. I am a defendant and have not filed a claim in this case.

- b. ☒ Yes. The parties listed below have been served:

(1) Office of the Mayor, who lives in: San Francisco, was served on: 05/04/23
name county date

(2) _____, who lives in: _____, was served on: _____
name county date

- c. ☐ No. The parties listed below have not been served (list names):

(1) _____ (2) _____

- d. ☐ I do not know. The court clerk mailed my claim, and I do not know if the court received the signed receipt for these parties (list names):

(1) _____ (2) _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 07/24/2023

Shanna Couper Orona

Type or print your name

DocuSigned by:

[Signature]
 6723C8D900C54ED

Sign here

Clerk stamps here when form is filed.

RECEIVED
 MAYOR'S OFFICE
 2023 JUL 28 PM 1:27

Fill in the court name and street address:

Superior Court of California, County of

San Francisco
 400 McAllister Street
 San Francisco, CA 94102

Fill in your case number and case name:

Case Number:

CSM23866830

Case Name:

Shanna Couper Orona v. City and County of
 San Francisco

BY FAX

See instructions on other side.

☒ This form is attached to the document checked in (2) below.**1 Server's Information**Name: Neda ShahramPhone: 415-543-9444Street or mailing address: 131 Steuart St. Suite 400City: San FranciscoState: CA Zip Code: 94105☐ Check here if you are a registered process server, and write:

County where registered: _____

Registration #: _____

2 Form or document served

- a. ☐ Form SC-105, *Request for Court Order and Answer*
 b. ☐ Form SC-109, *Authorization to Appear*
 c. ☐ Form SC-114, *Request to Amend Claim Before Hearing*
 d. ☐ Form SC-133, *Judgment Debtor's Statement of Assets*
 e. ☒ Form SC-150, *Request to Postpone Trial*
 f. ☐ Form SC-221, *Response to Request to Make Payments*
 g. ☐ Other document allowed to be served by mail (specify):

☐ Check here if there is not enough space below to list the document served. List the document on a separate page, and write "SC-112A, Item 2" at the top.

3 Server's declaration

- a. I am 18 or older. I am not a party to this small claims case. I live or work in the county where I did the mailing described below.
- b. I placed copies of the document checked in (2) and an unsigned copy of this page in a sealed envelope, addressed as follows:
- ☐ Check here if there is not enough space below to list all parties served. List their names and addresses on a separate page, and write "SC-112A, Item 3" at the top.


Name of party served	Mailing address on the envelope
City and County of San Francisco	Office of the Mayor, Room 200, 1. Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

- c. On (date of mailing): July 24, 2023, I placed each envelope in the mail, with postage paid, at (city and state of mailing): San Francisco, CA

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 07/24/2023Neda Shahram

Type or print server's name


 Server signs here

SC-150**Request to Postpone Trial**

See instructions on other side.

① My name is: Shanna Couper OronaMailing address: [REDACTED]Phone: [REDACTED]I am a (check one): ☒ plaintiff ☐ defendant in this case.② My trial is now scheduled for (date): 07/06/2023③ I ask the court to postpone my trial until (approximate date):
07/27/2023

④ I am asking for this postponement because (explain):

☐ If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 4" at the top.Additional time needed to prepare for hearing

⑤ If your trial is scheduled within the next 10 days, explain why you did not ask for a postponement sooner.

☐ If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 5" at the top.⑥ **Has your claim been served by a method allowed by law?** (See form SC-104B, What Is "Proof of Service"?, for information about how the claim can be served. Check and complete all that apply):☐ If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 6" at the top.a. ☐ No. I am a defendant and have not filed a claim in this case.b. ☒ Yes. The parties listed below have been served:(1) Office of the Mayor, who lives in: San Francisco, was served on: 05/04/23
name county date(2) _____, who lives in: _____, was served on: _____
name county datec. ☐ No. The parties listed below have not been served (list names):

(1) _____ (2) _____

d. ☐ I do not know. The court clerk mailed my claim, and I do not know if the court received the signed receipt for these parties (list names):

(1) _____ (2) _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 06/22/2023Shanna Couper Orona

Type or print your name

DocuSigned by:
[Signature]
4723E0D960C6A7C0
Sign here

Clerk stamps here when form is filed.

MAYOR'S OFFICE

2023 JUL 10 PM 4:25

Fill in the court name and street address:

Superior Court of California, County of**San Francisco**
400 McAllister Street
San Francisco, CA 94102

Fill in your case number and case name:

Case Number:**CSM23866830****Case Name:****Shanna Couper Orona v. City and County of**
San Francisco

2023 JUL 11 PM 4:02

See instructions on other side.

- ☒ This form is attached to the document checked in (2) below.

1 Server's InformationName: Neda Shahram Phone: 415-543-9444Street or mailing address: 131 Steuart St. Suite 400City: San Francisco State: CA Zip Code: 94105

- ☐ Check here if you are a registered process server, and write:

County where registered: _____ Registration #: _____

2 Form or document served

- a. ☐ Form SC-105, *Request for Court Order and Answer*
 b. ☐ Form SC-109, *Authorization to Appear*
 c. ☐ Form SC-114, *Request to Amend Claim Before Hearing*
 d. ☐ Form SC-133, *Judgment Debtor's Statement of Assets*
 e. ☒ Form SC-150, *Request to Postpone Trial*
 f. ☐ Form SC-221, *Response to Request to Make Payments*
 g. ☐ Other document allowed to be served by mail (specify):
☐ Check here if there is not enough space below to list the document served. List the document on a separate page, and write "SC-112A, Item 2" at the top.

3 Server's declaration

- a. I am 18 or older. I am not a party to this small claims case. I live or work in the county where I did the mailing described below.
 b. I placed copies of the document checked in (2) and an unsigned copy of this page in a sealed envelope, addressed as follows:
☐ Check here if there is not enough space below to list all parties served. List their names and addresses on a separate page, and write "SC-112A, Item 3" at the top.

Name of party served	Mailing address on the envelope
City and County of San Francisco	Office of the Mayor, Room 200, 1. Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

- c. On (date of mailing): June 23, 2023, I placed each envelope in the mail, with postage paid, at (city and state of mailing): San Francisco, CA

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 06/23/2023

Neda Shahram
 Type or print server's name


 Server signs here

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

SHANNA COUPER ORONA

SMALL CLAIMS ORDER

PLAINTIFF (S)

VS.

NO.: CSM-23-866830

CITY AND COUNTY OF SAN FRANCISCO

Small Claims - Continue Order

DEFENDANT (S)

The Court orders this case continued per request of plaintiff to Jul-27-2023 at 3:30 pm in Department 506, 400 McAllister Street San Francisco, CA 94102.

DATED: Jun 26, 2023

JUDGE PRO TEM

Judicial Officer



I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on Jun 26, 2023 I served the foregoing Small Claims - Continue Order on each party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

Dated : JUN-26-2023

By: ZKALOO

SHANNA COUPER ORONA
131 STEUART STREET, STE 400
SAN FRANCISCO, CA 94105

CITY AND COUNTY OF SAN FRANCISCO
1 DR.CARLTON B.GOODLETT PLACE
SAN FRANCISCO, CA 94102

CITY AND COUNTY OF SAN FRANCISCO
1 DR.CARLTON B.GOODLETT PLACE
SAN FRANCISCO, CA 94102

SC-100**Plaintiff's Claim and ORDER
to Go to Small Claims Court****Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court**The people in ① and ② must attend court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	JUL 06 2023	1:30 pm	506	5TH Floor
2.				
3.				
Date:		MAY 04 2023		Clerk, by VERLINDA JONES, Deputy

Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- You are the plaintiff. The person you are suing is the defendant.
- Before** you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Clerk stamps date here when form is filed.

2023 MAY -4 PM 4:22
ENDORSED
FILED
San Francisco County Superior Court
MAY 04 2023
CLERK OF THE COURT
BY: VERLINDA JONES

Fill in court name and street address:

Superior Court of California, County of
San Francisco
400 McAllister Street
San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number:
CSM23866830
Case Name:
Shanna Couper Orona v. City and County of San Francisco

BY FAX

2023 MAY -4 AM 10:22

RECEIVED
MAY 13 2023

Plaintiff (list names):
Shanna Couper Orona

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: Shanna Couper Orona

Phone:

Street address:

Mailing address (if different): 131 Steuart Street, Ste 400

San Francisco

CA

94105

Email address (if available):

If more than one plaintiff, list next plaintiff here:

Name:

Phone:

Street address:

Mailing address (if different):

Email address (if available):

☐ Check here if more than two plaintiffs and attach form SC-100A.

☐ Check here if either plaintiff listed above is doing business under a fictitious name and attach form SC-103.

☐ Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: City and County of San Francisco

Phone: 415-554-6141

Street address: 1 Dr. Carlton B. Goodlett Place

San Francisco

CA

94102

Mailing address (if different):

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: Office of the Mayor

Job title, if known:

Address: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 200

San Francisco

CA

94102

☐ Check here if your case is against more than one defendant and attach form SC-100A.

☐ Check here if any defendant is on active military duty and write defendant's name here:

3 The plaintiff claims the defendant owes \$ 10,000.00 . (Explain below and on next page.)

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form

SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt).)

a. Why does the defendant owe the plaintiff money?

Defendant City and County of San Francisco towed Plaintiff's RV, in which she was living, containing all of her belongings, for unpaid parking tickets. The RV was sold, depriving Plaintiff of her home and all of her personal property.



Plaintiff (list names):
Shanna Couper Orona

Case Number:

3 b. When did this happen? (Date): April 15, 2022

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

This is far less than the value of the property taken, as shown by the attached, but I am requesting \$10,000 for the expediency of the small claims forum.

☒ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.

4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

☒ Yes ☐ No If no, explain why not:

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
(2) Where the plaintiff's property was damaged.
(3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. ☐ Other (specify): _____

6 List the zip code of the place checked in 5 above (if you know): 94102

7 Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

8 Are you suing a public entity? ☒ Yes ☐ No

If yes, you must file a written claim with the entity first. ☒ A claim was filed on (date): October 20, 2022

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

Plaintiff (list names):
Shanna Couper Orona

Case Number:

9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☒ No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500? ☒ Yes ☐ No

If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

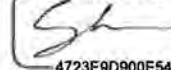
I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: 4/20/2023

Shanna Couper Orona

Plaintiff types or prints name here

DocuSigned by:



4723E9D900E54EB...

