



How to Sue for an Amount of Money up to \$20,000

(Special Civil Complaint and Summons - DC Cases Only)

Who Should Use This Packet?

You can use this packet if a person or company owes you up to \$20,000 and you want to sue that person or company. Some reasons you might sue a person or company are:

- a person or company did not comply with a written or oral contract;
- you paid money as a down payment and want it returned;
- your property was damaged in a motor vehicle accident;
- defendant damaged or lost your property;
- merchandise you bought is defective;
- work you paid for was faulty or not completed;
- you want to be paid for work you did;
- someone wrote you a bad check; or
- you gave a landlord a security deposit that was not returned.

You cannot use this packet for:

- a claim for child support, professional malpractice and/or alimony; or
- a claim arising from a probate matter, a prerogative writ action or a claim for equitable relief.

Note: If you believe you are entitled to more than \$20,000, your case should be filed in the Law Division, Civil Part of the Superior Court. Even if you are suing for more than \$20,000, you can still sue in Special Civil, but you give up your right to recover any amount over \$20,000. The additional money cannot be claimed later in a separate lawsuit. You must be at least 18 to file your claim. If you are under 18, your parent or guardian has to file the claim for you. A corporation, limited liability company or limited liability partnership may not file a complaint for more than \$5,000 without a lawyer; such a complaint may be filed only by a lawyer representing the corporation, limited liability company or limited liability partnership.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse and on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of [Superior Court Offices](#) is provided at the customer counter and at njcourts.gov.

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The court system can be confusing, and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. The telephone number can be found online under “Legal Aid” or “Legal Services”.

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). The Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and sometimes consult with you at a reduced fee.

There are also organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of Lawyer Referral Services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect any special treatment, help, or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs, and other important documents that relate to your case. Bring all documents to court if you are notified that an appearance is necessary.

Definitions of Words Used in This Packet

Answer - An *answer* is a written response which explains why you think you do not owe the money to the other party in the case.

Breach of Contract: a *breach of contract* is a failure to perform a promise which is a part of a written or oral contract.

Certification: A *certification* is a written statement made to the court swearing that the information contained in the documents filed with the court is true to the best of your knowledge.

Complaint - A *complaint* is a document in which you briefly tell the court and the defendant the facts in your case and the amount that you are suing for.

Default - When the defendant does not appear in court to respond to the complaint or does not file an answer, a judge may order in the plaintiff's favor. This is called a *default*. Also, if you (the plaintiff) do not show up in court, the court may dismiss the case.

Defendant - The *defendant* is the party being sued.

File - To *file* means to give the appropriate forms to the court to begin the court's consideration of your request.

Motion - A *motion* is a written request in which you ask the court to issue an order, or to change an order it has already issued.

Order - An *order* is a written or oral command by a court directing or forbidding an act.

Party - A *party* is a person, business, governmental agency, etc., involved in a lawsuit as plaintiff or defendant.

Plaintiff - The *plaintiff* is the person who starts the lawsuit by filing the complaint.

Proof Hearing - the judge or court may direct you (the plaintiff) to submit written documents or tell your story to support or prove the value or demand amount of your claim against the defendant.

Service - *Service* is mailing or delivering copies of your papers to the lawyer for the other party or to the other party directly if they have no lawyer.

Service of Process - the official and required delivery of the summons and complaint to the person(s) or businesses that you are suing (the defendants).

Summons - A *summons* is the paper that notifies the defendant that they are being sued and briefly explains the steps needed to take once the notice has been received.

Tort - *Tort* is an injury inflicted upon a person or property independent of a contract.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8.5" x 11" white paper only. Forms may not be filed on a different size or color paper.

Steps to Sue for an Amount of Money Up To \$20,000 (Special Civil Complaint and Summons- DC Case Only)

STEP 1: Fill out the *Special Civil Part Complaint Form (Form A)*.

The *Special Civil Part Complaint* tells the court and the defendant about the facts of the case and the amount of money that you want from the defendant.

STEP 2: Fill out the *Special Civil Part Summons (Form B)*.

