

SMALL CLAIMS

(Defendant)



A DEFENDANT'S GUIDE FOR RESPONDING TO A SMALL CLAIMS CASE

Updated: 02/2026

DEFENDANT’S 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](https://nejudicial.com/small_claims_fees_and_cost)
- [Witness Fees - nejudicial.com/witness_fees](https://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 \(nejudicial.com/glossary\)](https://nejudicial.com/glossary).

For plain language assistance with Small Claims terms, please see the [Small Claims section \(nejudicial.com/small-claims-glossary\)](https://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](https://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
Office Hours: 8:00 am to 4:30 pm, Monday through Friday

**Never put cash
in the mail!**

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 – DEFENDANT

WHAT IS YOUR MILITARY STATUS?

If you are a member of the Armed Services **OR** you have been a member of the Armed Services within the last year, **you cannot be sued in Small Claims**. Please inform the court if this is true for you.

PHASE 1 - DECIDE HOW TO RESPOND

CHOOSE ONE:

DO NOTHING - Judgment may be entered against you.

DO YOU WANT TO GO TO TRIAL?

- If yes, Attend your -pretrial date.

YOU MAY ALSO CHOOSE TO:

- File a [Counter Claim or Setoff of Defendant \(CC 4:2\)](#).
 - You may use the instructions to help with completing the claim form.
[Instructions for Counter Claim or Setoff of Defendant \(CC 4:2a\)](#)

For additional assistance, go to the Nebraska Judicial Branch Self-Help website, or you may ask the clerk's office for a printed copy of the: [Small Claims Plaintiff's Packet \(CC 4:20\)](#).

OR

- File a [Notice to Transfer to Civil Docket Form \(CC 4:3\)](#).

IMPORTANT – IF YOU ARE FILING A COUNTER CLAIM OR SETOFF, you must give the plaintiff copies of the Counter Claim or Setoff of Defendant form at least 2 full days before the scheduled hearing date.

That is done by either:

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

First Class Mail – First Class Mail, postage pre-paid

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 \(nejudicial.com/service-service-return-guide\)](#)
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PHASE 2 – 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 3 – 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.

Evidence reminders:

- 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 4 – 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>