Plaintiff signs here

Date:

Second plaintiff types or prints name here

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)

SC-100**Information for the defendant (the person being sued)**

"Small claims court" is a special court where claims for \$10,000 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.)* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options? Yes. If you are being sued you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#), and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

**Need help?**

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form [SC-500](#).)



SC-100**Información para el demandado (la persona demandada)**

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparesse.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).

- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Matthew J. Rothschild
Chief of Claims Division

DIRECT DIAL: (415) 554-3926
E-MAIL: MATTHEW.ROTHSCHILD@SFCITYATTY.ORG

November 14, 2022

Hadley Rood
131 Steuart St., Ste. 400
San Francisco, CA 94105

RE: Claim of Shanna Couper Orona / Claim Number 23-00587

Department: MTATOW MTA Tow-related Matters
Incident Date:
Claim Filed: October 20, 2022

NOTICE OF ACTION UPON CLAIM**PLEASE TAKE NOTICE THAT**

An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is **DENIED**.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the City and County of San Francisco will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

DAVID CHIU
City Attorney

Matthew J. Rothschild
Matthew J. Rothschild
Chief of Claims Division

BY: _____

These items were confiscated and destroyed by the City when they seized and sold my RV. Values were researched online or approximated when that was not possible. My request for emotional damages is also identified below.

ITEM	VALUE
Dodge Sportsman F40 RV	\$5,500
Alpine stereo system with 30-disk CD changer	\$439
Speaker system with 8 speakers	\$69.95 per speaker (\$559.60)
4000-watt inverter	\$189
Jackery solar generator	\$1,100
Dewalt part organizer	\$49
Dewalt tool box	\$129
Craftsman tool box	\$209
Craftsman tool set	\$400
BMX bike GT rims	\$172.21
GT BMX 9-tooth sprocket	\$34.99
Additional 9-tooth sprockets	\$200
2 Vans tires	\$24.79 each (\$49.58 total)
GT BMX bicycle handlebars	\$56.99
GT BMX purple pedals	\$11.00
GT BMX bicycle seat	\$28.00
GT BMX bicycle seat clamp	\$25
GT BMX bicycle seat post	\$45.99
Steel bearings for BMX bikes	\$48
New Schwin bike cart	\$189
Used bike cart	\$50
Used 9-bot electric scooter	\$300
Brand-new REI 6-person tent	\$500
Tarps	\$300
Clothes (including 2 pairs of new Levis jeans, new shirts, and others)	\$340
Doc Martins	\$170
Keane steel-toed boots	\$150
Cat food	\$46.98
Dog food	\$44.38
Kitty tree	\$150
2 dog harnesses, leashes, collars, and other pet supplies	\$100
2 mesh pet carrying cases	\$18.88 each (\$37.76 total)
Dog backpack	\$39.99
Cat toys	\$50
Dishes	\$47.39
Pots and pans	\$65.39
Clothing storage containers	\$50
Vintage silver jewelry box	\$100
Jewelry	\$300

Electronics (including computer and laptop cords, old phones, and others)	\$250
Two portable heaters	\$130 each (\$260 total)
3 brand-new Interstate deep-cell batteries	\$118.98 each (\$356.94 total)
Fabric to recover couch cushions	\$75
Brand-new memory foam mattress	\$189
Brand-new mattress topper	\$79
Down comforter	\$145.99
Box with collection of skeleton keys, old-fashioned locks, and other collectables	Priceless
Prescription glasses	Priceless
Tools I inherited from my dad, who has now passed	Priceless
Emotional Distress	\$11,412.82
TOTAL	\$25,001

SMALL CLAIMS CASE NO: **CSM-24-867839****NOTICE TO ALL PLAINTIFFS AND DEFENDANTS:**

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:

Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener información de importancia acerca de sus derechos.

PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each.)

JAMES EDWARD FORD JR.
131 STEUART STREET, SUITE 400
SAN FRANCISCO, CA 94105

Telephone No.: _____

DEFENDANT/DEMANDADO (Name, street address, and telephone number of each.)

CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

Telephone No.: **(415) 554-6141**

Telephone No.: _____

Telephone No.: _____

NOTICE OF ENTRY OF JUDGMENTJudgment was entered as below on: **Mar-13-2024**

Defendant **CITY AND COUNTY OF SAN FRANCISCO**
 does not owe plaintiff **FORD JR., JAMES EDWARD**
 any money on plaintiff's claim.

Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.

NOTICE OF DESTRUCTION OF EXHIBITS PURSUANT TO CCP 1952

Pursuant to Section 1952 of the Code of Civil Procedure of California, notice is hereby given that the exhibits introduced in the above-entitled proceedings shall be destroyed sixty (60) days after the mailing of the notice of entry of judgment or the final determination of an appeal. You may personally pick up your exhibits at the Small Claims Division or send someone with written authorization to pick them up. Exhibits will not be mailed. Upon written request, the court may preserve exhibits not to exceed one (1) year from the date of this notice.

CLERK'S CERTIFICATE OF MAILING – I certify that I am not a party to this action. This Notice of Entry of Judgment and Notice of Destruction of Exhibits was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: **San Francisco, California**Date of mailing: **Mar-13-2024**Clerk, by **DACARTER**, Deputy

– The county provides small claims advisor services free of charge. Read the information sheet on the reverse. –

Page 1 of 2

SC-100**Plaintiff's Claim and ORDER
to Go to Small Claims Court****Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in ① and ② must attend court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	MAR 07 2024	3:30pm	506	6th Flr
2.				
3.				
Date: JAN 12 2024		Clerk, by ZUBEDA KALOO, Deputy		

Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- You are the plaintiff. The person you are suing is the defendant.
- **Before** you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- **Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

Clerk stamps date here when form is filed.

**ENDORSED
FILED**
Superior Court of California
JAN 12 2024
CLERK OF THE COURT
Superior Court of California, County of San Francisco
BY: **ZUBEDA KALOO**
CITY CLERK

Fill in court name and street address:

**Superior Court of California, County of
San Francisco**
400 McAllister Street
San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number:

CSM-24-867839

Case Name:

Ford Jr Vs city & County of SF

RECEIVED
MAYOR'S OFFICE
2024 JAN 12 PM 3:27

Hand Del.



Plaintiff (list names):

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: James Edward Ford Jr. Phone: [REDACTED]

Street address: Homeless

Street City State Zip

Mailing address (if different): 131 Steuart Street, Suite 400 San Francisco CA 94105

Street City State Zip

Email address (if available): [REDACTED]

If more than one plaintiff, list next plaintiff here:

Name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

Email address (if available): _____

☐ Check here if more than two plaintiffs and attach form SC-100A.

☐ Check here if either plaintiff listed above is doing business under a fictitious name and attach form SC-103.

☐ Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: City and County of San Francisco Phone: 415-554-6141

Street address: 1 Dr. Carlton B. Goodlett Place San Francisco CA 94102

Street City State Zip

Mailing address (if different): _____

Street City State Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: Office of the Mayor Job title, if known: _____

Address: 1 Dr. Carlton B. Goodlett Place, Room 200 San Francisco CA 94102

Street City State Zip

☐ Check here if your case is against more than one defendant and attach form SC-100A.

☐ Check here if any defendant is on active military duty and write defendant's name here: _____

3 The plaintiff claims the defendant owes \$ 12,500.00 . (Explain below and on next page.)

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt).)

a. Why does the defendant owe the plaintiff money?

In violation of my constitutional rights, San Francisco Police Department (SFPD) and the San Francisco Municipal Transportation Agency (SFMTA) towed the vehicle I lived in and seized and destroyed my belongings in the vehicle, without giving me adequate notice or an opportunity to retrieve my property.



Plaintiff (list names):

Case Number:

- 3 b. When did this happen? (Date): January 9, 2023
If no specific date, give the time period: Date started: _____ Through: _____
- c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)
The cost covers the property that was confiscated and allowance for the emotional distress that this incident caused.

☒ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.

- 4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

☒ Yes ☐ No If no, explain why not:

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
(2) Where the plaintiff's property was damaged.
(3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. ☐ Other (specify): _____

- 6 List the zip code of the place checked in 5 above (if you know): 94102

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No
If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☒ Yes ☐ No
If yes, you must file a written claim with the entity first. ☒ A claim was filed on (date): July 8, 2023
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):

Case Number:

- 9 Have you filed more than 12 other small claims within the last 12 months in California?
☐ Yes ☒ No If yes, the filing fee for this case will be higher.
- 10 Is your claim for more than \$2,500? ☒ Yes ☐ No
If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.
- 11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: January 11, 2024

James Edward Ford Jr.

Plaintiff types or prints name here

Plaintiff signs here

Date:

Second plaintiff types or prints name here

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form [MC-410, Disability Accommodation Request](#). (Civ. Code, § 54.8.)



"Small claims court" is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.)* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options? Yes. If you are being sued you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#), and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparesse.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo* (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02, y el formulario SC-500.)

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

July 21, 2023

Zal Shroff
131 Steuart St., Ste. 400
San Francisco, CA 94105

RE: Claim of James Edward Ford Jr. / Claim Number 24-00034

Department: MTATOW MTA Tow-related Matters
Incident Date: January 9, 2023
Claim Filed: July 8, 2023

NOTICE OF ACTION UPON CLAIM

PLEASE TAKE NOTICE THAT

An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is **DENIED**.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

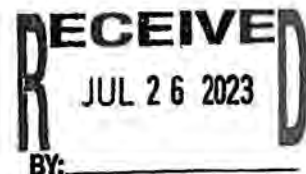
Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the City and County of San Francisco will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

DAVID CHIU
City Attorney

A handwritten signature in black ink, appearing to read "Nichelle Flentroy".

