

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SMALL CLAIMS COURT**
www.occourts.org
INFORMATION FOR SMALL CLAIMS APPEALS

Section 116.710 of the California Code of Civil Procedure

The plaintiff in a Small Claims action shall have no right to appeal the judgment on the plaintiff's claim, but a plaintiff who did not appear at the hearing may file a motion to vacate the judgment. The defendant with respect to the plaintiff's claim, and a plaintiff with respect to a claim of defendant, may appeal the judgment to the Superior Court in the county in which the action was heard. With respect to the plaintiff's claim, the insurer of the defendant may appeal the judgment to the Superior Court in the county in which the matter was heard if the judgment exceeds two thousand five hundred dollars and the insurer stipulates that its policy with the defendant covers the matter to which the judgment applies. **A defendant who did not appear at the hearing has no right to appeal** the judgment, but may file a motion to vacate judgment and also may appeal the denial of that motion.

Section 116.730 of the California Code of Civil Procedure

If the motion (to vacate) is denied, the defendant may appeal to the Superior Court only on the denial of the motion to vacate the judgment. The defendant shall file the notice of appeal with the Clerk of the Small Claims Court within 10 days after the Small Claims Court has mailed or delivered notice of the Court's denial of the motion to vacate the judgment.

Section 116.750 of the California Code of Civil Procedure

A notice of appeal shall be filed not later than 30 days after the clerk has delivered or mailed notice of entry of the judgment to the parties. **A notice of appeal filed after the 30-day period is ineffective for any purpose.** The time for filing a notice of appeal is not extended by the filing of a request to correct a mistake or by virtue of any subsequent proceedings on that request, except that a new period for filing notice of appeal shall begin on the delivery or mailing of notice of entry of any modified judgment.

Section 116.770 of the California Code of Civil Procedure

The appeal to the Superior Court shall consist of a new hearing before a judicial officer other than the judicial officer who heard the action in the Small Claims division. The scope of the hearing shall include the claims of all parties who were parties to the Small Claims action at the time the notice of appeal was filed. The hearing shall include the claim of a defendant that was heard in the Small Claims Court.

Section 116.780 of the California Code of Civil Procedure

The judgment of the Superior Court after a hearing on appeal is final and not appealable. For good cause and where necessary to achieve substantial justice between the parties, the Superior Court may award a party to an appeal reimbursement of (1) attorney's fees actually and reasonably incurred in connection with the appeal, not exceeding one hundred fifty dollars, and (2) actual loss of earnings and expenses of transportation and lodging actually and reasonably incurred in connection with the appeal, not exceeding one hundred fifty dollars.

Section 116.790 of the California Code of Civil Procedure

If the Superior Court finds that the appeal was without substantial merit and not based on good faith, but was intended to harass or delay the other party, or to encourage the other party to abandon the claims, the court may award the other party (a) attorney's fees actually and reasonably incurred in connection with the appeal, not exceeding one thousand dollars, and (b) any actual loss of earnings and any expenses of transportation and lodging actually and reasonably incurred in connection with the appeal, not exceeding one thousand dollars, following a hearing on the matter.

Section 116.795 of the California Code of Civil Procedure

The Superior Court may dismiss the appeal if the appealing party does not appear at the hearing or if the appeal is not heard within one year from the date of filing the notice of appeal with the Clerk of the Small Claims Court. Upon dismissal of an appeal by the Superior Court, the Small Claims Court shall thereafter have the same jurisdiction as if no appeal had been filed.

Forms for filing an appeal may be obtained from the Clerk of the Small Claims Court or may be printed from the Court's Web site at www.occourts.org. Please check the current fee schedule, as fees are subject to change. The Notice of Appeal must be filed at the Justice Center where the case is filed. Make check payable to: Clerk of the Court.