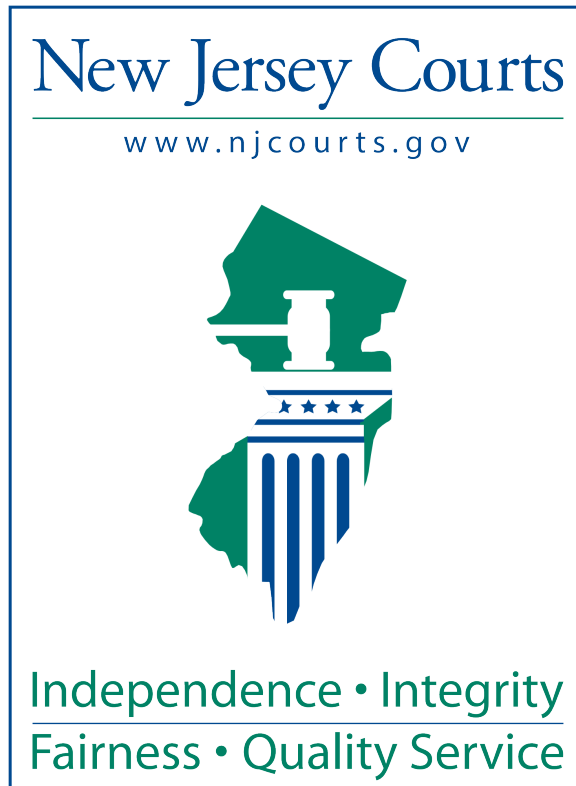


New Jersey Judiciary
Special Civil
A Guide to the Court



Superior Court of New Jersey
Law Division
Special Civil Part

Background

Special Civil is a court of limited jurisdiction in which you can sue a person or business (the defendant) to collect an amount of money up to \$20,000 that you believe is owed to you. If your claim is \$5,000 or less, you can sue in the Small Claims Section. This brochure explains how to file or answer a complaint, how to file an appeal and other general information about Special Civil Part. It is not intended to provide legal advice or to answer every question you have about this court.

For legal advice about your rights, you should contact a lawyer. If you do not have a lawyer, you can contact the Lawyers' Referral Service of your County Bar Association. If you cannot afford a lawyer, you can contact the Legal Services Program in your county to see if you are eligible for free legal services.

Special Civil Section

Special Civil is one of three sections of the Superior Court's Special Civil Part. The other two sections are Landlord Tenant and Small Claims. Separate brochures are available for these sections. Special Civil is limited to cases in which the demand is \$20,000 or less. If you believe you are entitled to recover more than \$20,000, your case should be filed in the Civil Part of the Law Division of the Superior Court.

If you believe you are entitled to damages greater than \$20,000, but still wish to sue in Special Civil, you give up your right to recover damages over \$20,000. The additional money cannot be claimed later in a separate lawsuit.

Typical Claims Filed

Following is a general list of claims that can be filed in Special Civil:

- A person or business did not comply with a written or oral contract
- Return of money used as a down payment
- Property damage caused by a motor vehicle accident
- Damage to or loss of property
- Consumer complaints for defective merchandise or faulty workmanship
- Payment for work performed
- Claims based on bad checks
- Return of a tenant's security deposit
- Illegal or wrongful eviction, writ of possession, etc. (Special actions require special forms available at any Civil Division office.)

Where to File a Complaint

A complaint must be filed in the Office of the Special Civil Part in the county where at least one defendant lives or where the defendant's business is located. A business defendant is

considered located in a county where it is actually doing business or where its registered office is located. If there is more than one defendant, the complaint can be filed in the county where any of the defendants live or are located. If none of the defendants live or are located in New Jersey, the complaint must be filed in the county where the cause of the action arose or where it started. If you are suing for the return of a security deposit, you can also file in the county where the rental property is located.

Who Can File a Complaint

To sue in the Special Civil Part, a person must be 18 years of age or older. If the person suing (plaintiff) is under the age of 18, the claim must be filed by a parent or guardian. A plaintiff or defendant that is a corporation, partnership, limited liability company, *etc.*, must be represented by an attorney when the claim or counterclaim is greater than \$5,000. An officer, trustee, director, agent or employee of a corporation can present or defend against a claim of \$5,000 or less.

Filing a Complaint

A packet for self-represented litigants containing the Special Civil complaint and summons forms is available from any of the Special Civil Part Offices in New Jersey and is available on the Internet at njcourts.gov.

