

District Court of Maryland

District Eleven – Frederick and Washington Counties

Case Management Plan – Civil Small Cases

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Civil Small Claim Cases

Civil small claim cases may only be filed in the District Court. The criteria for filing a civil small claim case in the District Court include the following:

- ✓ A claim is for \$5,000 or less, exclusive of interest, costs, and attorney's fees, if attorney's fees are recoverable by law or contract (Courts and Judicial Proceedings Article § 4-405);
- ✓ A claim is for money only, not the return of property or performance of a service; and
- ✓ The plaintiff is not planning to request any discovery (paperwork or other documentation such as interrogatories – written questions that the other side must answer under oath in writing, before trial, Md. Rule 3-701).

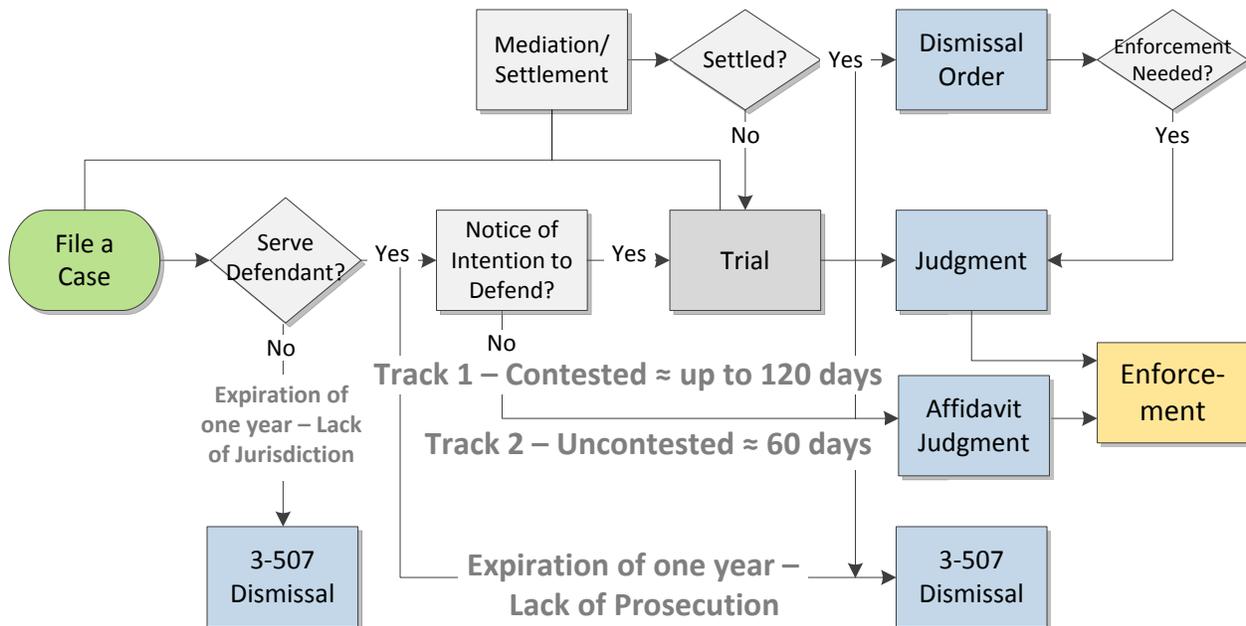
The types of Small Claim cases which can be filed using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106):

- ✓ *Contract* cases involve non-payment for money owed to you under a contract.
- ✓ *Tort* cases involve a harm that has been done to you and that has resulted in monetary damages, such as someone damaging your car.
- ✓ *Bad Faith Insurance* Claims seek, in addition to actual damages, the expenses, litigation costs and interest from a first party insurance claim that was not processed in good faith. (Applies to actions under Courts and Judicial Proceedings Article § 3-1701.)

How much time a civil small claim case should take to get resolved

A small claim case may follow two potential tracks to resolution – contested and uncontested. A third track includes other small civil judgment cases where judgment is entered immediately upon filing with service occurring after. The diagram below illustrates Tracks 1 and 2. Note that the times indicated are estimated from filing to the date of judgment or order. A case may take shorter or longer. The District Court of Maryland has a goal of resolving (reaching judgment) on most civil small claim cases within 120 days.