Nichelle Flentroy
Claims Adjuster



ITEM	VALUE (approximate)
2 Gas Cans	\$60
Car battery chargers	\$80
Tool box	\$100
2 Car Jumper Packs	\$200
5 Designer backpacks and 4 other backpacks	\$1,000
5 skateboards	\$300
Medications	\$50
Dog clothes, bedding	\$200
Approx. 11 glasses (reading, Ray Ban sunglasses)	\$600
4 Designer belts	\$600
Over 20 Designer and Sport Team Hats	\$600
6 Designer Jackets (Ford Racing, Tupac, Raiders, Louis Vuitton, etc.)	\$1,200
9 Pairs of Designer Shoes (Louis Vuitton, Air Jordan, Fila, Converse, Adidas, Puma)	\$1,000
5 Generic Brand Pants	\$150
13 Designer jeans (Michael Kors, Dickies, Levi's)	\$400
2 Designer polos, 2 Adidas track suits, and 15 sports jerseys	\$700
Approx. 60 t-shirts	\$600
Approx. 80 undergarments (socks, underwear, tank tops)	\$400
5 JBL Bluetooth speakers	\$500
SoCal Flyer Bike	\$599
10 Tech Items (Asus chrome book, Acer gaming laptop, Sony ZV I camera, Amazon Kindle, iPad mini, iPhone 6 and 6+, Emerson projector, telescope, etc.)	\$2,000
Car parts (Honda generator, etc.)	\$1,199
Cash, bond, coins	\$300
Health items (teeth, toiletries)	\$400
Government identification and financial paperwork, credit cards	\$50
Service animal paperwork	\$50
Jewelry	\$600
Mercedes Benz S-430Z, 135k, 2002	\$7,000
Signed Raiders banner and Helmet	Priceless
Baseball, football, comic collector's cards	Priceless
Hot wheels car collection	Priceless
My father's ashes	Priceless
My father's sun glasses	Priceless
Gemstones inherited from family	Priceless
Emotional Distress	\$2,455
TOTAL	\$17,000

The City permanently deprived Mr. Ford of \$17,000 worth of personal property, not including priceless and irreplaceable items. However, Mr. Ford is seeking only \$12,500 here, the maximum amount allowable in small claims court.

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

January 22, 2024

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401

RE: File Name: Philip Benzinger
 CCSF File Number: 240597
 Oregon Small Claims Case Number: 24SC00311
 Incident Date: November 21, 2023

To: Clerk of the Lane County Circuit Court

We send this letter to the court as a courtesy and special appearance.

Our office received notice from the Court that Philip Benzinger has filed a small claims action in Oregon with the Lane County Circuit Court (24SC00311). Mr. Benzinger alleges that his car was improperly towed by the City and County of San Francisco in San Francisco. We have informed Mr. Benzinger that in order to sue San Francisco, he must first file a claim with San Francisco and that the proper venue for any suit against San Francisco for an incident that occurred in San Francisco is the San Francisco Superior Court.

We dispute that the Lane County Circuit Court has jurisdiction over this matter or that it is the proper venue for this matter. As such, the City and County of San Francisco will not be appearing on this matter in the Lane County Circuit Court.

Please feel free to contact me if you have any questions. I can be reached at (415) 554-4232.

Very truly yours,

DAVID CHIU
City Attorney

A handwritten signature in black ink, appearing to read "Nichelle Flentroy", written over the typed name.

Nichelle Flentroy
Claims Adjuster

cc: Philip Benzinger

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

January 19, 2024

Philip Benzinger

RE: File Name: Philip Benzinger
 CCSF File Number: 240597
 Oregon Small Claims Case Number: 24SC00311
 Incident Date: November 21, 2023

Dear Mr. Benzinger:

Your State of Oregon for Lane County *Small Claim and Notice of Small Claim* with case number 24SC00311 was received by this office on January 18, 2024.

A claim must be filed against a government entity before filing a Small Claims Court action. I have attached a *Claim Against the City and County of San Francisco* claim form, which can also be accessed at <https://www.sfcityattorney.org>

Oregon is not the proper venue for this matter. You would need to file any action regarding this matter with the Superior Court of California, County of San Francisco. Their website is <https://sf.courts.ca.gov>. I have also attached an *SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court* for your convenience. Please reference Section 5 (highlighted).

The following website provides general information regarding towed vehicles in San Francisco: <https://www.sfmta.com/getting-around/drive-park/towed-vehicles>

Please contact me immediately at (415) 554-4232 to discuss this matter.

Very truly yours,

DAVID CHIU
City Attorney

Nichelle Flentroy
Claims Adjuster

CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

Before completing this form please read the instructions on the back. Untimely claims will be returned. Please submit this form and supporting documentation to the **Controller's Office, Claims Division, 1390 Market Street, 7th Floor, San Francisco, CA 94102** in person or by mail.

* = REQUIRED ** = REQUIRED IF KNOWN

1. Claimant's Name and Home Address (Please Print Clearly) * <hr/>			2. Send Official Notices and Correspondence to: * <hr/>		
City <hr/>	State <hr/>	Zip <hr/>	City <hr/>	State <hr/>	Zip <hr/>
Telephone Daytime Evening Cellular <hr/>			Telephone Daytime Evening Cellular <hr/>		

3. Date of Birth <hr/>	4. Social Security Number <hr/>	5. Date of Incident * <hr/>	6. Time of Incident (AM or PM) ** <hr/>
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7. Location of Incident or Accident ** <hr/>	8. Claimant Vehicle License Plate #, Type, Mileage, and Year ** <hr/>
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9. Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property and City departments involved. State why you believe the City is responsible for the alleged injury, property damage or loss. * <hr/> <hr/> <hr/>

Name, I.D. Number and City Department of City Employee who allegedly caused injury or loss ** <hr/>	Type of City Vehicle ** <hr/>	Vehicle License Number and Bus or Train Number ** <hr/>
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10. Description of Claimant's injury, property damage or loss * <hr/> <hr/> <hr/> <hr/> <hr/>	11. Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. (See Instructions) <div style="text-align: center; margin-top: 10px;"> ITEMS </div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">*</td> <td style="width: 20%; text-align: right;">\$</td> <td><hr/></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td><hr/></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td><hr/></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td><hr/></td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> <td><hr/></td> </tr> <tr> <td>TOTAL AMOUNT</td> <td style="text-align: right;">\$</td> <td><hr/></td> </tr> </table> <div style="margin-top: 10px;"> Court Jurisdiction: Limited (up to \$25,000) <input type="checkbox"/> Unlimited (over \$25,000) <input type="checkbox"/> </div>	*	\$	<hr/>		\$	<hr/>		\$	<hr/>		\$	<hr/>		\$	<hr/>	TOTAL AMOUNT	\$	<hr/>
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TOTAL AMOUNT	\$	<hr/>																	

12. Witnesses (if any) Name	Address	Telephone
1. <hr/>	<hr/>	<hr/>
2. <hr/>	<hr/>	<hr/>

13. * <hr/>	
Signature of Claimant or Representative	Date
Print Name	Relationship to Claimant

Do Not Write In This Space <div style="height: 100px;"></div>

CRIMINAL PENALTY FOR PRESENTING A FALSE OR FRAUDULENT CLAIM IS IMPRISONMENT OR FINE OR BOTH. (PENAL CODE §72)

INSTRUCTIONS FOR FILING A CLAIM

Failure to complete all sections of the Claim form will delay the processing of your claim
and result in the return or denial of your claim.

- 1. Claimant's Name, Address and Telephone**-State the full name, mailing address, and telephone numbers of the person claiming personal injury, damage or loss.
- 2. Official Notices and Correspondence**-Provide the name, mailing address, and telephone numbers of the person to whom all official notices and other correspondence should be sent, if other than claimant. This official contact person can be the claimant or a representative of the claimant. If this section is completed, all official notices and correspondence will be sent to the person listed.
- 3. Date of Birth**-State claimant's date of birth including month, day, and year.
- 4. Social Security Number**-State the claimant's social security number. The Federal Government requires the City to report settlements for present or future medical care. This information will be kept confidential and only shared with the Federal Government. The City is unable to process payment without this information.
- 5. Date of Incident**-State the exact month, day, and year of the incident giving rise to the claim.
- 6. Time of Incident**-State the exact time, including A.M. or P.M., of the incident giving rise to the claim.
- 7. Location of Incident of Accident**-Include the city and exact street address or intersection where the incident occurred.
- 8. Claimant Vehicle License Plate Number**-Please provide license plate number of vehicle driven by claimant or in which claimant was a passenger.
- 9. Basis of Claim**-State in detail all facts supporting your claim, including all facts and circumstances of the incident, all alleged injuries, property damage and loss, all persons, entities, property and City departments involved, and why you believe the City is responsible for the alleged injury, property damage or loss. In the appropriate boxes, provide the name, I.D. number and City department of the City employee(s) who allegedly caused the injury or property damage, the type of City vehicle involved (if any), and the license and number of the City vehicle involved (if any). For accidents involving a bus or light rail vehicle, please provide the line and vehicle number.
- 10. Description of Injury, Property Damage or Loss**-Provide in full detail a description of the injury, property damage or loss that allegedly resulted from the incident. If claimant's vehicle was involved, provide the make, model, mileage, and year. You may attach additional material.
- 11. Amount of Loss and Method of Computation**-State the total amount of money you claim in damages. Provide a breakdown of each item of damages and how that amount was computed. You may include future, anticipated expenses or losses. Please attach copies of all bills, receipts and repair estimates. If the claim involves property damage, please provide two repair estimates. The Government Code provides that if the claim is for less than \$10,000, the claimant must state the total amount claimed and the basis of this computation. If the claim exceeds \$10,000, no dollar amount need be provided, but the claimant must indicate the applicable court jurisdiction. Limited civil jurisdiction cases are those involving damages under \$25,000; unlimited civil jurisdiction cases are those involving damages of \$25,000 or more.
- 12. Witnesses**-State the names, addresses, and telephone numbers of any persons who witnessed the incident. Attach list of additional names if necessary.
- 13. Signature of Claimant or Representative**-Please sign and date. Print name of signatory and relationship to claimant. The claim must be signed by the claimant or by the official representative of the claimant.

Claims for death or injury to persons or damage to personal property must be filed within six months after the incident giving rise to the claim. All other claims must be filed within one year.

Personal service of claims can be accomplished during regular business hours, Monday through Friday (excluding County holidays). If you want a time stamped copy of your claim returned to you, please present an original and copy of the claim, and include a self-addressed stamped envelope.

