

FRANKLIN COUNTY MUNICIPAL COURT

SMALL CLAIMS DIVISION

HOW TO FILE A CROSS-CLAIM

What is a cross-claim?

A cross-claim is a claim filed by a defendant against another defendant in the same case (or a plaintiff against another plaintiff). A cross-claim must arise out of the same subject matter described in the plaintiff's complaint.

What is the jurisdictional limit for a cross-claim in the Small Claims Division?

A cross-claim cannot exceed \$6,000, not including court costs and interest. You cannot ask for anything other than money in a small claims case. Also, you cannot file for libel, slander, abuse of (legal) process, malicious prosecution, or to recover "punitive damages."

If you have a cross-claim for more than \$6,000, or want something other than money, then the case may need to be transferred to the General Division. A fee of \$45.00 is required to transfer the case to the General Division. If the fee is not paid, the case will remain in the Small Claims Division where it is subject to the jurisdictional limit of \$6,000.

When should I file my cross-claim?

The cross-claim must be filed at least seven (7) days before the trial date. If you want to file a cross-claim less than seven days before the trial date, you must request permission from the magistrate.

How do I complete the cross-claim form?

Enter the names of the parties and the case number at the top of the form on the lines provided. The identities of the parties remain the same: the plaintiff in the complaint is still the plaintiff in the cross-claim. You are still the defendant. Under the title of "Cross-claim," explain the facts that support your cross-claim. If more space is needed, you may add an additional page. You must include the amount of money you are requesting and you must sign and date your cross-claim form.

How do I file my cross-claim?

You may mail or hand-deliver your cross-claim and court cost. The cost of filing a cross-claim is \$20.00 plus the cost of serving the plaintiff. You do not need to pay a service cost if you mail a copy of the cross-claim to the plaintiff yourself (you must complete the certificate of service at the bottom of the cross-claim form). If you want the court to serve a copy of the counter claim the cost is \$3.00 for ordinary mail, \$6.00 for certified mail, and \$25.00 for personal (or residence) service by a court bailiff.

FRANKLIN COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION

Plaintiff,
v. Case No. M _____ CV I _____

Defendant, Cross-Claimant
v.

Defendant, Cross-Claim Defendant.

CROSS-CLAIM

Defendant/cross-claimant _____ *Please use an additional page if necessary.*
demands judgment against defendant
_____ in the amount of \$ _____, plus court costs, and
interest.

Defendant

CERTIFICATE OF SERVICE

Defendant _____ served the foregoing cross-claim upon
defendant _____ and upon plaintiff at their respective last known
address by ordinary U.S. mail on _____, 20____.

Defendant

**INSTRUCTIONS
TO THE CLERK
LORI M. TYACK, CLERK
FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO**

_____ Plaintiff	Case No. _____ CV _____
VS.	Signature _____
_____ Defendant	Attorney Code _____
_____ Date	Attorney for _____

To the Clerk: Please issue

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| <p>_____ Writ of Restitution - \$35.00 (Includes Service)
(Red Tag)</p> <p>_____ Set Out - \$45.00(Includes Service)</p> <p>_____ Replevin - \$35.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Execution - \$35.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Execution/Vehicle - \$835.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Exemplified Copy or Certificate of Copy - \$20.00</p> <p>_____ Certificate of Judgment - \$10.00</p> <p>_____ Revivor - \$30.00
(Up to 3 defendants and/or addresses with 1 type of service)</p> <p>_____ Certificate of Judgment to BMV - \$10.00
Date of Loss _____
Date of Birth _____
Social Security # _____
Drivers License # _____
License Plate # _____</p> <p>_____ Appeal - \$50.00</p> <p>_____ Transfer from Small Claims - \$45.00</p> <p>_____ Certified Copies - \$1.00 ea.</p> <p>_____ Other _____</p> | <p>_____ Assignment of Judgment - \$20.00</p> <p>_____ Docket Transcript - \$20.00</p> <p>_____ Out of County Sheriff - \$41.00
County Name _____</p> <p>_____ Post Judgment Motion - \$20.00</p> <p>_____ Objection to Magistrate's Report - \$20.00</p> <p>_____ Amended Complaint - \$20.00
(plus service fees, if requested)</p> <p>_____ Third Party Complaint - \$20.00
(plus service fees, if requested)</p> <p>_____ Counterclaim/Crossclaim - \$20.00 ea.
(plus service fees, if requested)</p> <p>_____ Order to Show Cause - \$50.00
(Includes Service)</p> <p>_____ Ordinary Mail Svc - \$3.00 ea.</p> <p>_____ Certified Mail Svc - \$6.00 ea.</p> <p>_____ Bailiff Svc - \$25.00 ea.</p> <p>_____ Jury Demand Fee - \$10.00</p> <p>_____ Jury Demand Deposit - \$500.00</p> <p>_____ New Address _____</p> <p>_____ Street _____</p> <p>_____ City _____ State _____ Zip code _____</p> |
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