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Track 1 – Contested Cases

File a Case

The following steps are required to file a case:

- File a complaint**, using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106) with the court and attach any supporting documentation. You must provide one copy for the court and one copy for each defendant. In the form, it is critical to name the correct defendant. One of the most challenging parts of filing a small claim is to make sure to sue the right person. See the [Small Claims Brochure](#) (DC-CV-001BR) for detailed instructions about how to name defendants who are individuals, companies, or the agent of a company.
- Pay the filing fee and service fee, if applicable.** Check the [District Court’s Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the Clerk’s office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The Sheriff’s fee must be paid via check or money order and cannot be waived. In Washington County, the check or money order should be made payable to the Washington County Sheriff’s Department. In Frederick County, the service fee may be paid by cash (exact cash), debit/credit (Visa, MasterCard or Discover including a 2.5% fee) or check/money order payable to the Frederick County Sheriff’s Department.

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Beginning October 16, 2017, a plaintiff may file a case electronically and pay the filing fee via the internet, after registering to do so at <https://maryland.tylerhost.net/ofsw eb>. Electronic filing is required by attorneys.

Filing fees may be waived by the court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- ✓ Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

- (c) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a Writ of Summons to officially notify the defendant that a suit has been filed. The Writ of Summons has a 30-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original Complaint and Writ of Summons. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail; 2) Private Process; 3) Constable (Baltimore County service only); and 4) Sheriff.

Time – the plaintiff has 30 days to notify a defendant (Md. Rule 3-113).

- (d) **Proof of Service.** If the court does not receive Proof of Service within the time allotted for the defendant to file an Intention to Defend, the plaintiff may not be able to present their case on the trial date.

Counter Claims (Md. Rule 3-331)

A counter claim is filed by a defendant against the plaintiff using the [Complaint Form](#) (DC-CV-001). A party may file a counterclaim within ten days after the time for filing a Notice of Intention to Defend, and thereafter only with leave of court for good cause shown.

A filing fee is required and the Complaint can be served via first-class mail. A certificate of service must be submitted with the counter claim filing.

Cross Claims (Md. Rule 3-331)

A cross claim is filed between two defendants (or between two plaintiffs) in the same case using the [Complaint Form](#) (DC-CV-001). A party may file a cross claim within ten days after the time for filing a Notice of Intention to Defend, and thereafter only with leave of court for good cause shown.

A filing fee is required and the complaint can be served via first-class mail. A certificate of service must be submitted with the cross claim filing.

Third Party Claims (Md. Rule 3-332)

A third party claim is filed by the defendant in a case against a person not previously a party to the case using the [Complaint Form](#) (DC-CV-001). A party may file a third party claim no later than ten days before the scheduled trial date. Within ten days of the scheduled trial date or after the trial has commenced, a defendant may file a third party claim only with the consent of the plaintiff or by order of court. The third party plaintiff is required to attempt to notify the third party defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a Writ of Summons and copies of the complaint and all pleadings filed to date to officially notify the third party defendant that a suit has been filed. The Writ of Summons has a 30-day time limit to serve the third party defendant. After the time limit has expired, the summons is no longer valid, unless renewed by the third party plaintiff.

A filing fee is required and depending on the method of service, a service fee may be required. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail; 2) Private Process; 3) Constable (Baltimore County service only); and 4) Sheriff.

Interpleader (Md. Rule 3-221)

An action for Interpleader may be filed against two or more claimants who claim to be entitled to the property. The plaintiff may deny liability in whole or in part to any or all defendants. A defendant may obtain an interpleader by way of counterclaim or cross-claim. An action for Interpleader is filed by motion which shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property and a [Complaint Form](#) (DC-CV-001). A judge will grant or deny the motion to intervene. If granted, the case will be processed and sent out for service. A trial date will be set after the parties have been served and have had time to respond to the complaint.

A filing fee is required and depending on the method of service, a service fee may be required. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail; 2) Private Process; 3) Constable (Baltimore County service only); and 4) Sheriff.