For information on the status of your claim, please call the applicable number listed below:

WATER DEPARTMENT	554-3900	PORT OF SAN FRANCISCO	554-3900	PUC SEWER	554-3952
MUNICIPAL RAILWAY	554-3900	S.F. INTERNATIONAL AIRPORT	(650) 821-5073	DEPT. OF PUBLIC WORKS	554-3952
OTHER DEPARTMENTS	554-3900	CONTROLLER'S CLAIM DIVISION	554-3833	DEPT. OF BLDG. INSPECTION	554-3952

We Do Not Accept claims for the following agencies:

- | | | |
|---|--|----------------|
| 1. HOUSING AUTHORITY | 1815 Egbert Avenue, S.F., CA 94124 | (415) 715-3280 |
| 2. SAN FRANCISCO UNIFIED SCHOOL DISTRICT | 555 Franklin Street, 2nd Fl, S.F., CA, 94102 | (415) 241-6000 |
| 3. SAN FRANCISCO COMMUNITY COLLEGE DISTRICT | 33 Gough Street, S.F., CA 94103 | (415) 241-2234 |

Please be advised that the City and County of San Francisco may offset against a claim any amounts owed by the claimant, including unpaid hospital bills, unpaid parking and traffic tickets and welfare reimbursements or overpayments.

Clerk stamps date here when form is filed.

Notice to the person being sued:

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

Order to Go to Court**The people in ① and ② must attend court:** (Clerk fills out section below.)

Trial Date	→ Date	Time	Department	Name and address of court, if different from above
1.				
2.				
3.				
Date:		Clerk, by _____, Deputy		

Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- You are the plaintiff. The person you are suing is the defendant.
- **Before** you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- **Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

Email address (if available): _____

If more than one plaintiff, list next plaintiff here:

Name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

Email address (if available): _____

- ☐ Check here if more than two plaintiffs and attach form [SC-100A](#).
- ☐ Check here if either plaintiff listed above is doing business under a fictitious name and attach form [SC-103](#).
- ☐ Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: _____ Job title, if known: _____

Address: _____

Street City State Zip

- ☐ Check here if your case is against more than one defendant and attach form [SC-100A](#).
- ☐ Check here if any defendant is on active military duty and write defendant's name here: _____

3 The plaintiff claims the defendant owes \$ _____ . (Explain below and on next page.)

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form [SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court \(COVID-19 Rental Debt\)](#).)

a. Why does the defendant owe the plaintiff money?



Plaintiff (list names):

Case Number:

- 3 b. When did this happen? (Date): _____
If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

☐ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.

- 4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

☐ Yes ☐ No If no, explain why not:

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☐ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
☐ (2) Where the plaintiff's property was damaged.
☐ (3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. ☐ Other (specify): _____

- 6 List the zip code of the place checked in 5 above (if you know): _____

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No
If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☐ No
If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date): _____
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):

Case Number:

9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500? ☐ Yes ☐ No

If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: _____

Plaintiff types or prints name here

Plaintiff signs here

Date: _____

Second plaintiff types or prints name here

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form [MC-410, Disability Accommodation Request](#). (Civ. Code, § 54.8.)



"Small claims court" is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.*) The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options? Yes. If you are being sued you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#), and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "**Small Claims Court.**"
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.)* El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparesse.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo* (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asadores.

* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

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Contest a Tow

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How To Contest a Vehicle Tow Ordered by SFMTA Enforcement

You may dispute the validity of the tow by scheduling a hearing within 30 days of the date of the tow. The date selected for a hearing does not need to be within 30 days.

Hearing Options - Written and Remote

The citation that is the basis for the tow will be heard as part of the validity of the tow. Do not protest the citation through Administrative Review.

[Schedule a Phone or Video Hearing \(/getting-around/drive-park/towed-vehicles/contest-tow/schedule-tow-hearing-choose-your-time\)](#)

OR

[Submit your Tow Protest in Writing \(/schedule-tow-hearing-service-request\)](#)

Retrieve Your Vehicle Immediately to Avoid Storage Fees

Storage fees accrue daily, and the owner of the vehicle is responsible for all towing and storage fees.

Grounds For Dismissal of Tow Fees

Tow and storage fees will be dismissed at your hearing if it is found that the tow is invalid.

A Financial Hardship Defense Is Not Grounds for Dismissal

Financial hardships or unfortunate personal circumstances are understandable but will not exempt the vehicle owner from paying the tow, storage, and administrative fees. Hearing officers will only determine whether the tow is legal based upon the underlying circumstances.

Tow and storage fees are reduced for those who are:

- Unhoused at the time the vehicle was towed
- Recipients of public benefits such as CalFresh, CalWorks, or Medi-Cal
- 1st time tow

Information will be provided at the impound yard about how to qualify for an immediate discount.

48 Hour Hearing Exceptions - Unable to Pay to Retrieve

If your vehicle remains impounded and you are unable to manage or pay for its release, you are entitled to a hearing within 2 business days of the tow date and time. Contact our Tow Hearing Coordinator at 415.646.2020 to schedule a phone, video or in person hearing with a hearing officer. Daily storage fees will continue to be added until you retrieve your vehicle.

Limited In-Person Tow Hearings

We have resumed in-person hearings for tows and boots for:

- Visitors
- Those who cannot schedule tow or boot hearings by video, phone or mail.

Hearing Location

SFMTA Customer Service Center

11 South Van Ness Avenue

San Francisco, CA 94103

Hours: Monday through Friday 8:00 AM – 5:00 PM, excluding holidays.

Driveway Tows (CVC 22500E)

A driveway begins at the top of the sloped edges, or the "curb cut." Some driveways may have red tips—red curb coloring on the curb cuts and space adjacent to it. Parking in the red tip or within the cut curbs may result in your vehicle being cited and/or towed. A driveway is legally blocked if any portion of the vehicle is encroaching beyond the curb cut regardless of how much room there is for a vehicle to enter and exit a driveway.

To Contest a Tow Ordered by SFPD

Contact the SFPD's STOP unit at: 415.678.3625 or visit **SFPD (<http://sanfranciscopolice.org/towed-vehicle-information>)** for more information.

Experiencing Homelessness?

Visit [Low Income Tow \(/LowIncomeTow\)](/LowIncomeTow) for information on how to receive certain limited waivers on tow fees and storage.

Low-Income?

Visit [Low Income Tow \(/LowIncomeTow\)](/LowIncomeTow) for information on how to receive certain limited waivers on tow fees and storage.

First Tow?

Visit [First Tow \(/FirstTow\)](/FirstTow) for information on how to receive a reduction in the administrative fee.

Recording of Hearings by Hearing Officer

Recordings of hearings, either by phone or by video, may be used by the hearing officer to accurately recall the hearing testimony and other evidence. These recordings are for temporary use only and are not retained. Claimants will be notified if recording is taking place.

Consent Required from Hearing Officer for Claimant Recording of Hearings

SFMTA parking citation and tow hearings are not public hearings. If you would like to record your own administrative hearing, please advise the officer or staff person that you intend to record the phone hearing, video or in person hearing session, explain the reason for the recording, and obtain the consent of the hearing officer on the recording at the time of the hearing.

Related Content



Towed Vehicles

How to recover a towed vehicle?
[\(/node/1390\)](/node/1390)



Waivers for people experiencing homelessness or low-income and reduction for first time tow

[\(/node/1429\)](/node/1429)



Pay a Parking Ticket or Transit Citation

(/node/1430)

 A form titled "SFMTA Municipal Transportation Agency" for contesting a citation. It includes instructions on how to request an administrative review, a section to "PROTEST THIS CITATION FOR THE FOLLOWING REASON:" with checkboxes for various violations (e.g., MISPLACED/NOT ON, EXPIRED/NOT VALID, NO/INVALID CITATION), and fields for citation numbers and dates.

Contest a Citation

(/node/1431)



Booted Vehicles

(/node/14903)

Upcoming Meetings & Events

**Dec
16**

120 Years 1903-2023 SFMTA Photo Archive Exhibit

Join us Saturday, Jan. 27 from 10am-1:30pm for a guided tour and Q&A session at the...

(/node/28877)

**Feb
3**

**Jan
8-19**

K Ingleside Rapid Project – Virtual Public Hearing

Online (details below) The San Francisco Municipal Transportation Agency is holding a virtual...

(/node/29465)

Jan

Engineering Public Hearing Meeting, January 19, 2024

View all upcoming Meetings & Events (/node/161)

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Towed Vehicles

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[SFMTA.com/Towed](#)

The SFMTA is responsible for removing illegally parked and abandoned vehicles from city streets. The SFMTA conducts tows authorized by Enforcement and the San Francisco Police Department (SFPD). A vehicle which is parked in a tow away zone will be towed to one of the City and County of San Francisco Impound facilities. The SFMTA tows vehicles in San Francisco only.

Towing helps maximize on-street parking, manage traffic congestion, and maintain clean, safe and functional streets for the public's use. Most requests received from the public to tow vehicles are for blocked driveways. [Request Enforcement \(/services/streets-sidewalks/enforcement-requests\)](#) or call 311 to report an illegally parked vehicle.

If you think your car is towed, immediately call City and County of San Francisco Impound at 415.865.8200. The City's contractor, TEGSCO, LLC, will help you **search for your vehicle (<https://www.autoreturn.com/san-francisco-ca/find-vehicle/>)**. Be ready to provide your license plate number, vehicle description, suspected tow date, and location.

If we cannot confirm your vehicle is towed, your vehicle may be stolen or towed from a different jurisdiction. To report a vehicle stolen, go to **SFPD (<http://sanfranciscopolice.org/towed-vehicle-information>)** or call 415.553.0123.

Where to Recover Your Vehicle and Pay Your Fees

You must appear in person and pay all fees before your vehicle can be released. Go to the **City and County of San Francisco Impound (operated by TEGSCO, LLC) (<https://www.autoreturn.com/san-francisco-ca/find-vehicle/>)**, open 24 hours a day, including holidays. Some oversized vehicles are transported directly to a secondary facility in Daly City, so you are encouraged to call 415.865.8200 or go to **[www.autoreturn.com \(<https://www.autoreturn.com/san-francisco-ca/find-vehicle/>\)](https://www.autoreturn.com/san-francisco-ca/find-vehicle/)** to help locate your vehicle.

