

## **Trial Information Sheet**

### **Read Carefully**

**TRIAL DATE:** Do not forget your trial date. Failure to come to court on the given date at the right time may result in your losing the case and the other side winning the case. Give yourself plenty of time to park, get into the courthouse and go through security.

**INTERPRETERS:** The Court does not provide language interpreters for civil cases. It is your responsibility to bring a language interpreter to court if necessary.

**EXHIBIT AND WITNESS LIST:** All lists must be disclosed 10 days prior to trial. Failure to do so may result in not being allowed to introduce that exhibit or call that witness. You may have subpoenas issued by the Clerk of Courts if you so desire, a subpoena once served is a court document requiring the witness to appear.

**TRIAL PREPARATION:** Bring all witnesses, documents (original and sufficient copies for all parties) and all other evidence you plan to present at the trial. There is only one trial! Have everything ready and be on time. If you need something for the trial, such an expert witness (an automobile mechanic, a carpenter, a repairman, etc.) or a particular document, make sure you have that necessary person or evidence at trial. Any case involving a claim of improper repairs, workmanship or allegations that a fee charged was not reasonable, requires expert testimony.

**TRIAL:** Each party may be asked to give a concise opening statement outlining what the case is about and what they intend to prove. Please have this prepared for trial. The opening is not evidence and the court cannot rule based on the opening statement. You may also wish to prepare a list of appropriate questions to ask of the witnesses.

**SETTLEMENT BEFORE TRIAL:** If all claims and/or counterclaims are settled by the parties, then both parties should notify the Clerk of Courts, Small Claims Division, P.O. Box 1760, LaBelle, FL 33975. This must be in writing. Only after the plaintiff and the defendant have notified the clerk in writing, it is not necessary for the parties to appear in court. If a counterclaim has been filed, settlement of one claim has not effect on the other claim, and that remaining claim may proceed to trial on the date given in the trial agreement.

**COUNTERCLAIMS:** If the Defendant is allowed a certain number of days to file a counterclaim, they must file the claim within the specified number of days. File a counterclaim with the Clerk of Courts. If you are the plaintiff and you have been given written notice that a counterclaim has been filed against you, this means you are now being sued by the defendant. If the defendant files such an action, each party has a claim pending against the other. If a counterclaim has been properly filed, there are two lawsuits being considered by the judge at the same time; the plaintiff's suit against the defendant and the defendant's suit against the plaintiff.

**WITNESSES:** Bring necessary witnesses to trial. If you need to subpoena your witnesses, it is your responsibility to do so and you should do it as soon as possible. It may take weeks to get a witness served with the proper paperwork.

**ADDRESS CHANGE:** All changes in address must be furnished in writing to the Clerk of Courts and the opposing party. Failure to do so may result in you not being noticed of any hearing or change in the trial date.

**COURT REPORTER AND APPEALS:** Your non- jury trial will not be recorded. If you wish to have the proceedings recorded, a court reporter must be present. It is your responsibility to secure and pay for a court reporter. Appeals to a higher court because you are not satisfied by the outcome are governed by special rules. One of those rules requires that the appellate court have a complete record to the trial to review the errors. If you do not have a court reporter at our trial, your chances of success on appeal will be severely limited.

**DISABILITIES:** In accordance with the Americans with Disabilities Act, persons with disabilities who need any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Dawn Oliver, Administrative Services Manager, Hendry County Courthouse, 25 E Hickpochee Ave., LaBelle, Florida 33935 whose telephone number is 863-675-5374 within seven (7) days of receipt of any notice; if you are hearing or voice impaired, call 711.