Intervenor (Md. Rule 3-214)

A person shall be permitted to intervene when that person claims an interest relating to the property or transaction that is the subject of the action. The federal, state or local subdivision of the State may motion the court to be permitted to intervene in an action when the validity of a constitutional or other legal ground is called into question in the action. An action for Intervenor is filed by motion which states the grounds for the request to intervene and a [Complaint Form](#) (DC-CV-001). A judge will grant or deny the motion to intervene. If granted, the case will be processed and a trial date set.

There is no District Court filing fee and the complaint can be served via first-class mail. A certificate of service must be submitted with the cross claim filing.

Military Service Affidavit

To be entitled to an affidavit judgment or to a default judgment, Federal law requires a Plaintiff to file an affidavit as to whether any defendant is in the military service. Even if you are not requesting an affidavit judgment this affidavit must be completed. The most commonly accepted documentation is the form available at https://scra.dmdc.osd.mil/single_record.xhtml. This website search requires the Social Security Number of the Defendant. If a judge finds that the

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affidavit lacks sufficient facts to determine whether any Defendant is in the military service, the court may deny affidavit judgment and schedule a hearing. Federal law gives the court several options if the court finds that the defendant is in the military service. The court may require the Plaintiff to post a bond, the court may appoint counsel to represent the defendant, or the court may stay the proceedings. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the courts website at: <http://mdcourts.gov/reference/scra.html>. *Filing a false Military Service Affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

Notice of Intention to Defend

The defendant may choose to contest a complaint filed against them in District Court, after they have received a Writ of Summons, by filing a Notice of Intention to Defend. These cases are considered by the court to be contested, and the case shall proceed to the scheduled trial date or the existing court date may be changed to allow time for a trial.

If the defendant files a Notice of Intention to Defend, the court will notify the plaintiff. The Notice of Intention to Defend includes space for the defendant to explain why he or she should not be required to pay the plaintiff the money the plaintiff claims they are owed. If the defendant chooses to list a reason, the notice the plaintiff receives from the court will include that reason. The plaintiff should take note of the defendant's claim and be prepared to explain to the judge why the defendant's argument is not valid. The court will set a trial date.

Even if the defendant does not file the Notice of Intention to Defend, the plaintiff may still be required to come to court for a trial or other hearing.

Time – a defendant living in the State of Maryland has 15 days, and a defendant outside the State of Maryland (also a resident agent and the United States or an office of an agency of the United States) 60 days to file a Notice of Intention to Defend, following the date of Proof of Service (Md. Rule 3-307). Even if a Notice of Intention to Defend is not timely filed, it is still accepted and entered into the file. The judges will also accept them in the courtroom on the trial date and the case may be continued to allow both parties time to prepare for a trial.

Alternative Dispute Resolution

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court, if the parties choose to seek a court order or judgment that is enforceable. Forms of ADR, after the filing of a case, include the following:

- (a) **Settlement.** Two parties may settle a case at any time leading up to the trial date. When a case has been settled the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment.
- (b) **Settlement Conference.** Generally, no settlement conferences are held in small claim cases, but if requested by the judge we would following Md. Rule 3-504. A settlement conference may not be in front of the judge assigned at trial.

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(c) **Mediation.** Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes to child abuse, imminent threats of harm to a person, or allegations of duress or fraud. But any discussions, and if all parties choose, even some agreements reached can be kept confidential. In Washington County, a mediation brochure is attached to all complaints sent out for service to the defendant. Mediators are available in court on Fridays at 1:00 PM. Frederick County does not attach the mediation brochure but mediators are generally court for all civil dockets. An agreement following mediation can result in the dismissal of the case or in a consent judgment. An agreement is not enforceable following dismissal of a case, and the plaintiff may be required to file an affidavit for judgment, if they are unable to enforce an agreement.

Trial

At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. The trial will be more informal than a regular trial, but both parties still need to prove their case.

Time – The trial date shall be set within 60 days after the complaint is filed for in-state defendants, and within 90 days after the complaint is filed for out-of-state defendants (Md. Rule 3-701).