City and County of San Francisco Impound
450 7th Street
San Francisco, CA 94103

To Retrieve a Vehicle Towed by Order of SFPD

Contact the SFPD's STOP unit at: 415.678.3625 or visit **SFPD (<https://www.sanfranciscopolice.org/get-service/towed-vehicle-information>)**.

Read this **brochure (/sites/default/files/reports-and-documents/2023/05/2022-09-09_sfmta-22_sfpd_tow_card_3.75_x_8.5_final_hires.pdf)**.

Payment Options

SFMTA accepts cash, ATM cards, and most major credit cards. Cardholder must be present at the time of payment with valid identification matching the name on the card. Phone or online payments are not allowed. Checks are not accepted.

Low Income? Experiencing Homelessness? First Time Tow? (/getting-around/drive-park/towed-vehicles/reduced-fees-first-time-tow-and-low-income-individuals)

Vehicle owners who participate in eligible low-income programs may receive a waiver of the administrative fee, a reduction of the tow fee, and certain other fee waivers by providing acceptable proof of eligibility. Visit [low-income tow \(/node/14908\)](#) for more information.

If you are experiencing homelessness and have visited a Coordinated Entry Point in the past 6 months then you may receive a waiver of the administrative fee, tow fee, and certain other waivers. [More information available on how to visit a Coordinated Entry Point \(/sites/default/files/reports-and-documents/2021/09/sfmta_homeless_discounts_flyer-hsh-fjp.pdf\)](#). Visit [low-income tow \(/node/14908\)](#) for more information.

Individuals may receive a reduction of the administrative fee if their vehicle has never been previously towed by the SFPD or SFMTA. Visit [first time tow \(/node/14908\)](#) for more information.

Summary of Fees

You must pay all fees for your vehicle to be released.

- **Administrative Fee** (this charge is in addition to the tow fee below)
 - All repeat tows \$347
 - First-time tow \$293
 - Low-income \$0
- **Tow Fee** (this charge is in addition to the administrative fee above)
 - One-time waiver for people experiencing homelessness \$0
 - Low-income \$100
 - All others \$286
- **Storage** (if applicable)
 - First four hours free

- First day after first 4 hours \$62
- Subsequent days \$74
- Dolly (if applicable) \$51

Towing and storage fees may vary depending on the weight of your vehicle. Please [search for your vehicle \(https://www.autoreturn.com/san-francisco-ca/find-vehicle/\)](https://www.autoreturn.com/san-francisco-ca/find-vehicle/) or call 415.865.8200 to receive an estimate of fees.

Full list of Tow Fees available at www.autoreturn.com 拖車費的完整清單 - Lista completa de tarifas de remolque - Buong listahan ng mga Tow Fees

To Contest a Tow (/getting-around/drive-park/towed-vehicles/contest-tow)

You may contest the validity of the tow. If you believe your vehicle was towed in error, submit a hearing request, and all supporting evidence, within the time allowed to contest. Visit [Contest Tow \(/node/1403\)](/node/1403) for more information.

Vehicle Boot

If your vehicle is affixed with a vehicle boot due to delinquent citations visit [Booted \(/getting-around/drive-park/citations/booted-vehicles\)](/getting-around/drive-park/citations/booted-vehicles) for more information and instructions on how to pay your fees.

Text Before Tow Program (/getting-around/drive-park/towed-vehicles/text-tow-program)

Sign-up to get a text message when your vehicle is at risk of being towed.

Restrictions

- You must be the registered owner of the vehicle you are claiming.
- You may be required to submit a Hold Harmless form if you authorize your representative to retrieve the vehicle on your behalf.

Related Content



Contest a Tow

(/node/1403)



Waivers for people experiencing homelessness or low-income and reduction for first time tow

(/node/1429)



Pay a Parking Ticket or Transit Citation

(/node/1430)



Contest a Citation

(/node/1431)



Booted Vehicles

(/node/14903)

Text Before Tow Program

(/node/25244)

Related Reports & Documents

Tow Fees (/reports/tow-fees)

Upcoming Meetings & Events

**Dec
16**

120 Years 1903-2023 SFMTA Photo Archive Exhibit

Join us Saturday, Jan. 27 from 10am-1:30pm for a guided tour and Q&A session at the...
(/node/28877)

**Feb
3**

**Jan
8-19**

K Ingleside Rapid Project – Virtual Public Hearing

Online (details below) The San Francisco Municipal Transportation Agency is holding a virtual...

(/node/29465)

**Jan
19**

Engineering Public Hearing Meeting, January 19, 2024

The Streets Division of the San Francisco Municipal Transportation Agency will hold an online...
(/node/29485)

View all upcoming Meetings & Events (/node/161)

Need Help?

Muni (/muni-transit)

Services (/sfmta-services)

Projects (/sfmta-projects)

Getting Around (/getting-around-san-francisco)

SF 311 (https://sf311.org/)

511 Regional Info (https://511.org/)

Stay Connected

Discrimination Complaints (/discrimination-complaints)

SFMTA Customer Service Center

11 South Van Ness Avenue

SFMTA Offices (/places/sfmta-headquarters)

Contact Us (/contact-us)

About Us

Board of Directors (/sfmta-board-directors)

News & Blog (/news-blog-0)

Careers (/sfmta-career-center)

Doing Business With the SFMTA (/services/business-services/doing-business-sfmta)

City and County of SF (<https://sf.gov>),

Terms of Use/Privacy (</terms-of-use>)

Archives (<https://archives.sfmta.com/>)

Plan Your Trip (</node/15093>)

Fares (</getting-around/muni/fares>)

in

([https://www.linkedin.com/company/san-](https://www.linkedin.com/company/san-francisco-municipal-transportation/)

francisco-

municipal-

transportation-

([https://www.linkedin.com/company/san-francisco-municipal-transportation-](https://www.linkedin.com/company/san-francisco-municipal-transportation/)

Download Adobe® Acrobat Reader® software to view Portable Document Format (PDF) files.

(<https://get.adobe.com/reader/>) See download files info to view Comma Separated Value (CSV) files. (</terms-of-use#downloadfiles>)

☎ 311 (Outside SF 415.701.2311; TTY 415.701.2323) Free language assistance / 免費語言協助 / Ayuda gratis con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援 / 무료 언어 지원 / Libreng tulong para sa wikang Filipino / การช่วยเหลือทางด้านภาษาโดยไม่เสียค่าใช้จ่าย / خط المساعدة المجاني على الرقم

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SERVICE COPY

To be handed, nailed directly
to:

SFMTA
(any employee)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER

Plaintiff

Address

City County State Zip

v.

SAN FRANCISCO MTA

Defendant

450 7TH ST

Address

8

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103

City County State Zip

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 59

and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2459</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024

Dated

PHILIP BENZINGER

Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY CLERK

RECEIVED
CLERK'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENJIKER
Plaintiff

v.

SAN FRANCISCO MTA

Defendant(s)

Case No. 24SC00311
DEFENDANT'S RESPONSE

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☐ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$ _____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

v.

SAN FRANCISCO MTA
Defendant

450 7TH ST

Address

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103
City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 54
and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

2024 JAN -4 PM 12:30
FOR LANE COUNTY CLERK

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LAÑE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN -4 PM 12:30
CLERK OF LAÑE COUNTY

PHILIP BENZINGER
Plaintiff

Plaintiff
[REDACTED]

Address
[REDACTED]
City County State Zip

Case No. _____

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant

450 7TH ST
Address

Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)
City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2800, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND FOWING, STORAGE FEES, TRANSPORTATION COSTS AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 59
and service costs of \$ 100

Claim Amount:	\$ <u>2800</u>
+ Fees :	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2959</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENJAMIN
Plaintiff

v.

SAN FRANCISCO MTA
Defendant(s)

Case No. 24SC00311
DEFENDANT'S RESPONSE

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☐ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$ _____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

USE SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY OREGON

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 54
and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

Plaintiff

SAN FRANCISCO MTA

Defendant

450 7TH ST

Address

8

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103

City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov. 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC. 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 59

and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2459</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY OREGON

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN -4 PM 12:30
CLERK OF COURT
LANE COUNTY, OREGON

PHILIP BENZINGER
Plaintiff
[REDACTED]
Plaintiff
[REDACTED]
Address
[REDACTED]
City County State Zip

Case No. _____

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address _____

Mailing Address (if different than above) _____

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of NOV 21, 2023, in the sum of \$ 2500, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 54
and service costs of \$ 100

Claim Amount:	\$ <u>2500</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2654</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

NOTICE TO DEFENDANT

YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
2. Deny the claim and demand a hearing; or
3. Deny the claim, demand a hearing, and file a counterclaim; or
4. Deny the claim and demand a jury trial.

If you fail to do one of the above within **14 days** after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401
Telephone 541-682-4020

Address

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

v.

SAN FRANCISCO MTA
Defendant(s)

Case No. 24SC00311
DEFENDANT'S RESPONSE

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☒ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$_____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

v.

SAN FRANCISCO MTA
Defendant

Defendant

450 7TH ST
Address

Address

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103
City County State Zip

City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 54
and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY CLERK

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

v.

SAN FRANCISCO MTA
Defendant

450 7TH ST

Address

8

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103
City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 59

and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2459</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY CLERK

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24

Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LAÑE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN -4 PM12:30
FOR LAÑE COUNTY, OREGON

PHILIP BENZINGER
Plaintiff

[REDACTED]
Plaintiff

[REDACTED]
Address

City County State Zip

Case No. _____

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of NOV 21, 2023, in the sum of \$ 2800, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND FOWING, STORAGE FEES, TRANSPORTATION COSTS AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 59
and service costs of \$ 100

Claim Amount:	\$ <u>2800</u>
+ Fees :	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2959</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

NOTICE TO DEFENDANT

YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
2. Deny the claim and demand a hearing; or
3. Deny the claim, demand a hearing, and file a counterclaim; or
4. Deny the claim and demand a jury trial.

If you fail to do one of the above within **14 days** after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401
Telephone 541-682-4020

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENJAMIN
Plaintiff

v.

