

5.00 Jurisdiction of Subject Matters and Monetary Damages

5.04 Jurisdictionally Excessive Counterclaims. If a counterclaim is filed alleging damages exceeding the jurisdictional limit of a small claims action, a judicial officer hearing the matter may:

- (A) Enter a decision against the plaintiff as in case of nonsuit, and for the defendant for his or her costs only, and shall not further adjudicate upon the claim of the defendant, whose right to sue for the claim shall remain in the same manner as before the commencement of the action. (G.L. § 10-16-9);
- (B) Dismiss without prejudice both the claim of the plaintiff and the defendant; or
- (C) Dismiss only the counterclaim without prejudice provided that the counterclaim is a permissive counterclaim and not a compulsory counterclaim.