

FRANKLIN COUNTY MUNICIPAL COURT

SMALL CLAIMS DIVISION

HOW TO FILE A THIRD-PARTY COMPLAINT

What is a third-party complaint?

A third-party complaint is a claim filed by a defendant against a new party that was not originally named in the plaintiff's. If you have been sued and believe someone else is responsible then a third-party complaint may be an option to that party into the lawsuit.

What is the jurisdictional limit for a third-party complaint in the Small Claims Division?

A third-party complaint in the Small Claims Division 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."

How do I complete the third-party complaint 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 third-party complaint. You are still the defendant. Under the title of "Third-party complaint," explain the facts that support why the third-party defendant is responsible and should be brought into the case. 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 third-party complaint form.

You must attach a copy of the original complaint filed in the case. Mark the complaint as "Exhibit A."

How do I file my third-party complaint?

You may mail or hand-deliver your third-party complaint and court cost. The cost of filing a third-party complaint is \$20.00 plus the cost of serving the plaintiff. The service cost is \$6.00 for certified mail or \$25.00 for personal (or residence) service by a court bailiff. The Instructions for Service of Summons form must be completed.

Service must be completed before the third-party can be brought into the case.

How do I notify the other parties in the case that I am filing a third-party complaint?

You must mail a copy of the Third-Party Complaint to each of the parties already in the case. Complete the Certificate of Service at the bottom of the form to verify that you have mailed a copy to each party by ordinary mail.

FRANKLIN COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION

Plaintiff,
v.

Case No. _____ CVI _____

Defendant and Third-Party Plaintiff,
v.

Name

Address

Telephone

Third-Party Defendant.

THIRD-PARTY COMPLAINT

1. Defendant/Third Party Plaintiff states that Plaintiff filed a Small Claims Complaint in this Court (a copy is attached as Exhibit "A").
2. Defendant/Third Party Plaintiff states that Third-Party Defendant _____

Please use an additional page if necessary.

Defendant/Third Party Plaintiff demands that Plaintiff's complaint be dismissed, or that judgment be entered in Third-Party Plaintiff's favor and against Third-Party Defendant for \$_____, plus court costs, and interest.

Defendant and Third-Party Plaintiff

CERTIFICATE OF SERVICE

Defendant/Third Party Plaintiff served a copy of the foregoing third-party complaint upon Plaintiff at his last known address by ordinary United States mail on _____, 20_____.

Defendant and Third-Party Plaintiff

FRANKLIN COUNTY MUNICIPAL COURT **CASE NO:** _____

INSTRUCTIONS FOR SERVICE OF SUMMONS

To: Clerk, Franklin County Municipal Court, please issue summons for:

Personal Service Residence Service Certified Mail Ordinary Mail

Other: _____

On the defendant(s) as listed below, in the instructions to server.

DATE: _____ (Signed) _____
Signature of Requesting Party

To: _____ (Server)

You are instructed to make:

Personal Service Residence Service Certified Mail Ordinary Mail

Upon the following defendant(s) and at the address(s) listed below:

Special instructions for server:

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

_____ Plaintiff

 VS.
 _____ Defendant

 _____ Date

Case No. _____ CV _____
 Signature _____
 Attorney Code _____
 Attorney for _____

To the Clerk: Please issue

- _____ Writ of Restitution - \$35.00 (Includes Service)
(Red Tag)
- _____ Set Out - \$45.00(Includes Service)
- _____ Replevin - \$35.00 (Includes Service)
(You must complete bailiff instructions)
- _____ Execution - \$35.00 (Includes Service)
(You must complete bailiff instructions)
- _____ Execution/Vehicle - \$835.00 (Includes Service)
(You must complete bailiff instructions)
- _____ Exemplified Copy or Certificate of Copy - \$20.00
- _____ Certificate of Judgment - \$10.00
- _____ Revivor - \$30.00
(Up to 3 defendants and/or addresses with 1 type of service)
- _____ Certificate of Judgment to BMV - \$10.00
 Date of Loss _____
 Date of Birth _____
 Social Security # _____
 Drivers License # _____
 License Plate # _____
- _____ Appeal - \$50.00
- _____ Transfer from Small Claims - \$45.00
- _____ Certified Copies - \$1.00 ea.
- _____ Other _____

- _____ Assignment of Judgment - \$20.00
- _____ Docket Transcript - \$20.00
- _____ Out of County Sheriff - \$41.00
County Name _____
- _____ Post Judgment Motion - \$20.00
- _____ Objection to Magistrate's Report - \$20.00
- _____ Amended Complaint - \$20.00
(plus service fees, if requested)
- _____ Third Party Complaint - \$20.00
(plus service fees, if requested)
- _____ Counterclaim/Crossclaim - \$20.00 ea.
(plus service fees, if requested)
- _____ Order to Show Cause - \$50.00
(Includes Service)
- _____ Ordinary Mail Svc - \$3.00 ea.
- _____ Certified Mail Svc - \$6.00 ea.
- _____ Bailiff Svc - \$25.00 ea.
- _____ Jury Demand Fee - \$10.00
- _____ Jury Demand Deposit - \$500.00
- _____ New Address

 Street

 City State Zip code