

ORLEANS CITY COURT FREQUENTLY ASKED QUESTIONS

**The information below is provided as a courtesy only.
You should consult with a lawyer to get answers to your legal questions.
COURT PERSONNEL CANNOT GIVE LEGAL ADVICE.**

1. HOW DO I FILE FOR AN EVICTION IN FIRST CITY COURT AND SECOND CITY COURT?

Review the [Eviction Procedure Guidelines](#). The rental property must be located within the Eastbank of Orleans Parish for First City Court evictions. Second City Court has jurisdiction over rental property located within the Westbank of Orleans Parish.

A copy of the written lease and a copy of the five-day Notice to Vacate which was issued to the tenant (or 10-day Notice prior to the end of the month in the case of a month-to-month rental) must be provided to the court, and the eviction suit is initiated with the Court by your filing a Rule for Possession of Premises (Rule to Evict). A Rule for Possession of Premises form can be obtained from the First City Court Clerk's Office, located in Room 201, or on the court's website www.orleanscivildistrictcourt.org

2. HOW MUCH CAN I SUE FOR IN FIRST CITY COURT/SECOND CITY COURT (REGULAR CIVIL DOCKET) AND SMALL CLAIMS COURT?

The maximum amount you can sue for in Small Claims Court is \$5,000 and the maximum amount you can sue for on the regular docket of First City Court and Second City Court is \$25,000.

3. HOW MUCH DOES IT COST TO FILE A SUIT ON THE REGULAR DOCKET OF FIRST CITY COURT OR SMALL CLAIMS SUIT?

The cost to file a suit on the regular docket of First City Court is \$336 up to five (5) plaintiffs. Thereafter, the cost per plaintiff in excess of five (5) is \$78 per plaintiff. Additionally, the stated fee covers five (5) defendants. Thereafter, the cost per defendant in excess of five (5) is \$78 per defendant.

The cost to file a Small Claims suit is \$114.00 for one defendant and \$88.50 per each additional defendant. Please refer to the [First City Court Filing Fee Schedule \(PDF\)](#) for a listing of costs and the [Second City Court Filing Fee Schedule \(PDF\)](#).

There may be additional costs for service to be made on the defendant(s), which costs can vary depending on where service is required and what agency must serve the paperwork. For more information about service fees, please contact the Orleans Parish Constable's Office at 504-523-2358 or review the [Orleans Parish Constable's Fee Schedule](#). The Constable's website is <https://www.orleansconstable.net/>.

4. WHAT IS THE STATUTE OF LIMITATIONS FOR FILING A SUIT?

Different types of suits may have different time limitations as to when a suit must be brought before the filing of the action is prescribed, or barred, by law. You should immediately consult an attorney to get answers to your legal questions and discuss how the law applies to your case. **Court employees cannot give legal advice.** You can seek assistance in obtaining an attorney by contacting one of the following agencies:

Lawyer Referral Service

New Orleans Bar Association
650 Poydras Street, Suite 1505
New Orleans, LA 70130
Phone: 504-525-7453

[New Orleans Bar Association Website](#)

Southeast Louisiana Legal Services

1340 Poydras Street, Suite 600
New Orleans, LA 70112
Phone: 504-529-1000
Toll Free: 877-521-6242

[Southeast Louisiana Legal Services Website](#)

5. WHAT IS A SMALL CLAIMS LAWSUIT?

You can bring an action in Small Claims Court if you are suing for \$5,000 or less. The normal Rules of Evidence are relaxed in Small Claims Court; however, the decision of the Court cannot be appealed. There are also restrictions on what types of actions you can bring in Small Claims Court.

6. THE COURT ENTERED A JUDGMENT ORDERING THE OTHER PARTY TO PAY ME MONEY. WHEN WILL I BE PAID AND HOW LONG IS MY JUDGMENT GOOD FOR?

- It is your responsibility to collect on a money judgment awarded in your favor.
- A judgment is effective for 10 years. You can extend the time the judgment is effective for by filing the proper motion before the end of the ten-year period. You can continue to try to collect on your judgment for as long as the judgment is in effect and unpaid.

7. WILL THE COURT COLLECT MY JUDGMENT FOR ME?

No. It is your responsibility to collect on your judgment from the judgment debtor. Some actions you can use to help collect your judgment include:

- Conducting a Judgment Debtor Rule to determine the judgment debtor's assets.
- Garnishing the judgment debtor's wages, bank accounts, and/or other assets until your judgment is paid in full.
- You should consult an attorney to determine all legal remedies available to you.

8. WHEN CAN I START COLLECTING MY JUDGMENT?

You can start collection efforts on your judgment immediately after all of the legal delays have run/expired.

9. WHAT IS A GARNISHMENT?

A Garnishment is a way of collecting a debt where the judgment creditor withholds money or property that belongs to the judgment debtor that is in the possession or control of another person.

