

## Personal Injury

**This information is for informational purposes only. It should not be considered legal advice. For legal advice consult an attorney.**

### How long do I have to sue?

You have 2 years from the date of the injury to file a small claims case. If the injury is not immediately discovered, then it is two years from the date it is discovered. A minor has 1 year from his or her 18th birthday to file a case

### What do I need to prove?

To win a personal injury case, you will need to prove you were injured, it was the defendant's fault, and you suffered damages.

### What proof should I bring to court?

On your day of court you will need to bring everything that helps you prove your case. For example: (Note: this is not a complete list)

- To prove the defendant was at fault bring, police report, witnesses, witness statements, photos or videos from the scene.
- To prove your damages bring with you photos of your injury, proof of lost wages such as paystubs, medical records and bills.

### How much can I sue for?

You can calculate and add up the amounts for: (Note: this is not a complete list)

- Damages
- Medical bills
- Transportation costs (projected costs)
- Time spent on the case (projected costs)
- Wages lost (projected costs)

You can add in amounts for emotional distress and punitive damages. There is no exact formula for calculating these damages.

You do not need to list filing fees and service fees. These fees will be awarded by the Judge if you win the Small Claims.

### Malpractice

The statute of limitations for malpractice cases is 1 year from the date of malpractice. Suing for malpractice may be difficult in small claims court. To prove malpractice has happened, you may need to bring in a qualified expert. Qualified experts can be expensive.