The *Special Civil Part Summons* (and the complaint) are delivered by the court to the defendants in the case (the person or company being sued). It puts the defendant on notice that you have filed a complaint against them. It also informs the defendant of the steps the defendant must take to dispute the claim. Complete the top section only of the summons form and provide the correct filing fee (*See Step 4*) before mailing or delivering your papers to the court.

The summons form contains pre-printed information for the defendant, English first, followed by Spanish, and court staff will complete the bottom sections of the form. Complete the supplemental page, if necessary, should more space be needed in case of multiple parties.

STEP 3: Be sure that the Papers can get to the Defendant.

It is very important that you provide the court with the defendant's correct address. After you file your papers with the court, the court will mail or deliver the papers to the defendant using the address you gave the court. If the address is correct and the defendant is served with the papers and answers the complaint, then the court will notify both sides of a trial date. The court will notify you if the defendant cannot be found at the address you provided. You must then provide the court with another address and pay a re-service fee within 60 days of the date you filed the complaint, or the case will be dismissed. It will be reinstated automatically if you can provide a valid address within one year.

STEP 4: Pay the Filing Fee.

A check or money order must be made payable to the *Treasurer, State of New Jersey*, or if filing electronically through the Judiciary Electronic Document System (JEDS), you may use a credit card. See page 9 for information on how to compute the filing fee.

STEP 5: Where to File the *Special Civil Part Complaint (Form A)*.

The complaint must be filed with the Office of the Special Civil Part in the county where at least one defendant lives or, if the defendant is a business entity, in the county where its registered office is located or in any county in which it actually does business. If there is more than one defendant, the complaint can be filed in the county where any of the defendants live or, if a business entity, is located or does business. If none of the defendants live or do business in New Jersey, the complaint must be filed where the cause of the complaint occurred.

Note: A complaint for the return of a security deposit may be filed in the county where the landlord lives or where the landlord's property is located.

STEP 6: Check your Completed Forms.

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms where you are asked to sign them. **You must have all of the following items in this order:**

- _____ *Complaint* (Form A);
 - _____ *Summons* (Form B) and/or *Supplemental Page* (needed if multiple parties named);
 - _____ Filing fee in the form of check, money order or electronic credit card payment.
- Please do not mail cash. You may, however, use cash if you pay in person but keep the receipt that you get from court staff for your records.

STEP 7: Mail or Deliver your Package of Completed Papers to the Court.

You can file your papers electronically through JEDS, by mail, or in person. If you mail the papers, we recommend that you use certified mail, return receipt requested. This will provide you with a green receipt card that can serve as proof that you mailed the papers. Your post office can tell you how to send certified mail, return receipt requested.

- Mail or deliver to the court the original of all the forms.
- Keep one copy of the entire packet for your own records.
- Review steps 1 through 7 before mailing this packet to the court.

STEP 8: The Defendant may file an *Answer*.

After you file your papers with the court and *Service of Process* is complete, the defendant has the opportunity to dispute the claims in your complaint by filing and serving a written answer. A court date will not be set unless the defendant mails or delivers a written answer, along with the proper fees, to the Office of the Special Civil Part within 35 days from the date the complaint was served on the defendant. If the defendant does not file an answer timely, you may be entitled to a default judgment once you submit your proofs to the court.

STEP 9: You will get a Court Date for your Trial.

After you file your papers with the court, and assuming that the *Service of Process* is complete and the defendant files an answer, the court will send both sides a notice which tells each side the date, time and the place they must go to. You must appear in court on this date; if you do not, your case may be dismissed. If the other party does not appear, the court may find the other party to be in default. If you cannot make your court date because of circumstances beyond your control, you must contact the other side **and** the court in advance and request that your trial date be rescheduled.

Bring all the evidence (documents, photographs and witnesses) you need to prove your case with you to court on your court date. A witness' written statement, even if under oath, is not admissible in court. Only actual testimony in court of what the witness heard or saw will be

allowed. Prepare your questions in advance. Even if the defendant does not appear in court, the judge may schedule a *Proof Hearing* at which you must present all documents that support your case, such as canceled checks, money orders, sales receipts, bills, contracts, estimates, leases, letters, photographs and other documents proving your claim.

The court will likely ask that you attempt to settle your case with the help of a judge's law clerk or another trained mediator before you go to trial. If you settle your case, you must tell the judge and court clerk.