10. **WHAT ARE GARNISHMENT INTERROGATORIES?**

Garnishment Interrogatories are written questions that must be answered under oath by the Garnishee. The garnishee must file his sworn answers to the interrogatories within 15 days from the date of service. If the Garnishee fails to answer within the delay period, the judgment creditor may proceed by contradictory motion against the Garnishee for the amount of the unpaid judgment, with interest and costs.

11. **WHAT IS A GARNISHMENT JUDGMENT?**

The “Garnishment Judgment” is an order instructing the garnishee to deliver the judgment debtor’s wages and/or commission to the Constable of First City Court or the Constable of Second City Court.

The Constable’s Office is responsible for the disbursement of funds to you; therefore, any questions you may have concerning the seized wages and/or commissions are to be directed to the Constable’s office at 504-523-2358 for First City Court and 504-598-5365 for Second City Court.

12. **WHAT HAPPENS IF THE JUDGMENT IS PAID IN FULL?**

It is the responsibility of the judgment creditor (the plaintiff in most instances) to complete a “Satisfaction of Judgment” and file it with the court. If the judgment creditor placed a lien on real property (such as a house or land) belonging to the judgment debtor, this will need to be cancelled by the judgment creditor with the Office of the Clerk of Court and Recorder of the parish where the lien was placed.

13. **CAN ALL OF MY EARNINGS (WAGES) BE TAKEN BY GARNISHMENT?**

No, only part of your earnings can be taken by garnishment. You should contact an attorney or other legal service provider if you have questions regarding income exemptions.

14. **HOW DO I RESPOND TO A GARNISHMENT CITATION REGARDING ONE OF MY EMPLOYEES?**

Carefully read all of the instructions contained in the documents served on you. The Garnishment Interrogatories must be answered under oath (notarized) and in writing within 15 days from date of service on you and you must file the answers with the Clerk of Court where the case is filed:

First City Court – Office of the Clerk of Court
421 Loyola Ave., Room 201
New Orleans, LA 70112

Second City Court – Office of the Clerk of Court
225 Morgan Street, Room 206
New Orleans, LA 70114

Prior to filing your Answer to the Garnishment Interrogatories with the Clerk of Court, please ensure the following actions are complete:

- All interrogatories are answered.
- It is the original document being filed, and not a photocopy.
- The document has been notarized (original signature required).

- The document contains an original signature of your company’s representative.
- Send a copy of the Answer to Garnishment Interrogatories to the plaintiff or plaintiff’s attorney.
- Failure to begin deductions at once or to timely answer could make the employer (Garnishee) personally liable.
- After you receive the Garnishment Judgment, please make checks payable to the Constable’s Office where the case is lodged:

First City Court Constable’s Office
 421 Loyola Avenue, Room 208
 New Orleans, LA 70112

Second City Court Constable’s Office
 225 Morgan Street, Room 209
 New Orleans, LA 70114

15. **CAN I FILE A LAWSUIT BY FAX?**

Yes. The Clerks of First City Court and Second City Court accept filings through facsimile means. The fax number to the First City Court Clerk’s office is 504-592-9281. The fax number to the Second City Court Clerk’s Office is 504-366-2970.

In accordance with L.R.S 13:850, the following must be forwarded (or hand delivered in person) to the Clerk’s Office **within seven (7) days of your fax filing, exclusive of legal holidays**, for the facsimile filing to have full force and effect:

- The **original signed document (or lawsuit)** which you fax filed must be filed with the Clerk of Court where the document or lawsuit was faxed to. That would be either the Clerk of First City Court or The Clerk of Second City Court
- A \$5 facsimile transmission fee must be paid with each original document (or lawsuit) transmitted;
- In addition to the fax filing fee of \$5, all filing fees must be enclosed with the original signed document (or lawsuit) if it is being mailed to the First City Court Clerk’s Office or the Second City Court Clerk’s Office. If the original signed document (or lawsuit) is being hand delivered to the First City Court Clerk’s Office or the Second City Court Clerk’s Office, all costs and fees must be paid at the time of your filing. See the [First City Court Filing Fee Schedule \(PDF\)](#) and the [Second City Court Filing Fee Schedule \(PDF\)](#). You can also contact the First City Court Clerk’s Office at 504-407-0400 or the Second City Court Clerk’s Office at 504-407-0435 for additional information.

This is informational material only. Judges and court personnel cannot give legal advice. You should contact a lawyer even if you intend on handling your own case. If you do not have a lawyer, you can contact the [New Orleans Bar Association](#) regarding the Lawyer Referral Service, a non-profit public service agency. If you need the services of a lawyer, but feel that you cannot afford one, you may contact [Southeast Louisiana Legal Services](#) at (504) 529-1000.