

SMALL CLAIMS

Who do I sue?

It is your burden as a plaintiff to sue the defendant in their proper legal capacity, of which there are typically three. They are as follows:

Personally: Where an individual is responsible to you for damages he may have caused you as an individual.

Proprietor or partnership: A business that is not incorporated, but does have on file with the County clerk an assumed name e.g. John Smith d.b.a. Greenhouse Supplies. You may also file against the individual and his business, John Smith ind./dba Greenhouse Supplies. To determine whether or not this person has filed an assumed name, you would contact the County Clerk at the Lamb County Courthouse.

Corporation: The business which has allegedly caused you damage is incorporated and therefore it is necessary to know the individual's name who is able to accept service on behalf of the corporation. We also need the individual's address. (The authorized agent for service would be listed with the Secretary of State whose phone number is 1-512-463-5555) e.g. Greenhouse, Inc. Serve: John Smith registered agent.

You are urged to discuss your case with an attorney if you are suing a proprietor, partnership, or corporation. You are responsible for suing the correct party in their correct capacity