The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. Please contact the local ADA coordinator to request an accommodation. Contact information is available at njcourts.gov.

The New Jersey Judiciary provides court-interpreting services. If you need an interpreter, notify the court as soon as possible. Contact information is available at njcourts.gov.

Filing Fees Calculation Form

<p>Complaint Filing Fee</p> <p>Amount claimed is \$5,000 or less - \$50</p> <p>or</p> <p>Amount claimed is over \$5,000 but less than \$20,000 - \$75</p>	<p>\$ _____,</p>
<p>Each Additional Defendant</p> <p>Suing more than one person or company - \$5 for each additional defendant</p> <p>Number of additional defendants: _____,</p> <p style="text-align: right;">x \$5</p> <hr/> <p>Total \$ for additional defendants: \$ _____,</p>	<p>_____,</p> <p>x \$5</p> <hr/> <p>\$ _____,</p>
<p>Mail Service Fee</p> <p>\$7 for each defendant</p> <p>Number of defendants (remember to include the original defendant): _____,</p> <p style="text-align: right;">x \$7</p> <hr/> <p>Total \$ for service fee: \$ _____,</p>	<p>_____,</p> <p>x \$7</p> <hr/> <p>\$ _____,</p>
<p>Jury Trial Fee</p> <p>Trial by six jurors - \$100</p> <p style="text-align: right;">Enter fee if applicable</p>	<p>\$ _____,</p>
<p style="text-align: right;">Total Fees</p>	<p>\$ _____,</p>

Instructions for Completing Form A Special Civil Part Complaint

- A. The plaintiff is you, the person who is suing, and the defendant is the person being sued.
- B. In the blank spaces in the center of the complaint, you must explain the reasons you are suing the defendant in detail. Some reasons you might sue a person or company are:
- a person or company did not comply with a written or oral contract;
 - you paid money as a down payment and you think you have a right to have it returned;
 - your property was damaged in a motor vehicle accident;
 - defendant damaged or lost your property;
 - merchandise you bought is defective;
 - work you paid for was faulty or not completed;
 - you want to be paid for work you did;
 - someone wrote you a bad check; or
 - you gave a landlord a security deposit that was not returned.
- C. If the complaint (Form A) or any of the copies of papers that you attach to the complaint contain a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number, or information as to an individual's military status you must redact (black out) this information so that it cannot be seen, unless any such personal identifier is required to be included by statute, rule, administrative directive or court order. If an active financial account is the subject of your case and cannot otherwise be identified, you may use the last four digits of the account to identify it.
- Note:** Do not redact (black out) this information in the original papers that you are keeping since you may have to show them to the court at some point
- D. Date and sign the form.

Note: You may attach more sheets to the complaint if you need to.

Form A

Plaintiff

Name _____

Address _____

Email Address _____

Telephone Number _____

Superior Court of New Jersey
Law Division, Special Civil Part

_____ County

Docket Number _____

(to be provided by the court)

vs.

Defendant

Name _____

Address _____

Email Address _____

Telephone Number _____

**Civil Action
Complaint**

Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): (See instruction B)
Attach additional sheets if necessary.

The amount you, the Plaintiff(s) are demanding from the Defendant(s) \$_____.

The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. Please contact the local ADA coordinator to request an accommodation. Contact information is available at njcourts.gov.

The New Jersey Judiciary provides court-interpreting services. If you need an interpreter, notify the court as soon as possible. Contact information is available at njcourts.gov.