Judgment

The judgment is entered by the clerk following a trial, usually the same day. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 3-601(e)). Types of judgments included: judgment, consent judgment, and confessed judgment. An affidavit or default judgment may be entered if the defendant does not appear.

Post-Judgment

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 3-533), or file a motion to alter or amend a judgment (Md. Rule 3-534); and 30 days to file an appeal (Md. Rule 7-104). An appeal from a small claim case will be retried in the Circuit Court.

Enforcement

After the court issues a judgment and it is entered into the record by the Clerk, both parties will receive a copy of the judgment by first-class mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule 3-632) before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a defendant can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; or
3. Seizing the other person's personal property or real estate.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it

may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

Track 2 – Uncontested Cases (Affidavit Judgment)

The possible conditions that define uncontested cases are the following:

- ✓ No Notice of Intention to Defend within time limits allowed by law;
- ✓ Affidavit in Support of Judgment signed by the plaintiff; or
- ✓ Affidavit judgment in favor of the plaintiff by the court.

File a Case

(a) **File a complaint**, using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106) with the court and attach any supporting documentation. You must provide one copy for the court and one copy for each defendant. In the form, it is critical to name the correct defendant. One of the most challenging parts of filing a small claim is to make sure to sue the right person. See the [Small Claims Brochure](#) (DC-CV-001BR) for detailed instructions about how to name defendants who are individuals, companies, or the agent of a company.

(b) **Pay the filing fee and service fee, if applicable**. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the Clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The Sheriff's fee must be paid via check or money order and cannot be waived. In Washington County, the check or money order should be made payable to the Washington County Sheriff's Department. In Frederick County, the service fee may be paid by cash (exact cash), debit/credit (Visa, MasterCard or Discover including a 2.5% fee) or check/money order payable to the Frederick County Sheriff's Department.

Electronic filing is required by attorneys.

Filing fees may be waived by the court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- ✓ Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

(c) **Notify the other party (Defendant)**. The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will

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issue a Writ of Summons to officially notify the defendant that a suit has been filed. The Writ of Summons has a 30-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original Complaint and Writ of Summons. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail; 2) Private Process; 3) Constable (Baltimore County service only); and 4) Sheriff.

Time – the plaintiff has 30 days to notify a defendant (Md. Rule 3-113).

(d) **Proof of Service.** If the court does not receive Proof of Service within the time allotted for the defendant to file an Intention to Defend, the plaintiff may not be able to present his or her case on the trial date.

Military Service Affidavit

To be entitled to an affidavit judgment or to a default judgment, Federal law requires a Plaintiff to file an affidavit as to whether any defendant is in the military service. Even if you are not requesting an affidavit judgment, this affidavit must be completed. The most commonly accepted documentation is the form available at https://scra.dmdc.osd.mil/single_record.xhtml. This website search requires the Social Security Number of the Defendant. If a judge finds that the affidavit lacks sufficient facts to determine whether any Defendant is in the military service, the court may deny affidavit judgment and schedule a hearing. Federal law gives the court several options if the court finds that the defendant is in the military service. The court may require the Plaintiff to post a bond, the court may appoint counsel to represent the defendant, or the court may stay the proceedings. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the courts website at: <http://mdcourts.gov/reference/scra.html>. *Filing a false Military Service Affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

Notice of Intention to Defend

The primary determinant of an uncontested case is the lack of the filing of a Notice of Intention to Defend.

Affidavit in Support of Judgment

The plaintiff may choose to fill out Section Four, Application and Affidavit in Support of Judgment, on the original [Complaint Form](#) (DC-CV-001), in order to be eligible for an affidavit judgment. Affidavit judgments are a type of default judgment issued by a judge without trial. They may be issued against a defendant who does not file a Notice of Intention to Defend, but who has been served a writ of summons. These are considered uncontested cases. Note that the form requires additional procedures related to compliance with the Servicemembers Civil Relief Act, when the defendant may be a service member.

On cases with a plaintiff who does fill out Section Four, the court does not automatically issue an affidavit judgment. The court may choose to hold a hearing or the trial date and to proceed to a judgment.

