

**Rule 510. Counterclaim in Excess of Court's Jurisdiction**

(a) The court administrator will remove plaintiff's action from the calendar if the defendant, not less than 14 days before the date set for trial of plaintiff's claim, files with the court administrator an affidavit stating that:

(1) the defendant has a counterclaim against plaintiff arising out of the same transaction or occurrence as plaintiff's claim, the amount of which is beyond monetary jurisdiction of the conciliation court, and

(2) the defendant has commenced or will commence within 28 days an action against plaintiff in a court of competent jurisdiction based on such claim.

(b) The plaintiff's action will be subject to reinstatement on the trial calendar at any time after 28 days and up to three years, upon the filing by plaintiff of an affidavit showing that the plaintiff has not been served with a summons by defendant. If the action is reinstated, the court administrator will set the case for trial and transmit notice of the trial date to the parties.

(c) Absolute or conditional costs, not to exceed \$50, may be imposed against the defendant if the defendant fails to commence an action as provided in paragraph (a)(2) of this rule, and the court determines that the defendant caused the plaintiff's action to be removed from the calendar in bad faith or solely to delay the proceedings or to harass.

(Amended effective July 1, 2015; amended effective January 1, 2020; amended effective July 1, 2026.)

***Advisory Committee Comment - 2026 Amendments***

*Rule 510 is amended to be consistent with the amendment of Rule 509(b), which extends the deadline to file a counterclaim from 7 to 14 days before trial.*

*Rule 510 has been further amended as part of a comprehensive set of changes to the conciliation court rules in 2026 to use plain language and improve clarity.*