SAN FRANCISCO MTA

Defendant(s)

Case No. 24SC00311

DEFENDANT'S RESPONSE

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☐ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$ _____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY OREGON

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 54
and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees:	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

Plaintiff

SAN FRANCISCO MTA

Defendant

450 7TH ST

Address

8

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103

City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 54

and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY OREGON

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN - 6 PM 12:30
CLERK OF COURT, LANE COUNTY, OREGON

PHILIP BENZINGER
Plaintiff

[REDACTED]
Plaintiff

[REDACTED]
Address

City County State Zip

Case No. _____

SMALL CLAIM AND NOTICE OF SMALL CLAIM

V.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent
Address
Mailing Address (if different than above)
City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of NOV 21, 2023, in the sum of \$ 2800, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 54
and service costs of \$ 100

Claim Amount:	\$ <u>2800</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2954</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

NOTICE TO DEFENDANT

YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
2. Deny the claim and demand a hearing; or
3. Deny the claim, demand a hearing, and file a counterclaim; or
4. Deny the claim and demand a jury trial.

If you fail to do one of the above within **14 days** after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401
Telephone 541-682-4020

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

PHILIP BENJIKER
Plaintiff

v.

SAN FRANCISCO MTA
Defendant(s)

Case No. 24SC00311

DEFENDANT'S RESPONSE

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☐ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$ _____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

Code:

Section: 1 or 2 or 1001

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Search Phrase:

GOVERNMENT CODE - GOV**TITLE 1. GENERAL [100 - 7931.000]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3]** (Division 3.6 added by Stats. 1963, Ch. 1681.)**PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962]** (Part 4 added by Stats. 1963, Ch. 1715.)**CHAPTER 2. Actions Against Public Entities [945 - 949]** (Chapter 2 added by Stats. 1963, Ch. 1715.)

945.4. Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

(Amended by Stats. 1965, Ch. 653.)

Code:

Section: 1 or 2 or 1001

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Search Phrase:

GOVERNMENT CODE - GOV**TITLE 1. GENERAL [100 - 7931.000]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3]** (Division 3.6 added by Stats. 1963, Ch. 1681.)**PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962]** (Part 4 added by Stats. 1963, Ch. 1715.)**CHAPTER 2. Actions Against Public Entities [945 - 949]** (Chapter 2 added by Stats. 1963, Ch. 1715.)

946.4. (a) Where provision is made by or pursuant to law that no suit may be brought against a public agency as defined in Section 53050 unless and until a claim is presented to the agency, the failure to present a claim does not constitute a bar or defense to the maintenance of a suit against the public agency if, during the 70 days immediately following the accrual of the cause of action, either of the following apply:

(1) No statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, as required by Section 53051.

(2) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but the information contained therein is so inaccurate or incomplete that it does not substantially conform to the requirements of Section 53051.

(b) On any question of fact arising within the scope of paragraphs (1) and (2) of subdivision (a), the burden of proof is upon the public agency.

(c) This section is inapplicable where the presentation of a claim is required by a claims procedure established by agreement made pursuant to Section 930.2 unless the procedure so prescribed requires that the claim be presented to the governing body of the public agency or to a person listed in Section 53051.

(Amended by Stats. 2019, Ch. 329, Sec. 3. (SB 780) Effective January 1, 2020.)

**GOVERNMENT CODE - GOV****TITLE 1. GENERAL [100 - 7931.000]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3]** (Division 3.6 added by Stats. 1963, Ch. 1681.)**PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962]** (Part 4 added by Stats. 1963, Ch. 1715.)**CHAPTER 2. Actions Against Public Entities [945 - 949]** (Chapter 2 added by Stats. 1963, Ch. 1715.)

946.6. (a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

- (1) That application was made to the board under Section 911.4 and was denied or deemed denied.
- (2) The reason for failure to present the claim within the time limit specified in Section 911.2.
- (3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

- (1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4.
- (2) The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.
- (3) The person who sustained the alleged injury, damage, or loss was a minor during any of the time specified in Section 911.2 for the presentation of the claim, provided the application is presented within six months of the person turning 18 years of age or a year after the claim accrues, whichever occurs first.
- (4) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.
- (5) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during any of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed

to present a claim during that time, provided the application is presented within six months of the person no longer being physically or mentally incapacitated, or a year after the claim accrues, whichever occurs first.

(6) The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, if the respondent is the state. If the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco. Service on the Director of Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento. If the petition involves a claim arising out of alleged actions or inactions of a judicial branch entity, service of the petition and notice of the hearing shall be made in accordance with the following:

(1) If the petition involves a claim arising out of alleged actions or inactions of a superior court or a judge, court executive officer, or trial court employee, as defined in Section 811.9, of the court, service shall be made on the court executive officer.

(2) If the petition involves a claim arising out of alleged actions or inactions of a court of appeal or a judge thereof, service shall be made on the Clerk/Executive Officer of the Court of Appeal.

(3) If the petition involves a claim arising out of alleged actions or inactions of the Supreme Court or a judge thereof, service shall be made on the Clerk/Executive Officer of the Supreme Court.

(4) If the petition involves a claim arising out of alleged actions or inactions of the Judicial Council or the Administrative Office of the Courts, service shall be made on the Administrative Director of the Judicial Council.

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

(Amended by Stats. 2021, Ch. 218, Sec. 2. (SB 501) Effective January 1, 2022.)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

v.
SAN FRANCISCO MTA
Defendant

450 7TH ST
Address

8
Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103
City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov. 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC. 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):

Filing fees of \$ 54

and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY OREGON
RECEIVED
MAYOR'S OFFICE
Hand Del.
2024 JAN 18 PM 12:24

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

Plaintiff

Address

City County State Zip

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

Case No. 24SC00311

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY OREGON

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
B.
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of Nov 21, 2023, in the sum of \$ 2300, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS, AND DISRUPTION OF VACATION

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*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 59
and service costs of \$ 100

Claim Amount:	\$ <u>2300</u>
+ Fees:	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2459</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LAKE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN -4 PM 12:30
CLERK LAKE COUNTY, OREGON

PHILIP BENZINGER
Plaintiff
[REDACTED]
Plaintiff
[REDACTED]
Address
[REDACTED]
City County State Zip

Case No. _____

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant
450 7TH ST
Address
8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

I, Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the date of NOV 21, 2023, in the sum of \$ 2800, and this sum is still owing for (briefly describe reason for the claim) ILLEGAL TICKETING AND TOWING, STORAGE FEES, TRANSPORTATION COSTS AND DISRUPTION OF VACATION

I claim prejudgment interest* at the annual rate of 9 % beginning on DEC 1, 2023. Based on the following: CREDIT CARD FEES

*Interest is computed at the statutory rate of 9% per annum, unless another rate has been agreed to (for example, if agreed to by contract attach a copy to the claim)

I have paid (or will pay):
Filing fees of \$ 59
and service costs of \$ 100

Claim Amount:	\$ <u>2800</u>
+ Fees:	\$ <u>59</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2959</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

NOTICE TO DEFENDANT

YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
2. Deny the claim and demand a hearing; or
3. Deny the claim, demand a hearing, and file a counterclaim; or
4. Deny the claim and demand a jury trial.

If you fail to do one of the above within **14 days** after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401
Telephone 541-682-4020

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

v.

SAN FRANCISCO MTA
Defendant(s)

Case No. 24SC00311
DEFENDANT'S RESPONSE

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☐ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$_____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

January 19, 2024

Philip Benzinger
[REDACTED]

RE: File Name: Philip Benzinger
 CCSF File Number: 240597
 Oregon Small Claims Case Number: 24SC00311
 Incident Date: November 21, 2023

Dear Mr. Benzinger:

Your State of Oregon for Lane County *Small Claim and Notice of Small Claim* with case number 24SC00311 was received by this office on January 18, 2024.

A claim must be filed against a government entity before filing a Small Claims Court action. I have attached a *Claim Against the City and County of San Francisco* claim form, which can also be accessed at <https://www.sfcityattorney.org>

Oregon is not the proper venue for this matter. You would need to file any action regarding this matter with the Superior Court of California, County of San Francisco. Their website is <https://sf.courts.ca.gov>. I have also attached an *SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court* for your convenience. Please reference Section 5 (highlighted).

The following website provides general information regarding towed vehicles in San Francisco:
<https://www.sfmta.com/getting-around/drive-park/towed-vehicles>

Please contact me immediately at (415) 554-4232 to discuss this matter.

Very truly yours,

DAVID CHIU
City Attorney

Nichelle Flentroy
Claims Adjuster



DAVID CHIU
City Attorney

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

January 22, 2024

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401

RE: File Name: Philip Benzinger
 CCSF File Number: 240597
 Oregon Small Claims Case Number: 24SC00311
 Incident Date: November 21, 2023

To: Clerk of the Lane County Circuit Court

We send this letter to the court as a courtesy and special appearance.

Our office received notice from the Court that Philip Benzinger has filed a small claims action in Oregon with the Lane County Circuit Court (24SC00311). Mr. Benzinger alleges that his car was improperly towed by the City and County of San Francisco in San Francisco. We have informed Mr. Benzinger that in order to sue San Francisco, he must first file a claim with San Francisco and that the proper venue for any suit against San Francisco for an incident that occurred in San Francisco is the San Francisco Superior Court.

We dispute that the Lane County Circuit Court has jurisdiction over this matter or that it is the proper venue for this matter. As such, the City and County of San Francisco will not be appearing on this matter in the Lane County Circuit Court.

Please feel free to contact me if you have any questions. I can be reached at (415) 554-4232.

Very truly yours,

DAVID CHIU
City Attorney

A handwritten signature in black ink, appearing to read "Nichelle Flentroy".

Nichelle Flentroy
Claims Adjuster

cc: Philip Benzinger

Code:

Section: 1 or 2 or 1001

[Up^](#)[<< Previous](#)[Next >>](#)[cross-reference chaptered bills](#)[PDF](#) | [Add To My Favorites](#)

Search Phrase:

GOVERNMENT CODE - GOV**TITLE 1. GENERAL [100 - 7931.000]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3]** (Division 3.6 added by Stats. 1963, Ch. 1681.)**PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962]** (Part 4 added by Stats. 1963, Ch. 1715.)**CHAPTER 2. Actions Against Public Entities [945 - 949]** (Chapter 2 added by Stats. 1963, Ch. 1715.)