Judgment

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The affidavit judgment is entered by the clerk following a trial, usually the same day. The date of the judgment is the date the clerk enters the judgment into the electronic case management system (Md. Rule 3-601(e)).

Post-Judgment

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 3-533), or file a motion to alter or amend a judgment (Md. Rule 3-534); and 30 days to file an appeal (Md. Rule 7-104). An appeal from a large claim case will not result in a new trial, but will be on the record.

Enforcement

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule 3-632) before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

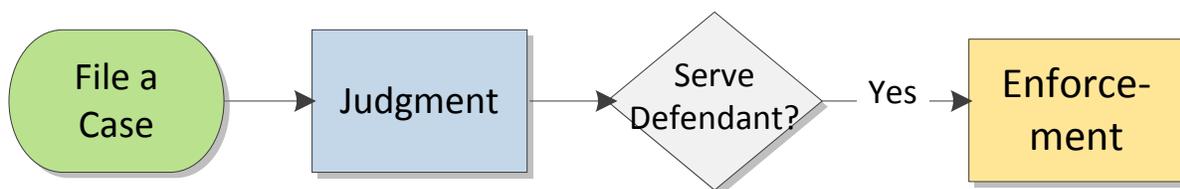
1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; and
3. Seizing the other person's personal property or real estate.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

Track 3 – Other Small Civil Judgment Cases

The possible conditions that define Other Small Civil Judgment Cases are the following:

- ✓ A claim is for \$5,000 or less;
- ✓ Judgment is entered immediately upon filing with service occurring after; and
- ✓ The case does not require a trial.



Bond Forfeiture Judgments (Md. Rule 4-217)

If a defendant fails to appear as required, the court shall order forfeiture of the bail bond and issuance of a warrant for the defendant's arrest and may set a new bond in the action. The clerk shall promptly notify any surety on the defendant's original bond, and the State's Attorney, of the forfeiture of that bond and the issuance of the warrant.

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Within 90 days from the date the defendant fails to appear, which time the court may extend to 180 days upon good cause shown, a surety shall satisfy any order of forfeiture, either by producing the defendant in court or by paying the penalty sum of the bond. If the defendant is produced within such time by the State, the court shall require the surety to pay the expenses of the State in producing the defendant and shall treat the order of forfeiture satisfied with respect to the remainder of the penalty sum.

If an order of forfeiture has not been stricken or satisfied within 90 days after the defendant's failure to appear, or within 180 days if the time has been extended, the clerk shall forthwith:

- a. enter the order of forfeiture as a judgment in favor of the governmental entity that is entitled by statute to receive the forfeiture and against the defendant and surety, if any, for the amount of the penalty sum of the bail bond, with interest from the date of forfeiture and costs including any costs of recording, less any amount that may have been deposited as collateral security; and
- b. cause the judgment to be recorded and indexed among the civil judgment records of the circuit court of the county; and
- c. prepare, attest, and deliver or forward to any bail bond commissioner appointed pursuant to Rule 16-805, to the State's Attorney, to the Chief Clerk of the District Court, and to the surety, if any, a true copy of the docket entries in the cause, showing the entry and recording of the judgment against the defendant and surety, if any.

The Criminal, Traffic or Civil case file is forwarded to the civil department where a civil case is created and a bond forfeiture judgment is entered against the defendant and surety, if any.

There is no District Court filing fee.

The clerk then forwards a notice of lien of judgment to the circuit court. There is no circuit court filing fee in Washington or Frederick counties.

The defendant and surety, if any, will receive a notice via first-class mail that a bond forfeiture judgment was entered.

A copy of the case docket entries is mailed to the Washington County State's Attorney's Office, District Court Headquarters and surety, if any.

Enforcement of the judgment shall be by the State's Attorney in accordance with those provisions of the rules relating to the enforcement of judgments.

Confessed Judgments (Md. Rule 3-611)

A Confessed Judgment is an action seeking final judgment based upon a person agreeing, in advance, to the entry of judgment against him or her upon the occurrence or non-occurrence of an event, such as making a payment.

