

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.

_____ Plaintiff, v.	:	Case No. M _____ CV I _____
_____ Defendant, Cross-Claimant v.	:	
_____ Defendant, Cross-Claim Defendant.	:	

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

Defendant/cross-claimant _____ demands judgment against defendant
_____ in the amount of \$ _____, plus court costs, and
interest.

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 OF COURTS
FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO**

Case No. _____ CV _____

Signature_____

Attorney Code_____

Attorney for _____

To the Clerk: Please issue

_____ DOCKET TRANSCRIPT - \$20.00

_____ **Out of County Sheriff - \$41.00**
County Name _____

 Post Judgment Motion - \$20.00

 Objection to Magistrates Report - \$20.00

_____ **Amended Complaint - \$20.00**
(plus service fees)

_____ **Third Party Complaint - \$20.00**
(plus service fees)

_____ **Counterclaim/Crossclaim - \$20.00**
(plus service fees)

 Order to Show Cause - \$50.00

 Ordinary Mail Service - \$3.00

 Certified Mail Service - \$10.00

Bailiff Service - \$25.00

____ Personal/Residence Process Server \$25.00
____ Residence Process Server \$25.00

FedEx - \$22.00

_____ **Jury Demand Fee - \$10.00**

_____ **Jury Demand Deposit - \$500.00**

New Address

Street

City	State	Zip code
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City	State	Zip code
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City	State	Zip code
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