945.4. Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

(Amended by Stats. 1965, Ch. 653.)

Code:

Section: 1 or 2 or 1001

[Up^](#)[<< Previous](#)[Next >>](#)[cross-reference chaptered bills](#)[PDF](#) | [Add To My Favorites](#)

Search Phrase:

GOVERNMENT CODE - GOV**TITLE 1. GENERAL [100 - 7931.000]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3]** (Division 3.6 added by Stats. 1963, Ch. 1681.)**PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962]** (Part 4 added by Stats. 1963, Ch. 1715.)**CHAPTER 2. Actions Against Public Entities [945 - 949]** (Chapter 2 added by Stats. 1963, Ch. 1715.)

946.4. (a) Where provision is made by or pursuant to law that no suit may be brought against a public agency as defined in Section 53050 unless and until a claim is presented to the agency, the failure to present a claim does not constitute a bar or defense to the maintenance of a suit against the public agency if, during the 70 days immediately following the accrual of the cause of action, either of the following apply:

(1) No statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, as required by Section 53051.

(2) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but the information contained therein is so inaccurate or incomplete that it does not substantially conform to the requirements of Section 53051.

(b) On any question of fact arising within the scope of paragraphs (1) and (2) of subdivision (a), the burden of proof is upon the public agency.

(c) This section is inapplicable where the presentation of a claim is required by a claims procedure established by agreement made pursuant to Section 930.2 unless the procedure so prescribed requires that the claim be presented to the governing body of the public agency or to a person listed in Section 53051.

(Amended by Stats. 2019, Ch. 329, Sec. 3. (SB 780) Effective January 1, 2020.)

**GOVERNMENT CODE - GOV****TITLE 1. GENERAL [100 - 7931.000]** (*Title 1 enacted by Stats. 1943, Ch. 134.*)**DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3]** (*Division 3.6 added by Stats. 1963, Ch. 1681.*)**PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962]** (*Part 4 added by Stats. 1963, Ch. 1715.*)**CHAPTER 2. Actions Against Public Entities [945 - 949]** (*Chapter 2 added by Stats. 1963, Ch. 1715.*)

946.6. (a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

- (1) That application was made to the board under Section 911.4 and was denied or deemed denied.
- (2) The reason for failure to present the claim within the time limit specified in Section 911.2.
- (3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

- (1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4.
- (2) The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.
- (3) The person who sustained the alleged injury, damage, or loss was a minor during any of the time specified in Section 911.2 for the presentation of the claim, provided the application is presented within six months of the person turning 18 years of age or a year after the claim accrues, whichever occurs first.
- (4) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.
- (5) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during any of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed

to present a claim during that time, provided the application is presented within six months of the person no longer being physically or mentally incapacitated, or a year after the claim accrues, whichever occurs first.

(6) The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, if the respondent is the state. If the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco. Service on the Director of Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento. If the petition involves a claim arising out of alleged actions or inactions of a judicial branch entity, service of the petition and notice of the hearing shall be made in accordance with the following:

(1) If the petition involves a claim arising out of alleged actions or inactions of a superior court or a judge, court executive officer, or trial court employee, as defined in Section 811.9, of the court, service shall be made on the court executive officer.

(2) If the petition involves a claim arising out of alleged actions or inactions of a court of appeal or a judge thereof, service shall be made on the Clerk/Executive Officer of the Court of Appeal.

(3) If the petition involves a claim arising out of alleged actions or inactions of the Supreme Court or a judge thereof, service shall be made on the Clerk/Executive Officer of the Supreme Court.

(4) If the petition involves a claim arising out of alleged actions or inactions of the Judicial Council or the Administrative Office of the Courts, service shall be made on the Administrative Director of the Judicial Council.

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

(Amended by Stats. 2021, Ch. 218, Sec. 2. (SB 501) Effective January 1, 2022.)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN -4 PM 12:30
CIRCUIT COURT
FOR LANE COUNTY OREGON

PHILIP BENZINGER
Plaintiff

[Redacted Defendant Name]

City County State Zip

SERVICE COPY
To be handed, mailed directly
to:
SFMTA
(any employee)

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

v.
SAN FRANCISCO MTA
Defendant

450 7TH ST
Address

8
Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103
City County State Zip

☐ Defendant ☐ Defendant's Registered Agent

Address

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+ Fees:	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2454</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENZINGER
Plaintiff

SERVICE COPY
To be handed, mailed directly
to:

SFMTA
(any employee)

FILED
2024 JAN -4 PM 12:30
FOR LANE COUNTY

Case No. 24SC00311

SMALL CLAIM AND NOTICE OF SMALL CLAIM

City County State Zip

v.

SAN FRANCISCO MTA
Defendant

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Dated

PHILIP BENZINGER
Plaintiff

NOTICE TO DEFENDANT—READ REVERSE SIDE.

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:24
Hand Del.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LAKE COUNTY
SMALL CLAIMS DEPARTMENT

FILED
2024 JAN -4 PM 12:30
CLERK LAKE COUNTY, OREGON

PHILIP BENZINGER

Plaintiff

Plaintiff

City County State Zip

v.

SAN FRANCISCO MTA

Defendant

450 7TH ST

Address

8

Mailing Address (if different than above)

SAN FRANCISCO SF CA 94103

City County State Zip

Case No. _____

SMALL CLAIM AND NOTICE OF SMALL CLAIM

☐ Defendant ☐ Defendant's Registered Agent

Address

Mailing Address (if different than above)

City County State Zip

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and service costs of \$ 100

Claim Amount:	\$ <u>2800</u>
+ Fees :	\$ <u>54</u>
+ Costs:	\$ <u>100</u>
TOTAL	\$ <u>2954</u>

I, Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

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1/4/2024
Dated

PHILIP BENZINGER
Plaintiff

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NOTICE TO DEFENDANT

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3. Deny the claim, demand a hearing, and file a counterclaim; or
4. Deny the claim and demand a jury trial.

If you fail to do one of the above within **14 days** after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401
Telephone 541-682-4020

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY
SMALL CLAIMS DEPARTMENT

PHILIP BENJIKER
Plaintiff

v.

SAN FRANCISCO MTA
Defendant(s)

Case No. 24SC00311

DEFENDANT'S RESPONSE

RECEIVED
MAYOR'S OFFICE
2024 JAN 18 PM 12:25

Each defendant listed above must sign and file a separate notice of defendant's election.

I elect to respond under ORS 46.455 as follows:

1. ☐ I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.
2. ☐ I DENY the claim and demand a Small Claims hearing. (Defendant: see instruction sheet for filing fee.)
3. ☐ I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$ _____ because: _____

4. ☐ I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.

I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.

DATED: _____

SIGNED: _____

Print Full Name

Mailing Address

City

State

Zip Code

Phone number

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

January 19, 2024

Philip Benzinger

RE: File Name: Philip Benzinger
 CCSF File Number: 240597
 Oregon Small Claims Case Number: 24SC00311
 Incident Date: November 21, 2023

Dear Mr. Benzinger:

Your State of Oregon for Lane County *Small Claim and Notice of Small Claim* with case number 24SC00311 was received by this office on January 18, 2024.

A claim must be filed against a government entity before filing a Small Claims Court action. I have attached a *Claim Against the City and County of San Francisco* claim form, which can also be accessed at <https://www.sfcityattorney.org>

Oregon is not the proper venue for this matter. You would need to file any action regarding this matter with the Superior Court of California, County of San Francisco. Their website is <https://sf.courts.ca.gov>. I have also attached an *SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court* for your convenience. Please reference Section 5 (highlighted).

The following website provides general information regarding towed vehicles in San Francisco: <https://www.sfmta.com/getting-around/drive-park/towed-vehicles>

Please contact me immediately at (415) 554-4232 to discuss this matter.

Very truly yours,

DAVID CHIU
City Attorney

Nichelle Flentroy
Claims Adjuster



DAVID CHIU
City Attorney

Nichelle Flentroy
Claims Adjuster

DIRECT DIAL: (415) 554-4232
E-MAIL: NICHELLE.FLENTROY@SFCITYATTY.ORG

January 22, 2024

Lane County Circuit Court
125 E. 8th Ave.
Eugene, OR 97401

RE: File Name: Philip Benzinger
 CCSF File Number: 240597
 Oregon Small Claims Case Number: 24SC00311
 Incident Date: November 21, 2023

To: Clerk of the Lane County Circuit Court

We send this letter to the court as a courtesy and special appearance.

Our office received notice from the Court that Philip Benzinger has filed a small claims action in Oregon with the Lane County Circuit Court (24SC00311). Mr. Benzinger alleges that his car was improperly towed by the City and County of San Francisco in San Francisco. We have informed Mr. Benzinger that in order to sue San Francisco, he must first file a claim with San Francisco and that the proper venue for any suit against San Francisco for an incident that occurred in San Francisco is the San Francisco Superior Court.

We dispute that the Lane County Circuit Court has jurisdiction over this matter or that it is the proper venue for this matter. As such, the City and County of San Francisco will not be appearing on this matter in the Lane County Circuit Court.

Please feel free to contact me if you have any questions. I can be reached at (415) 554-4232.

Very truly yours,

DAVID CHIU
City Attorney

A handwritten signature in black ink, appearing to read "Nichelle Flentroy".

Nichelle Flentroy
Claims Adjuster

cc: Philip Benzinger

SC-100**Plaintiff's Claim and ORDER
to Go to Small Claims Court****Notice to the person being sued:**

- You are the defendant if your name is listed in (2) on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in (1) on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court**The people in (1) and (2) must attend court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	May 16 2024	1:30pm	506 5 th Flr	Flr
2.	Jun 18 2024	1:30pm	506 5 th Flr	CRESET
3.				

Date: MAR 20 2024 Clerk by: ZUBEDA KALOO Deputy

Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, *Plaintiff's Claim and ORDER to Go to Small Claims Court*.