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The instrument does not evidence or arise from a consumer loan as to which a confessed judgment clause is prohibited by Commercial Law Article § 12-311(b).

The instrument does not evidence or arise from a consumer transaction as to which a confessed judgment clause is prohibited by Commercial Law Article § 13-301.

The instrument is not subject to the Maryland Retail Installment Sales Act as to which a confessed judgment clause is prohibited by Commercial Law Article § 12-607.

The following steps are required to file a case:

- (a) **File a complaint**, using the [Complaint and Affidavit for Judgment by Confession](#) (DC-CV-104) form with the court.
- (b) **File the original or a copy of the written instrument authorizing the confession of judgment for a liquidated amount;**
- (c) **Pay the filing fee and service fee, if applicable.** Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the Clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The Sheriff's fee must be paid via check or money order and cannot be waived. In Washington County, the check or money order should be made payable to the Washington County Sheriff's Department. In Frederick County, the service fee may be paid by cash (exact cash), debit/credit (Visa, MasterCard or Discover including a 2.5% fee) or check/money order payable to the Frederick County Sheriff's Department.

Beginning October 16, 2017, a plaintiff may file a case electronically and pay the filing fee via the internet, after registering to do so at <https://maryland.tylerhost.net/ofsw eb>. Electronic filing is required by attorneys.

Filing fees may be waived by the court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
 - ✓ Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- (d) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue the Complaint to officially notify the defendant that a suit has been filed. There is no time limit for service of the Complaint to the defendant. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail; 2) Private Process; 3) Constable (Baltimore County only); and 4) Sheriff.

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- (e) **Proof of Service.** If the court does not receive Proof of Service the judgment cannot be enforced.

Foreign Judgments (Courts and Judicial Proceedings Article § 11-801 to 11-807)

A Foreign Judgment is a judgment, decree, or order of a court of the United States or of any other court that is entitled to full faith and credit in this State. A Foreign Judgment is not open to post-judgment revisions. Motions to revise must be filed in the original court.

The following steps are required to file a case:

- (a) **File a complaint**, using the [Request to File Foreign Judgment](#) (DC-CV-15) form with the court. Addresses for both parties shall be listed on the complaint. Non-money judgments shall be referred to a judge before execution.
- (b) **File a copy of the foreign judgment which has been tripled sealed (Certified under Act of Congress);**
- (c) **Pay the filing fee and service fee, if applicable.** Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the Clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The Sheriff's fee must be paid via check or money order and cannot be waived. In Washington County, the check or money order should be made payable to the Washington County Sheriff's Department. In Frederick County, the service fee may be paid by cash (exact cash), debit/credit (Visa, MasterCard or Discover including a 2.5% fee) or check/money order payable to the Frederick County Sheriff's Department.

Beginning October 16, 2017, a plaintiff may file a case electronically and pay the filing fee via the internet, after registering to do so at <https://maryland.tylerhost.net/ofswab>. Electronic filing is required by attorneys.

Filing fees may be waived by the court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
 - ✓ Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- (d) **Notify the other party (Defendant).** The clerk will mail a copy of the Foreign Judgment to the defendant via first-class mail, however, the plaintiff may request service by certified mail or sheriff/constable.

Municipal Infraction Judgments (Local Government Article § 6-102 to 6-115)

Civil infraction means a violation of a county ordinance, resolution, or public local law which has been designated a civil infraction by the legislative body of a code home rule county. In Washington County, municipal infraction judgments may be entered due to a violation of the [Hagerstown city](#)

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[codes](#) or [Washington County building codes](#). In Frederick County, municipal infraction judgments may be entered due to violations of the Frederick County codes and the city or town codes for Frederick, Thurmont, Brunswick and Walkersville.

For more information concerning Civil Citations see that section under the Criminal Cases section of this plan. [Criminal Case Management Plan](#)

Municipal Infraction Judgments may be entered as a result of the following:

- ✓ The defendant fails to appear for the Civil Citation hearing; or
- ✓ The defendant appears for the Civil Citation hearing but does not pay the fine assessed by the judge.

