

SMALL CLAIMS

(Plaintiff)



STATE OF
NEBRASKA
JUDICIAL BRANCH

A GUIDE TO FILING A SMALL CLAIMS CASE

Updated: 02/2026

SMALL CLAIMS PACKET

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This case packet was developed as part of the Self-Help Center Pilot in Douglas County, under grant number SJI-T-24-016 from the State Justice Institute. The points of view expressed are those of the Administrative Office of the Courts and Probation at the Nebraska Judicial Branch and do not necessarily represent the official position or policies of the State Justice Institute.



Helpful Information

COURT COSTS

Costs: All court costs and service fees are subject to change.

- [Filing Fees and Court Costs – nejudicial.com/small_claims_fees_and_cost](http://nejudicial.com/small_claims_fees_and_cost)
- [Witness Fees - nejudicial.com/witness_fees](http://nejudicial.com/witness_fees)

Service Fees:

- Sheriff, www.omahasheriff.org/service-fees
- Postage fees for Certified Mail, Restricted Delivery, Return Receipt Requested are detailed on page two of the [Small Claims Certified Mail Return form \(CC 4:5\)](#)

For Filing Fees
and Court Costs



Fee Waiver for Low-Income Litigants:

- Complete and file the [Affidavit and Application to Proceed Without Payment of Fees \(In Forma Pauperis\) \(DC 6:7.1\)](#).
- You may use the [Affidavit and Application to Proceed Without Payment of Fees \(In Forma Pauperis\) Instructions \(DC 6:7.1a\)](#) to help with completing the form.

GLOSSARY OF LEGAL TERMS

For plain language assistance with legal terms, please see the searchable [Glossary \(nejudicial.com/glossary\)](http://nejudicial.com/glossary).

For plain language assistance with Small Claims terms, please see the [Small Claims section \(nejudicial.com/small-claims-glossary\)](#) of the Glossary.

FORMS

A Complete List of Forms for Small Claims can be found using the link or the QR code below.

The form numbers, such as CC 4:5, are included in this packet to help court staff better assist you in finding forms. You do **not** need to know the form numbers for your case.

The links to forms provided in this packet are **fillable forms**.



Nebraska Supreme Court
[List of Forms for Small Claims
nejudicial.com/smallclaims-forms](http://nejudicial.com/smallclaims-forms)



Turning in/filing/submitting forms: (Douglas County Only) Whenever you are instructed to turn in, file, or submit forms to the clerk of the county court, you can do this either in person or by mail.

Douglas County Court Clerk's Office
Civil and Small Claims Division
Douglas County Civic Center
1819 Farnam St., Room H09
Omaha, NE 68183
Phone: 402-444-5424

**Never put cash
in the mail!**

Office Hours: 8:00 am to 4:30 pm, Monday through Friday

For all other counties, contact the clerk of the county court for that county. Contact information can be found at this link: nejudicial.com/county-court-contacts .



SMALL CLAIMS CHECKLIST – PLAINTIFF

BEFORE YOU START

Damages: Asking for \$7,500 or less

Venue: MUST be filed in the county where:

- the events occurred, OR
- where the defendant lives

Military status of defendant:

- NOT a member of the Armed Services, AND
- NOT a member of Armed Services within the last year

Number of claims:

- A plaintiff may only file two (2) Small Claims cases in a calendar week, and no more than ten (10) Small Claims cases in a calendar year.

**** YOU MAY CONTINUE WITH YOUR CLAIM ONLY IF ALL FOUR (4) BOXES ARE CHECKED****

PHASE 1 - START YOUR CLAIM

Complete the Plaintiff's Claim form:

Plaintiff's Claim and Notice to the Defendant (Small Claims Court) CC 4:1.
(Ch6art14App1)

- You may use the instructions to help with completing the claim form.
[Instructions for Plaintiff's Claim and Notice to Defendant](#)
(Ch6art14App1-Instructions)
- All fields must be filled out. Incomplete forms will not be set for hearing.

Register your e-mail to receive notices from the court:

[Registration of Email Address for Self-Represented Litigants \(DC 3:01\)](#)

Turn in (file) your Plaintiff's Claim and Notice to Defendant and the filing fee to the Clerk of the County Court.

- If using mail, send a check or money order.
-



PHASE 2 - SERVICE – NOTICE TO THE DEFENDANT OF CLAIM AND DATE FOR HEARING

Choose a method of service:

Personal Service – Service by Sheriff or Constable

- Pre-pay Fee for Service
- Return of Service by Sheriff or Constable

(You must check with the county court clerk's office for the status of a service return.)

OR

Certified Mail – Mail service with proof of delivery

- Request a Return Receipt/ Restricted Delivery at the Post Office
- Did you receive the Return Receipt (green card) with a signature?
 - Yes - File [Small Claims Certified Mail Return \(CC 4:5\)](#) and the green card with the court.
 - No – You cannot proceed to trial until the defendant has been served. Do you have a different address to try certified mail?
 - If it is not delivered or a return receipt is not turned in to the court, **a hearing will not be scheduled.**

If return of service is not returned or a return receipt is not turned in to the court, **a hearing will not be scheduled.**

If service was unsuccessful, you may request Alternate or Substitute Service.