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

Form A

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

Date

Your Signature

Name Typed or Printed

Instructions for Completing Form B Special Civil Part Summons

- A. Type or print **your** name and address under the section labeled *Person or Business Suing You (Plaintiff)*. Under the section labeled *Plaintiff's Attorney Information*, type or print the name, address and telephone number of your attorney - if you have one.
- B. Under the section labeled *Person or Business Being Sued (Defendant)*, type or print the defendant(s) name, address and telephone number.
- C. In the upper right-hand corner before the word *County*, and in the upper left-hand corner before the words *Special Civil Part*, type or print the name of the county you are suing in.
- D. In the upper left-hand corner under the words *Special Civil Part*, type or print the name, address and telephone number of the courthouse you are filing in.
- E. Where it says to *Check One*, check whether you are suing for breach of contract or a tort (see Definitions on page 5).
- F. In the space after the words *Demand Amount*, type or print the amount you are suing for. The demand amount you are suing for should be identical to the amount reflected in your complaint.
- G. In the space after the words *Filing Fee*, type or print the fee you calculated on page 9 (\$50 or \$75, plus \$5 for each additional defendant).
- H. In the space after the words *Service Fee*, type or print the fee you calculated on page 9.
- I. In the space after the words *Attorney's Fees*, leave it blank. If you are represented by an attorney, he or she will fill out that section for you.
- J. Complete the attached *Supplemental Page*, only if necessary because you did not have enough space, to include the complete names and addresses of the additional plaintiffs and/or additional defendants.



Court's Address and Phone Number:
 _____ Special Civil Part

 Telephone No. _____

**Superior Court of New Jersey
 Law Division, Special Civil Part**
 _____ County

Docket No: DC _____

**Civil Action
 Summons**

Check one **Contract**
 Tort

YOU ARE BEING SUED!

Person or Business Suing You (Plaintiff)

(See the following page(s) for additional plaintiffs)

Plaintiff's Attorney Information

Person or Business Being Sued (Defendant)

(See the following page(s) for additional defendants)

The Person or Business Suing You Claims You Owe the Following:

Demand Amount	\$ _____
Filing Fee	\$ _____
Service Fee	\$ _____
Attorney's Fees	\$ _____
TOTAL	\$ _____

FOR JUDICIARY USE ONLY

In the attached complaint, the person or business suing you briefly tells the court their version of the facts of the case and how much money he or she claims you owe. **If you do not answer the complaint, you may lose the case automatically and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. You have 35 days from the date of service to file your answer or a signed agreement.** If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment. The judgment is valid for 20 years.

IF YOU DISAGREE WITH THE PLAINTIFF'S CLAIMS, A WRITTEN ANSWER OR SIGNED AGREEMENT MUST BE RECEIVED BY THE COURT ABOVE, ON OR BEFORE _____, OR THE COURT MAY RULE AGAINST YOU.

IF YOU DISAGREE WITH THE PLAINTIFF, YOU MUST DO ONE OR BOTH OF THE FOLLOWING:

1. ***Answer the complaint.*** An answer form that will explain how to respond to the complaint is available at any of the New Jersey Special Civil Part Offices or on the Judiciary's Internet site njcourts.gov. If you decide to file an answer to the complaint made against you:
 - Fill out the Answer form AND pay the applicable filing fee by check or money order payable to: **Treasurer, State of New Jersey**. Include **DC** _____ (your Docket Number) on the check.
 - Mail or hand deliver the completed Answer form and the check or money order to the court's address listed above.
 - Hand deliver or send by regular mail a copy of the completed Answer form to the plaintiff's attorney. If the plaintiff does not have an attorney, send your completed answer form to the plaintiff by regular and certified mail. This **MUST** be done at the same time you file your Answer with the court on or before _____.

2. ***Resolve the dispute.*** Contact the plaintiff's attorney, or contact the plaintiff if the plaintiff does not have an attorney, to resolve this dispute. The plaintiff may agree to accept payment arrangements. If you reach an agreement, mail or hand deliver the **SIGNED** agreement to the court's address listed above on or before _____.

Please Note - You may wish to get an attorney to represent you. If you cannot afford to pay for an attorney, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local County Bar Association at _____. Notify the court now if you need an interpreter or an accommodation for a disability for any future court appearance.

/s/ Name _____

Clerk of the Superior Court



Dirección y teléfono del tribunal:
Parte Civil Especial de _____

Número de teléfono: _____

**El Tribunal Superior de Nueva Jersey
División de Derecho, Parte Civil Especial**

Condado de _____

Número del expediente: DC _____

**Demanda de Acción Civil
Notificación de Demanda**

Marque si es **Contrato**

Ilícito Civil

¡LE ESTÁN DEMANDANDO!

Persona o entidad comercial que le está demandando (el demandante)

El Demandante: Consigne la información al dorso.
(Vea en la(s) página(s) siguiente(s) los demandantes adicionales)

Información sobre el abogado del demandante

El Demandante: Consigne al dorso la información sobre el abogado del demandante.