After the 30-day appeal period, the Civil Citation case file is forwarded to the civil department where a civil case is created and a municipal infraction judgment entered.

There is no District Court filing fee.

The defendant will receive a notice via first-class mail that a municipal infraction judgment was entered.

Restitution Judgments (Criminal Procedures § 11-610 and 11-611)

Restitution means that the person who committed the crime must repay the victim, the state government, an insurance company or another person that has compensated the victim for injuries, loss or damage.

Restitution Judgments are entered as a result of the following:

- ✓ The defendant fails to pay restitution as ordered in a Criminal or Traffic case and the judge orders a civil judgment; or
- ✓ The victim requests a civil judgment in writing after the defendant fails to pay restitution as ordered in a Criminal or Traffic case.

The Criminal or Traffic case file is forwarded to the civil department where a civil case is created and a restitution judgment entered.

There is no District Court filing fee.

The clerk then forwards a notice of lien of judgment to the circuit court of any other county as the Maryland Rules provide. There is no circuit court filing fee in Washington or Frederick counties.

The defendant will receive a notice via first-class mail that a restitution judgment was entered.

Enforcement

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10* days (Md. Rule 3-632) before he or she can take further legal

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action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; or
3. Seizing the other person's personal property or real estate.

* Exception: Restitution Judgments are not enforceable until 30 days after the date the judge ordered the restitution in the criminal or traffic case.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

The following topics apply to all civil small tracks.

Personal Identifiers

It is the responsibility of the filer to redact personal identifiers, prior to submitting a filing with the Court. Filers include anyone filing documents with the Court, including police officers, the state's attorney, criminal complainants, landlords, petitioners, and others. The filer does not have to be a party to a case, and may include Federal Courts, military personnel, or relatives to a party in a case.

Per Md. Rule 1-322.1, unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper filing with a court:

- (1) an individual's Social Security number, taxpayer identification number; or
- (2) the numeric or alphabetic characters of a financial or medical account identifier."

The rule also states that unless otherwise provided by law or court order, this Rule does not apply to the following:

- (1) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) the record of an administrative agency proceeding.

Discovery

Interrogatories (Md. Rule 3-421) may not be filed pre-judgment in small claim cases (Md. Rule 3-701). The plaintiff may not ask questions about the defendant's assets until after a judgment has been entered.

The actual questions do not need to be filed with the court. Up to 15 questions are allowed and must be relevant to the case. The opposing party has 15 days from the date of service to file answers.

Medical Records

We do not accept medical records per Courts and Judicial Proceedings Article § 10-104 & 10-105. If we receive medical records with the complaint or prior to court we return them with our local administrative order.

Postponements

A postponement can be requested using the [Motion for Postponement](#) (CC-DC-070).

The postponement policy is based on the [District Court Administrative Regulations](#), as follows:

No motion for the postponement or continuance of any case shall be considered, unless made in the following manner:

- A. **Five or More Days Prior to Trial.** Every person desiring a case continued or postponed shall, at least five calendar days prior to the scheduled trial date, file a motion for such postponement or continuance with the clerk of the court specifically designated to consider such motions. Such motion shall not be granted by the clerk except for good cause shown. If such motion is denied by the said clerk, the party requesting the postponement or continuance may then address the motion to the presiding judge of that court.

Good cause reasons five or more days prior to trial may include, at minimum, the following:

- Written consent of both parties for the first trial postponement only;
- Scheduling conflict of either party or attorney with a trial on another case, with the notice for the conflicting trial attached;
- Serious illness or death of either party or attorney;
- Planned holidays or vacations of either party or attorney, with a motion filed at least 30 days prior to the trial date; or
- Other serious emergency conflict.

- B. **Less Than Five Days Prior to Trial.** Any motion for postponement or continuance of any case made within five days of the scheduled trial date shall be addressed directly to the presiding judge of that court.

Good cause reasons less than five days prior to trial shall NOT include the following:

- Written consent of both parties;
- Scheduling conflict of either party or attorney with trial on another case; or
- Planned holidays or vacations of either party or attorney.

