

Pro Se Counterclaim Small Claims

A copy of the counterclaim shall be mailed or delivered to the plaintiff (unless the matter is discovered during trial).

Counterclaims arising out of the same transaction:

- May be filed at any time up to and including the hearing date. If it is filed less than ten days prior to the hearing, the matter shall be continued unless the plaintiff consents to the original hearing date; and
- If the counterclaim exceeds the small claims court jurisdiction, the court may hear the cause with the consent of all parties, or if consent is not given, may transfer the matter to the associate division for hearing under chapter 517, RSMo, procedures. If consent is not given and the court determines in its judgment that the amount or nature of counterclaim is not in good faith, it shall be dismissed without prejudice.
- If during the trial, the judge determines the defendant has a counterclaim, will inform the defendant and plaintiff of the nature of the counterclaim. If the defendant chooses for the court not to hear the counterclaim, the judge shall proceed to hear the plaintiff's claim. If the defendant chooses for the court to hear the counterclaim, the judge shall advise the plaintiff of the nature of the counterclaim and the plaintiff shall have the option to proceed with the trial or have the case continued.

Counterclaims arising out of a different transaction:

- May be filed within ten days after service and before the hearing date. If it is filed less than ten days prior to the hearing, the matter shall be continued unless the plaintiff consents to the original hearing date; and
- If the counterclaim exceeds the small claims court's jurisdiction, and the parties do not consent to a hearing on the matter in that court, the court shall dismiss the counterclaim without prejudice to allow it to be heard in another court. See section 200.06, Counterclaims and Cross-Claims.

CONFIDENTIAL CASE FILING INFORMATION SHEET – NON-DOMESTIC RELATIONS**YOU WILL BE SIGNED UP FOR [TRACK THIS CASE](#) TO FOLLOW MO CASE.NET****INSTRUCTIONS:**

- ✓ Complete this form for all parties known at the time of filing. Provide the most appropriate Case Type and Party Type codes and descriptions. (Found on the Case Types List and Party Types List at www.courts.mo.gov on the Court Forms/Filing Information page.)
- ✓ If additional space is needed, complete additional Confidential Case Filing Information Sheets.

NOTE: The **full** Social Security Number (SSN) is **required** pursuant to Missouri Supreme Court Operating Rule 4.07 if the party is a person and is reasonably available. This is a confidential document. This information is needed to open a case in the court's case management system. While cases deemed public under Missouri statutes can be accessed through Case.net, the day and month of birth, SSN, and confidential addresses are NOT provided to the public through Case.net.

Filing Date: _____ County of: ColeStyle of Case: _____
(i.e. In the Estate of; In the Matter of; Petitioner v. Respondent.)

Case Type Code: _____ Case Type Description: _____

Party Type Code: <u>PETP</u> Party Type Description: <u>Petitioner Acting Pro Se</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____
Party Type Code: <u>RES</u> Party Type Description: <u>Respondent</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Contact Phone Provider: _____ Email Address: _____ <small>(example AT&T)</small>
Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Contact Phone Provider: _____ Email Address: _____ <small>(example AT&T)</small>

Petitioner's Signature: _____

Contact Phone Provider: _____ Email Address: _____
(example AT&T)***IMPORTANT:** It is the parties' responsibility to keep the court informed of any change of address or employment.*



IN THE 19TH CIRCUIT COURT OF Cole COUNTY, MISSOURI

Judge or Division:	Case Number: 20AC-SC0	
Plaintiff(s): 1. 2.		(Date File Stamp)
	Plaintiff's Address (No.1):	Defendant's Address (No.1):
	City, State, Zip:	City, State, Zip:
vs.		
Defendant(s): 1. 2.	Telephone Number:	Telephone Number:
	Plaintiff's Address (No.2):	Defendant's Address (No.2):
	City, State, Zip:	City, State, Zip:
	Telephone Number:	Telephone Number:

Counterclaim Small Claims Court

The defendant states he/she has a claim against the plaintiff in the amount of \$ _____. The counterclaim arose on or about _____(date) as a result of the following events:

Counterclaim Arising Out of the Same Transaction

The defendant states that the information contained in the counterclaim is true and correct to the best of his/her knowledge. Defendant understands that should he/she be successful in this action and obtain judgment, and if plaintiff does not appeal within ten days, this judgment becomes final. The defendant cannot commence another action involving the same parties and issues. Defendant understands that he/she is waiving his/her right to jury trial on these issues in the small claims court.

Counterclaim Not Arising Out of the Same Transaction

In addition to the above, defendant claims that he/she is not an assignee of this counterclaim, and that to the best of his/her knowledge he/she has not filed more than twelve (12) other claims in Missouri small claims courts during the current calendar year.

_____ Date

_____ Signature of Defendant

Keep a copy of this counterclaim and bring it to court.

Instructions

1. By using this form, the defendant is countersuing you.
2. To defend yourself:
 - a. You must appear at the date and time set for hearing.
 - b. You should bring with you all books, papers, witnesses, and evidence you have to establish your defense.
 - c. At your request, the clerk will issue a subpoena for any witness you may need. You must order the subpoena as soon as possible and before the hearing date.
3. The rules of evidence do not apply, and you may defend this action with or without the assistance of an attorney.