

REPLY

Provincial Court of Newfoundland and Labrador



Small Claims Division

REPLYING TO A CLAIM

COURT FILE NUMBER
What is the court file number and location shown on the Statement of Claim?

Step 1

COMPLETE the REPLY. To complete the form, print clearly. There are 4 copies, so be sure all copies are legible.



Step 2

FILE the REPLY by taking or mailing it to the Provincial Court (Small Claims Division) at the address shown on the STATEMENT OF CLAIM. The staff will check your form and if it is in order, accept it for filing. The REPLY must be filed with the court within the time limit shown on the STATEMENT OF CLAIM.



Step 3

THEN you must serve a copy of your Reply on the plaintiff and provide Proof of Service to the Court (see Service Copy attached) within 10 days of service. If outside the Province, with 30 days of service. If you are disputing payment of the amount, you will receive a notice telling you the date, time and place of the settlement conference or trial.



Step 4

When the date is set, you can prepare for the settlement or trial.

Note: If you reside a considerable distance from where the Statement of Claim was issued, you may apply to the Court to transfer the matter to another Court location if you satisfy the Court there is a reason for the transfer. (See rule 5(6)). You will need form 14 which is available at the Court in your area.

FROM:

This is where you identify the defendant who is filing this Reply. Give an address where notices and other information about the claim can be sent to you. If this address changes at any time be sure to notify the court.

DISPUTE

Here you must list the reasons why you oppose the claim. You do not need to tell everything about your case here. You must tell just enough to indicate to the plaintiff and the court what parts of the claim you dispute, and why. Look at the "How Much" section of the Statement of Claim. If the claim has more than one part - a, b, c and so on - then you should reply to each part separately, using the same letters. If there is anything in the Statement of Claim that you agree with, be sure to include that here.

AGREEMENT WITH THE CLAIM

If you are proposing a payment schedule, try to make it a reasonable one. There may be a settlement conference. You will be asked about your financial circumstances and expected to provide supporting documents.

COUNTERCLAIM

If you have a counterclaim, you must tell just enough to let the plaintiff know what your counterclaim is about.

If your counterclaim is made up on several parts, separate them here and show the amount you are claiming for each part.

For example:

- a Amount owing on unpaid invoice \$\$\$\$\$\$\$\$\$\$
- b Interest under the contract \$\$\$\$\$\$\$\$\$\$

The plaintiff might agree with part of your counterclaim if you show its separate parts.

The most you may claim in a Small Claims Court is \$25,000.00 including the amount of money claimed AND the value of any goods or services claimed. This does not include interest and expenses.

If your counterclaim is for more than \$25,000.00 and you wish to file in this court just say in this section "I am abandoning the amount over \$25,000.00. Otherwise, you should file your claim in the Trial Division of the Supreme Court. If you choose to abandon part of claim, you cannot sue for that part later.

REPLY

IN THE PROVINCIAL COURT OF NEWFOUNDLAND (SMALL CLAIMS DIVISION)

COURT FILE NUMBER

COURT LOCATION

REPLY

TO:

Copy the name, address and telephone number of the plaintiff from the Statement of Claim.

NAME			PLAINTIFF(S)
ADDRESS			
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #

FROM:

Fill in the name, address and telephone number of the defendant filing this reply.

NAME			DEFENDANT
ADDRESS			
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #

DISPUTE:

Using the "HOW MUCH" section of the Statement of Claim as a guide, tell why you disagree with each part (a - d). If you agree with parts of the claim say so.

a

b

c

d

AGREEMENT WITH THE CLAIM: I agree to:

If you agree to pay all or part of what is claimed, make a proposal. If you agree to complete unfinished work, say so.

I could make the following payments:
(GIVE DATES AND AMOUNTS)

The plaintiff may file a consent or summary judgment to end the lawsuit. Otherwise the court will set a date for a settlement conference or a hearing and notify you.

COUNTERCLAIM (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE PLAINTIFF)

WHAT HAPPENED?
Briefly tell what has led to you counterclaim.

WHAT HAPPENED?

HOW MUCH?
Tell what you are claiming. If your counterclaim has more than one part, separate each part and fill in each individual amount, then add the individual amount to make the total.

a	\$	
b	\$	
c	\$	
TOTAL		\$

SIGN HERE

SIGNATURE OF DEFENDANT

Dated this _____ day of _____, _____.