- C. **Designation of Postponement Clerk.** The administrative judge has designated a clerk to consider first requests for postponements that are received five or more days prior to the trial date and docketing problems due to judges' unavailability.
- D. **Attorney Hearing Dates.** Unless otherwise agreed by the clerk, all requests for postponements should be accompanied by three (3) proposed dates when the attorneys and parties are available. Counsel should attempt to contact opposing counsel, if possible, to clear dates acceptable to both attorneys and parties. Civil cases are heard on Mondays and Fridays.

Do You Need a Court Interpreter or Other Special Accommodation?

The Maryland Judiciary provides court interpreters for hearings and proceedings conducted in court, as well as certain court-related services and events, at no cost, for individuals who are parties or witnesses in court proceedings.

Only court-appointed interpreters can serve as official interpreters in the courtroom. Your family or friends cannot serve as official court interpreters. But, you can have your family members or friends help you to communicate with the court staff outside the courtroom.

You should request an interpreter for your hearing 30 days before the court date, if possible.

Fill out a [Request for Spoken Language Interpreter](#) (CC-DC-041). If requesting a sign language interpreter or other special accommodation, use the [Request for Accommodation for Person with Disability](#) (CC-DC-049). You can also ask your attorney to fill out the form for you.

Submit the form to the Clerk's Office of the courthouse where your hearing is scheduled by mail or in person.

If you are a party in the case, you only need to submit a single Interpreter Request Form. Once the court receives your first timely request, the court will assign an interpreter for all proceedings at which you are expected to appear. Other interested persons (victims and witnesses) must submit a new Interpreter Request Form for each proceeding.

Washington County District Court and the Community

The following are resources available in the community to help with resolving a dispute.

Location: 36 W. Antietam Street
Hagerstown, MD 21740

Phone number: 240-420-4600

The Clerk's Office is located on the first floor and the courtrooms are located on the second floor of the court house.

Alternative Dispute Resolution	866-940-1729
Legal Aid	800-649-8813
Maryland Courts Self-Help Center	410-260-1392
People's Law Library	https://www.peoples-law.org/
Washington County Community Mediation Center	301-665-9262

Frederick County District Court and the Community

The following are resources available in the community to help with resolving a dispute.

Location: 100 West Patrick Street
Frederick, MD 21701

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Phone number: 301-600-2008

The Clerk's Office is located on the first floor and the courtrooms are located on the third floor of the court house.

Alternative Dispute Resolution	866-940-1729
Legal Aid	301-694-7414
Maryland Courts Self-Help Center	410-260-1392
People's Law Library	https://www.peoples-law.org/

The link below is for District Court of Maryland Civil information <http://www.mdcourts.gov/legalhelp/moneyissues.html>

Forms

Following is a link to all District Court forms: <http://www.mdcourts.gov/district/dctcivforms.html>

A growing amount of content on the Maryland Judiciary's web site is now available in languages other than English. The non-English pages provide forms, brochures, and other helpful information about the Maryland Courts. The materials are available in Spanish, French, Russian, Korean and Chinese. <http://www.mdcourts.gov/courtlanguage/index.html>.

The following forms initiate a civil case and include the defining characteristics of contested and uncontested matters.

DCA-109	District Court's Cost Schedule
DC-CV-001	Complaint/Application and Affidavit in Support of Judgment
CC-DC-088	Statement in Support of Waiver of Prepaid Costs by Clerk
CC-DC-089	Request for Waiver of Prepaid Costs
DC-CV-15	Request to File Foreign Judgment
DC-CV-104	Complaint and Affidavit for Judgment by Confession

The following form can be used to help you complete the Complaint form for both Large and Small Claim cases.

CC-DC-001BR	Small Claims Brochure
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The following form may be used to request a change in a scheduled hearing or trial at the District Court.

CC-DC-070	Motion for Postponement
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The following forms can be used to help you collect your judgment.

CC-CV-60BR	Post-Judgment Brochure
CC-DC-090	Request for Final Waiver of Open Costs

The following forms can be used to request a court interpreter or other special accommodation.

CC-DC-041	Request for Spoken Language Interpreter
CC-DC-049	Request for Accommodation for Person with Disability