Persona o entidad comercial que está siendo demandada (el demandado)

El Demandante: Consigne la información al dorso.
(Vea en la(s) página(s) siguiente(s) los demandados adicionales)

La persona o entidad comercial que le está demandando afirma que usted le debe lo siguiente:

Cantidad a la vista	\$XXXXXXXX
Tasa judicial	\$XXXXXXXX
Cargo del emplazamiento	\$XXXXXXXX
Honorarios del abogado	\$XXXXXXXX
TOTAL	\$XXXXXXXX

PARA USO EXCLUSIVO DEL PODER JUDICIAL

En la demanda adjunta la persona o entidad comercial que le está demandando le informa brevemente al juez su versión de los hechos de la causa y la suma de dinero que afirma que usted le debe. **Si usted no responde a la demanda, puede perder la causa automáticamente y el juez puede dar al demandante lo que está pidiendo más intereses y los costos legales. Usted tiene 35 días a partir de la fecha del emplazamiento para presentar su respuesta o un acuerdo firmado.** Si se dicta un fallo en su contra, un Oficial de la Parte Civil Especial puede embargar su dinero, sueldo o sus bienes muebles (personales) para pagar todo el fallo o una parte del mismo. El fallo es válido por 20 años.

SI USTED NO ESTÁ DE ACUERDO CON LAS ALEGACIONES DEL DEMANDANTE, EL TRIBUNAL TIENE QUE RECIBIR UNA RESPUESTA POR ESCRITO O UN ACUERDO FIRMADO PARA EL _____, O ANTES DE ESA

FECHA, O EL JUEZ PUEDE EMITIR UN FALLO EN SU CONTRA. SI USTED NO ESTÁ DE ACUERDO CON EL DEMANDANTE, DEBE HACER UNA DE LAS SIGUIENTES COSAS O LAS DOS:

1. **Responder a la demanda.** Un formulario de respuesta que le explicará cómo responder a la demanda está disponible en cualquiera de las Oficinas de la Parte Civil Especial de Nueva Jersey o en el sitio Internet del Poder Judicial njcourts.gov. Si usted decide presentar una respuesta a la demanda que se hizo en su contra:
 - Llene el formulario de Respuesta Y pague la tasa judicial de presentación que corresponda mediante un cheque o giro bancario o postal acreditable al: "**Treasurer, State of New Jersey**" (Tesorero del Estado de Nueva Jersey). Incluya el número **DC** _____ (el número de su expediente) en el cheque.
 - Envíe por correo el formulario de Respuesta llenado y el cheque o giro bancario o postal a la dirección del tribunal que figura más arriba, o entréguelos personalmente en dicha dirección.
 - Entregue personalmente o envíe por correo común una copia del formulario de Respuesta llenado al abogado del demandante. Si el demandante no tiene abogado, envíe su formulario de respuesta llenado al demandante por correo común y por correo certificado. Esto **SE TIENE** que hacer al mismo tiempo que presente su Respuesta al tribunal a más tardar el _____.
2. **Resolver la disputa.** Comuníquese con el abogado del demandante, o con el demandante si éste no tiene abogado, para resolver esta disputa. El demandante puede estar de acuerdo con aceptar arreglos de pago. **Si llegara a un acuerdo, envíe por correo el acuerdo FIRMADO** a la dirección del tribunal que figura más arriba, **o entréguelo personalmente** en dicha dirección a más tardar el _____.

Nota - Puede que usted quiera conseguir que un abogado para que lo represente. Si usted no puede pagar un abogado, podría obtener consejos legales gratuitos si se comunica con Legal Services (Servicios Legales) llamando al _____. Si usted puede pagar un abogado, pero no conoce a ninguno, puede llamar al Lawyer Referral Services (Servicios de Recomendación de Abogados) del Colegio de Abogados (Bar Association) de su condado local al _____. Notifique al tribunal ahora si usted necesita un intérprete o un arreglo por una discapacidad para cualquier comparecencia futura en el tribunal.

/s/ Nombre y apellido _____
Secretario del Tribunal Superior