The complaint can be filed electronically through Judiciary Electronic Document Submission (JEDS), through the mail, or in person. When filing a complaint, you, as the plaintiff, must:

- Give your full name, address and telephone number.
- To ensure proper service of the complaint, give the correct name(s) and address(es) of the person(s) named as the defendant(s) in the complaint. It is important that the defendant be properly identified as an individual, a sole proprietorship, a partnership or a corporation.
- State the amount of money you are suing for.
- State the reason why the defendant owes you money.
- State whether there is, at this time, any other case involving both you and the other party(ies) and, if so, the name of the court.
- Sign and date the completed form.
- Pay the correct filing and service fees when filing the complaint with the Office of the Special Civil Part. If you pay less than what is required, it will be returned to you.
- Do **not** provide the court with any party's 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. Submit this information **only** if it's required by law, court order, rule or administrative directive. Don't redact this information from your originals. Submit the last 4 digits of the **active** financial account information only if it is the subject of the litigation and cannot

otherwise be identified.

After you have filed a complaint, a trial date will not be set unless the defendant forwards an answer in writing along with the proper fees to the Office of the Special Civil Part within 35 days from the date the complaint was served upon that defendant. If the defendant responds in writing within the 35 days, a trial date will be scheduled. All parties will be notified by the court.

If a defendant does not respond within the 35 days, the court will enter a default. The plaintiff must then apply for the entry of a “judgment by default” within 6 months from the date that default was entered, or they must file a motion in order to obtain the judgment by default. Through a judgment by default, the court decides the amount of money, if any, to be awarded to a plaintiff because the defendant did not answer the complaint in time or come to court. The plaintiff must submit an affidavit and other documents verifying the amount of the claim and prove to the court that an individual defendant is not an active member of the U.S. military. Proof of military service does not apply to business defendants. A hearing can be held in court to allow the plaintiff to prove the claim where the amount claimed cannot be proved from the documents. A packet for self-represented litigants on how to apply for a default judgment is available in any New Jersey Special Civil Part Office and is available on the Internet at njcourts.gov.

If the complaint is for money damages caused by a motor vehicle accident and the judgment requires a defendant to pay \$500 or more, the defendant must pay within 60 days. If the defendant does not pay within the 60 days, the plaintiff can request through the Office of the Special Civil Part that the New Jersey Motor Vehicle Commission stop the defendant’s driving and registration privileges until the judgment is paid.

Interpreter or Accommodation

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 for a Complaint

The costs for filing a complaint in Special Civil are:

- \$50 for a complaint where the amount claimed is \$5,000 or less.
- \$75 for a complaint where the amount claimed is more than \$5,000.
- \$5 for each additional defendant.
- The fee is \$7 for each defendant served by certified and regular mail. A \$3 reservice fee, plus a \$7 fee for service of process by the Special Civil Part Officer, is charged for one

defendant if the complaint is served personally by a Special Civil Part Officer. The fee for each additional defendant served personally is \$5 plus a \$7 service of process fee.

- Make a check or money order payable to the *Treasurer, State of New Jersey*.
- An additional \$100 fee is required for requests for a jury trial by six jurors.

If the plaintiff cannot afford to pay the filing fees, they can apply to the court to qualify as an indigent and the filing fees could be waived by the judge.

Filing an Answer to a Complaint

If you have been named as a defendant in a case, you must file a written answer to the complaint with the Office of the Special Civil Part in the county in which the complaint was filed within 35 days. The answer can be filed electronically through Judiciary Electronic Document Submission (JEDS), through the mail, or in person. You also must hand deliver a copy of the answer or send by regular and certified mail to the plaintiff or send by regular mail to the plaintiff's attorney. An answer packet for self-represented litigants with forms and instructions is available in any New Jersey Special Civil Part Office and is available on the Internet at njcourts.gov.

If you believe that the plaintiff owes you money, you must add a counterclaim to the answer. If you believe that someone else named as a defendant in the complaint owes the money, you must add a cross claim against that defendant to the answer. You must serve the co-defendant(s) with your cross claim. Finally, if you believe that a party not named in the complaint owes the money, you must add a third-party complaint to the answer. The court will serve the new party you are adding to the case, and you **MUST** pay for this service, as outlined above.

When filing an answer, be sure to give the following information:

- The docket number and caption of the case which appears on the complaint.
- Your full name, address and telephone number.
- The correct name(s) and address(es) of the plaintiff(s).
- The reason(s) you are disputing the plaintiff's claim. Include the amount of money for which you are suing if you are including a counterclaim, cross claim or third-party complaint with your answer.
- Provide a completed summons form if you are filing a 3rd party complaint.
- Do **not** provide the court with any party's 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. Submit this information **only** if it's required by law, court order, rule or administrative directive. Don't redact this information from your originals. Submit the last 4 digits of the **active** financial account information only if it is the subject of the litigation and cannot otherwise be identified.