In Douglas County, you must attempt service on defendant twice before requesting Alternate or Substitute Service.

For more information on the types of service and service return go to the Nebraska Judicial Branch Self-Help website, or you may ask the clerk's office for a printed copy of the guide:

- [Service and Service Return Guide \(nejudicial.com/service-service-return-guide \)](http://nejudicial.com/service-service-return-guide)

For more information on Alternate and Substitute Service go to the Nebraska Judicial Branch Self-Help website, or you may ask the clerk's office for a printed copy of the guide:

- [Alternate/Substitute Service Guide \(nejudicial.com/alternate-substitute-service-guide \)](http://nejudicial.com/alternate-substitute-service-guide)
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PHASE 3 – GETTING READY FOR PRE-TRIAL/MEDIATION/TRIAL

Do any parties need an interpreter?

- If yes, let the court know what language as soon as possible.

Do any parties need ADA accommodations?

- If yes, let the court know what is needed as soon as possible.

Do you have any evidence for the court to review?

- If yes, have you printed everything or put it on a USB?
USB Flash drives must be new, unused, and free of any other items.

Do you need to subpoena anyone to testify?

- If yes, have you filed a [Praecipe \(Request\) for Subpoena \(CC 4:6\)](#)?
 - You may use the instructions to help with completing the request.
[Completing the Praecipe \(Request\) for a Subpoena \(CC 4:6a.\)](#)
- Has the Sheriff or Constable served the Subpoena?
 - If yes, call the county court office to confirm a return of personal service on the Subpoena has been filed.

Complete the following:

- To prepare a chart and trial script, use the [Getting Ready for Trial Guide](#).
 - Evidence Chart
 - Trial Script

Are you willing to try to resolve your case by Mediation?

(Note: In some counties, mediation is required.)

- If yes, let the Court know if you want to attempt Mediation.
 - Contact the [Mediation Center](#) for your County.

**If your case is not eligible for mediation OR if mediation is not successful, your case will be set for trial.

Review “[What You Need to Know Before Going to Court](#)”
(nejudicial.com/need-to-know)

WARNING: Evidence stored on a cell phone MUST be printed by you BEFORE the hearing. Videos MUST be saved to a new and unused USB flash drive that is free of any other items BEFORE the hearing.



PHASE 4 – PRE-TRIAL/TRIAL DAY

Pre-Trial Date/time/location: _____

Trial Date/time/location: _____

Appearances at pre-trial:

- If Both Plaintiff and Defendant appear
 - Court may order mediation.
 - Court may set the matter for trial.
- If Only Plaintiff appears
 - Plaintiff may seek a judgment against defendant.
 - HAVE EVIDENCE READY TO PRESENT .
- If Only Defendant appears
 - Plaintiff’s claim will be dismissed.

Evidencereminders:

- Bring Witnesses and all documentation in paper form to court including:
 - Witnesses
 - MUST be present to offer sworn testimony.
 - Physical Evidence
 - **3** Printed copies (court, defense, you) of each item.
 - **3** USB Flash drives (court, defense, you) with any video evidence.
Must be new, unused, and free of any other items.
 - Trial Script
 - Evidence Chart

Arrive **at least 30 minutes** before your trial. This will give you time to be outside of the courtroom **at least 15 minutes** before your trial starts.

WARNING: Evidence stored on a cell phone MUST be printed by you BEFORE the hearing. Videos MUST be saved to a new and unused USB flash drive that is free of any other items. BEFORE the hearing.

PHASE 5 – AFTER YOUR TRIAL

Satisfied with the court's decision:

- If a Judgment was ordered:
 - The party ordered to pay the judgment pays the court.
 - The party ordered to pay the judgment does NOT pay the court.
 - Garnish wages of the party who was ordered to pay.
 - A court order to take from wages or a bank account to pay the judgment. (See Garnishment Plaintiff Packet)
 - See information regarding garnishments on this page:
nejudicial.com/small-claims-collecting
 - When collected in full - Complete the [Satisfaction of Judgment form \(CC 4:8\)](#).

Unsatisfied with the court's decision:

- A default judgment - A default judgment is a court decision in favor of the plaintiff when the defendant does not answer or go to the court hearing.
 - If a default judgment is entered against you, you can file a [Motion to Set Aside Default Judgment and Application for New Trial \(CC 4:9\)](#) with the county court instead of filing an appeal.
 - The motion must be filed within 30 days after the judgment.
- File an appeal – An appeal is when someone that loses a case asks a higher court to review the decision and say if it was right.
 - An appeal can be filed by either the plaintiff or the defendant in the case.
 - The appeal must be filed within 30 days after the judgment.

See this page for additional information: <https://nejudicial.com/appeal-setaside-civil-smallclaim>

