

CIVIL JURISDICTION

Where should I file my lawsuit against a non-resident of the state of Georgia?

The answer to your question is where is the correct "venue." That is, where should the case be filed. Venue is defined by **O.C.G.A. 9-10-93**.

Venue in cases under this article shall lie in any county wherein a substantial part of the business was transacted, the tortious act, omission, or injury occurred, or the real property is located.

Where an action is brought against a resident of this state, any nonresident of this state who is involved in the same transaction or occurrence and who is suable under the provisions of this article may be joined as a defendant in the county where a resident defendant is suable.

Under such circumstances, jurisdiction and venue of the court of and over such nonresident defendant shall not be affected or lost if at trial a verdict or judgment is returned in favor of such resident defendant.

If such resident defendant is dismissed from the action prior to commencement of the trial, the action against the nonresident defendant shall not abate but shall be transferred to a court in a county where venue is proper.

Can I file my civil case in Magistrate Court?

The Magistrate Court is also referred to as the small claims court. You can file a claim for which you are seeking **\$15,000.00** or less. If your claim exceeds **\$15,000.00** principal, then the Magistrate Court does not have jurisdiction (the legal authority) to hear your case and it must be filed in another court. This limit applies to both the claim of the Plaintiff and any counterclaims of the Defendant. Interest and court costs do not affect the jurisdictional amount.

Can I reduce my claim to \$15,000 and file it in Magistrate Court?

You can limit your claim to **\$15,000.00**, even if you feel that you are owed more than that amount and file your case in Magistrate Court. However, your recovery will be limited to **\$15,000.00**, even if your case is later appealed to a Court which can award more than that amount.

Are there any types of cases which cannot be filed in Magistrate Court?

There are certain types of cases which cannot be filed in Magistrate Court, regardless of the amount in recovery being sought. The main types of cases which cannot be filed are divorce and family matters and any case in which the Court would be called upon to decide who is the legal owner of real estate. Also, the Magistrate Court cannot issue an injunction, which is an order directing a party to take some action such as repairing or returning property.