You also must sign and date the answer and pay the correct filing fees when filing the answer with the Office of the Special Civil Part. If you pay less than what is required, it will be returned to you.

If you do not respond to the complaint in writing within the number of days listed on the summons, a default will be entered against you. Through a judgment by default, the court decides the amount of money, if any, to be awarded to the plaintiff because you did not answer the complaint in time. If you have answered the complaint on time, the court will notify you by mail of the trial date.

Filing Fees for an Answer

- \$30 for an answer.
- \$50 for an answer with a counterclaim, cross claim or third-party complaint where the amount is \$5,000 or less.
- \$75 for an answer with a counterclaim, cross claim or third-party complaint where the amount is more than \$5,000. (*Note:* The Clerk will also charge an additional fee for serving the new person or business that you added in the third-party complaint.)

If you cannot afford to pay the court’s filing fees, you can apply to the court to qualify as an indigent and your filing fees could be waived by the judge.

Preparing for Trial

Interrogatories

The Rules of Court provide for an exchange of information by the parties. Parties may serve one another with written questions called “interrogatories.” The plaintiff and the defendant each have 30 days from the time of the service of the defendant’s answer to the complaint to serve interrogatories on the opposing party. Likewise, both the plaintiff and the defendant have 30 days from the time they receive the interrogatories to provide answers. For personal injury and/or negligence claims, a plaintiff may **only** serve interrogatories on the defendant by making the demand within the body of the complaint and may **only** use the standard set of interrogatories (or portion thereof) set forth in the Appendix II to the Court Rules.

Plaintiff

If you are the plaintiff, you must prove your case. Arrange to have available any witnesses and records you need to prove your case at the trial. A written statement, even if made under oath, cannot be used in court. Only actual testimony in court of what the witness(es) heard or saw will be allowed. Prepare your questions in advance.

Be prepared to present all records of any transactions that might help you prove your case. You should contact the court to determine how to submit your evidence. Such records might include:

- Canceled checks, money orders, sales receipts.

- Bills, contracts, estimates, leases.
- Letters.
- Photographs.
- Other documents proving your claim.

If you are able to settle the case with the defendant before the trial date, call the Special Civil Part Office immediately.

Defendant

If you are the defendant, you should prepare your side of the case just as the plaintiff prepared his or her case. Arrange to have available all necessary witnesses and documents to present to the court on the scheduled trial date. Again, you should contact the court to determine how to submit your evidence.

You must come to court at the time and date shown on the trial notice. If you do not, a default judgment may be entered against you, and you may have to pay the money the plaintiff says you owe.

If you are able to settle the case with the plaintiff before the trial date, call the court immediately to confirm that the case was settled.

The Day of Trial

The defendant and the plaintiff must attend the trial according to the instructions provided on the trial notice. Be prepared to present all witnesses and evidence needed to present your case.

On the day scheduled for trial, the court might help you settle your case through mediation with a trained mediator or a settlement conference with a neutral third person. This person will try to help the plaintiff and the defendant reach a satisfactory agreement. The mediator or neutral third person is not a judge. If a settlement cannot be reached, every effort will be made to have your case tried by the judge on the same day.

If you win your case and need information on how to collect your judgment, you can find that information in the brochure entitled “[Collecting a Money Judgment](#).” This brochure is available at any New Jersey Special Civil Part Office as well as on the Internet at njcourts.gov.

Right to Appeal

If you, as a plaintiff or a defendant, disagree with the court’s decision, you can appeal the case to the Appellate Division of the Superior Court within 45 days from the date of judgment. You must file a *Notice of Appeal*, a copy of the *Request for Transcript*, and a *Case Information Statement* within the 45 days with the Clerk of the Appellate Division located at the Richard J. Hughes Justice Complex, PO Box 006, Trenton, NJ 08625 and deliver copies to:

- All parties to the case who appeared in court.
- The Office of the Special Civil Part from which the appeal is taken.

- The judge who decided the case.

You must pay a filing fee of \$250 with the Notice of Appeal and deposit \$300 with the Clerk of the Appellate Division within 30 days of the Notice of Appeal. This deposit can be used to pay settlement or court costs if the appeal is lost. If the appeal is successful, the deposit will be refunded.

You also must obtain a transcript (a copy of the record of what happened in court) of the trial. The request for a transcript should be made to the Office of the Special Civil Part in the county in which the case was tried. You must deposit with the Appellate Division Clerk the estimated cost of the transcript (as determined by the court reporter, Clerk, or agency preparing it) or \$300 for each day or part of a day of the trial. You must file three copies of the transcript with the Office of the Clerk of the Appellate Division. Questions concerning an appeal should be directed to the Office of the Clerk of the Appellate Division at 609-815-2950, or to an attorney.

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