- You are the plaintiff. The person you are suing is the defendant.
- Before** you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.html.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

**Plaintiff's Claim and ORDER
to Go to Small Claims Court**

SC-100, Page 1 of 6

CLERK'S OFFICE
 MAY 13 PM 1:26

mailed

Clerk stamps date here when form is filed.

**ENDORSED
FILED**
 Superior Court of California

MAR 20 2024

CLERK OF THE COURT
 Superior Court of California, County of San Francisco
 By: **ZUBEDA KALOO**
 DEPUTY CLERK

Fill in court name and street address:

Superior Court of California, County of

**SMALL CLAIMS
 SUPERIOR COURT**
 400 MCALLISTER, ROOM 103
 SAN FRANCISCO, CALIFORNIA 94102

Court fills in case number when form is filed.

Case Number:

CSM-24-868123

Case Name:

SE Municipal
 Benzinges Vs Transit Agency

Plaintiff (list names):
Phil Benzinger

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: Phil Benzinger

Phone:

Street address:

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

Email address (if available):

If more than one plaintiff, list next plaintiff here:

Name:

Phone:

Street address:

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

Email address (if available):

☐ Check here if more than two plaintiffs and attach form SC-100A.

☐ Check here if either plaintiff listed above is doing business under a fictitious name and attach form SC-103.

☐ Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: San Francisco Municipal Transit Agency

Phone:

Street address: I South Van Ness Ave

San Francisco

CA

94102

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name:

Job title, if known:

Address:

Street

City

State

Zip

☐ Check here if your case is against more than one defendant and attach form SC-100A.

☐ Check here if any defendant is on active military duty and write defendant's name here:

3 The plaintiff claims the defendant owes \$ 5,027.00 . (Explain below and on next page.)

(Note: A claim for COVID-19 rental debt cannot be made on this form. Use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court (COVID-19 Rental Debt).)

a. Why does the defendant owe the plaintiff money?

SFMTA towed my car for "Scofflaw/Expired Registration" when I had valid plates with current registration.

Car was towed on Nov 21 but SFMTA "Was My Car Towed" website didn't return results for my car

because SFMTA agents ignored my license plates and entered old expired plate information in their database.

On Thanksgiving Day I was finally able to track down the car at City Tow. Was charged \$840 for towing and

storage and given 2 tickets for \$209 and \$121. I missed part of my family Thanksgiving celebration



Plaintiff (list names):
Phil Benzing

Case Number:

3 b. When did this happen? (Date): Nov 23, 2023

If no specific date, give the time period: Date started: Through:

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

\$840 towing fees \$330 tickets \$857 travel expenses

\$3000 punitive damages to discourage this type of fraud in the future

☐ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.

4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

☒ Yes ☐ No If no, explain why not:

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
(2) Where the plaintiff's property was damaged.
(3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. ☐ Other (specify):

6 List the zip code of the place checked in 5 above (if you know): 94102

7 Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

8 Are you suing a public entity? ☒ Yes ☐ No

If yes, you must file a written claim with the entity first. ☒ A claim was filed on (date): Nov 23, 2023

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):
Phil Benzinger

Case Number:

9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☒ No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2,500? ☒ Yes ☐ No

If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than 12 other small claims cases for more than \$2,500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: March 15, 2024

Phil Benzinger

Plaintiff types or prints name here

▶ 
Plaintiff signs here

Date:

Second plaintiff types or prints name here

▶
Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, *Disability Accommodation Request*. (Civ. Code, § 54.8.)



"Small claims court" is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.)* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, *Disability Accommodation Request*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300, *Request for Interpreter (Civil)* or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form SC-140, *Notice of Appeal*. You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form SC-200 or form SC-130, *Notice of Entry of Judgment*.
- If you were *not* at the trial, fill out and file form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form SC-140.

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options? Yes. If you are being sued you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form CIV-110, *Request for Dismissal* or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form SC-107, *Small Claims Subpoena and Declaration*, and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form SC-120) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.

- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

* **Exceptions:** Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.)* El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparesse.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

• Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).

• Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo* (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- Resolver su caso antes del juicio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despidá el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- No ir al juicio y aceptar el fallo por falta de comparecencia. Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (o 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223, y 117.02, y el formulario SC-500.)

Public.Records (CAT)

From: Public.Records (CAT)
Sent: Friday, December 20, 2024 12:05 PM
To: 'tmr408@protonmail.com'
Cc: Public.Records (CAT)
Subject: Records request

Dear requester,

We received a message from our receptionist today that you are making the below records request:

For the period of the past 2 years please provide all Settlement Agreements entered into by the City of San Francisco that do not include a waiver of section 1542 of California Civil Code.

We will process this request and anticipate responding within 10 days. As previously communicated, we unfortunately cannot receive emails from your account due to an IT issue; therefore we ask that you contact our receptionist with any follow up on this request.

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

Public.Records (CAT)

From: Public.Records (CAT)
Sent: Thursday, January 2, 2025 2:09 PM
To: 'tmr408@protonmail.com'
Cc: Public.Records (CAT)
Subject: RE: Records request

Dear requester,

Apologies – there was an error in my below email. Under the government code section cited below, we are entitled to a two-week extension; therefore, we expect to respond no later than January 13, 2025.

Please send replies to public.records@sfcityatty.org

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)
Sent: Thursday, January 2, 2025 2:06 PM
To: 'tmr408@protonmail.com' <tmr408@protonmail.com>
Cc: Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>
Subject: RE: Records request

Dear requester,

I am responding on behalf of the City Attorney's Office to your below records request. Please note that we are invoking an extension of time under Government Code section 7922.535(c)(2) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will work diligently on this request and expect to respond no later than January 9, 2025.

Please send replies to public.records@sfcityatty.org

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)
Sent: Friday, December 20, 2024 12:05 PM
To: 'tmr408@protonmail.com' <tmr408@protonmail.com>
Cc: Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>
Subject: Records request

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Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

Public.Records (CAT)

From: Public.Records (CAT)
Sent: Monday, January 13, 2025 5:52 PM
To: 'tmr408@protonmail.com'
Cc: Public.Records (CAT)
Subject: RE: Records request

Dear requester,

I am responding on behalf of the City Attorney's Office to your below request. Based on your request, we understand that you are seeking relevant agreements settling civil litigations, and not agreements settling administrative actions (i.e. actions brought before the Public Employment Relations Board, the Division of Occupational Safety and Health, etc.), a City department's contemplated or imposed discipline of a City employee, or union grievances. We conducted a diligent search for all such records in our possession, but have found none.

Please send replies to public.records@sfcityatty.org

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>
Sent: Thursday, January 2, 2025 2:09 PM
To: 'tmr408@protonmail.com' <tmr408@protonmail.com>
Cc: Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>
Subject: RE: Records request

Dear requester,

Apologies – there was an error in my below email. Under the government code section cited below, we are entitled to a two-week extension; therefore, we expect to respond no later than January 13, 2025.

Please send replies to public.records@sfcityatty.org

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)
Sent: Thursday, January 2, 2025 2:06 PM
To: 'tmr408@protonmail.com' <tmr408@protonmail.com>
Cc: Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>
Subject: RE: Records request

Dear requester,

I am responding on behalf of the City Attorney's Office to your below records request. Please note that we are invoking an extension of time under Government Code section 7922.535(c)(2) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will work diligently on this request and expect to respond no later than January 9, 2025.

Please send replies to public.records@sfcityatty.org

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)
Sent: Friday, December 20, 2024 12:05 PM
To: 'tmr408@protonmail.com' <tmr408@protonmail.com>
Cc: Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>
Subject: Records request

Dear requester,

We received a message from our receptionist today that you are making the below records request:

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We will process this request and anticipate responding within 10 days. As previously communicated, we unfortunately cannot receive emails from your account due to an IT issue; therefore we ask that you contact our receptionist with any follow up on this request.

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: [tmr408](#)
To: [Public.Records \(CAT\)](#)
Subject: Fw: RE: California Public Records Act Request
Date: Thursday, December 19, 2024 5:08:03 PM

Sent with [Proton Mail](#) secure email.

----- Forwarded Message -----

From: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Date: On Wednesday, September 4th, 2024 at 3:49 PM
Subject: RE: California Public Records Act Request
To: 'tmr408' <tmr408@protonmail.com>
CC: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>

Dear Requestor,

We write to acknowledge receipt of your petition.

Please note that your prior SOR (Supervisor of Records) inquiries were not received due to a technical issue that was out of the control of our office. The issue has been resolved now, and we should be able to receive your future emails.

We will look into the matter and follow up if we have any questions.

Sincerely,



Odaya Buta-Scott (*she/her/hers*)

Office of City Attorney David Chiu

odaya.buta@sfcityatty.org, www.sfcityattorney.org

Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify me immediately, and permanently delete this message and any attachments. Thank you.

From: tmr408 <tmr408@protonmail.com>

Sent: Monday, August 26, 2024 10:42 PM
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>; Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: California Public Records Act Request

Hello,

I have not received a response to my public records request in accordance with Section 6253 of the Government Code, Can you please give me an update to the request I made on August 15, 2024? I have forwarded the email containing my request.

Thank you

Sent from [Proton Mail](#) for iOS

On Thu, Aug 15, 2024 at 4:18 PM, tmr408 <tmr408@protonmail.com> wrote:

Hello,

I contacted the SFMTA to obtain public records related to lawsuits and settlements related to SFMTA initiated tows. Instead of producing relevant documents, SFMTA asked that I contact this office with my request.

Can you please send me all records related to lawsuits (please include complaints, responses, and orders) and settlements related to SFMTA tows? Please send records for the past two years. Thank you.

----- Forwarded message -----

From: CCSF Public Records <messages@nextrequest.com>

Date: On Wed, Aug 14, 2024 at 5:59 PM

Subject: Fw: Your City and County of San Francisco public records request #24-4922 has been closed.

To: <tmr408@protonmail.com>

Cc:

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

Record request #24-4922 has been closed. The closure reason supplied was:

The SFMTA has determined that the agency does not have any records responsive to your request and recommends that you contact the City Attorneys office directly to obtain the records you are seeking.

Please do not hesitate to contact us if you have further questions on this matter. Thank you for your consideration.

[View Request 24-4922](#)

<https://sanfrancisco.nextrequest.com/requests/24-4922>



Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.

Technical support: See our [help page](#)