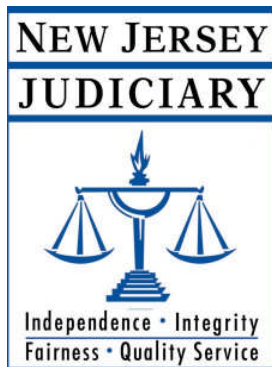




HOW TO USE THIS ONLINE

You may fill in the information required in this packet on your screen, save it to your local drive and print it out on your local printer OR you may print out the packet and complete the forms by hand or typewriter.

The information you enter is NOT
submitted electronically.



HOW TO SUE FOR AN AMOUNT OF MONEY UP TO \$15,000 (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 \$15,000 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 form for:

- a claim for child support 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 \$15,000, your case should be filed in the Law Division, Civil Part of the Superior Court. Even if you are suing for more than \$15,000, you can still sue in Special Civil, but you give up your right to recover any amount over \$15,000. 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 \$3,000 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 or on the Judiciary's Internet site (www.njcourtsonline.com). However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the Special Civil Part of the Superior Court in the county where you are filing your case. A list of [Special Civil Part Offices](#) is provided at the customer counter and at www.njcourtsonline.com.

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 in your local yellow pages 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. Their telephone number can also be found in your local yellow pages. Most county bar associations have a Lawyer Referral Service. The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and who may sometimes consult with you at a reduced fee.

There are also a variety of 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 That May Be Used In This Packet

Answer:	a written response which explains why you believe you do not owe the money to the other party in the case
Certification:	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 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 <i>default</i> . Also, if you (the plaintiff) do not show up in court, the court may dismiss the case
Defendant:	the party who is being sued
File:	means to give the appropriate forms to the court to begin the court's consideration of your request
Motion:	a written request in which you ask the court to issue an order, or to change an order it has already issued
Order:	a written or oral command by a court directing or forbidding an act
Party:	a person, business, governmental agency, etc., involved in a law suit as plaintiff or defendant
Plaintiff:	the person who starts the lawsuit by filing the complaint
Proof Hearing:	the judge may order where you submit written documents or tell your story to support or prove your claim
Service of Process:	the official delivery of the complaint to the defendant
Summons:	the paper that notifies the defendant that he or she is being sued and briefly explains the steps they need to take once they have received this notice
Service:	the mailing or delivering copies of your papers to the lawyer for the other party or to the other party if there is no lawyer

How to Sue for an Amount of Money Up To \$15,000 (Special Civil Complaint and Summons- DC Case Only)

The numbered steps listed below tell you about what forms you will need to fill out and what to do with them.

Each form must be typed or printed clearly on “8 1/2 X 11” white paper only. Forms may not be filed on a different size or color paper.

STEP 1: Fill out the *SPECIAL CIVIL COMPLAINT (FORM A)*

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

STEP 2: Fill out page 2 of the *SPECIAL CIVIL PART SUMMONS (FORM B)*

The *Special Civil Part Summons* is delivered by the court to the defendant 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 he or she must take to dispute the claim. Attach page 2 of the summons form and the filing fee (see Step 4) to the complaint before mailing or delivering your papers to the court.

Page 1 of the summons is a pre-printed form that the court will attach when it delivers the summons to the defendant.

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 reservice 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: Attach the filing fee

Make a check or money order payable to the *Treasurer, State of New Jersey*. See page 6 for more information on how to compute the filing fee.

STEP 5: Where to file the *SPECIAL CIVIL COMPLAINT (FORM A)*

The complaint must be mailed or delivered to the Office of the Special Civil Part Clerk 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)

_____ Filing fee in the form of check or money order. Please do not mail cash. You may however use cash if you pay in person, but keep the receipt you get from the court staff for your records.

STEP 7: Mail or deliver your package of completed papers to the court.

You can deliver your papers to the court in person or you can mail them. 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.

- Make at least 2 copies of the entire packet of completed forms.
- 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 Clerk 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 within the time allowed, 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. If you need an interpreter or an accommodation for a disability for your trial, please contact the court before your trial date.

**INSTRUCTIONS FOR COMPUTING FILING FEE
(Plaintiff's Filing Fees Form) (Step 4)**

<p>Complaint Filing Fee:</p> <p>Amount claimed is \$3,000 or less - \$32</p> <p>or</p> <p>Amount claimed is over \$3,000 but less than \$15,000 - \$50</p>	<p>\$ _____</p>
<p>Each Additional Defendant: If you are suing more than one person or company \$2 for each additional defendant</p>	<p>_____ x \$2 =</p> <p>\$ _____ total additional defendants</p>
<p>Mail Service Fee: \$7 for each defendant</p>	<p>_____ x \$7 =</p> <p>\$ _____ total mail service fees</p>
<p>Jury Trial Fee: If you request a jury trial by six jurors - \$50</p>	<p>\$ _____</p>
<p>Total:</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.** Complete the information regarding interpreters or accommodations for a disability.
- D.** 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 or active credit card number, 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.
- E.** Date and sign the form.

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

Special Civil Part Complaint

**Superior Court Of New Jersey
Law Division, Special Civil Part**

_____ County

Plaintiff's Name

Street Address

Town, State, Zip Code

Telephone Number

Docket No. _____

VS.

Defendant's Name (Person you are suing)

Street Address

Town, State, Zip Code

Telephone Number

**CIVIL ACTION
Complaint**

Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): (See instruction B)

(You may attach more sheets if you need to)

The amount you, the Plaintiff(s) are demanding from the Defendant(s) \$ _____ plus interest and \$ _____ for the costs of suing.

At the trial Plaintiff will need: An interpreter: ____ Yes ____ No Indicate Language: _____

An accommodation for a disability: ____ Yes ____ No Indicate Accommodation: _____

I certify that the above 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.

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).

Dated: _____

Your Signature

Name Typed or Printed

**INSTRUCTIONS FOR COMPLETING FORM B
(SPECIAL CIVIL PART SUMMONS, PAGE 2)**

Under the section labeled *Plaintiff* or *Plaintiff's Attorney Information*, type or print the name, address and telephone number of your attorney if you have one. If you are representing yourself type or print **your** name, address and telephone number.

Under the section labeled *Defendant Information*, type or print the Defendant(s) name, address and telephone number.

In the upper right hand corner before the word *County*, type or print the name of the county you are suing in.

In the spaces below the word *County*, type or print the address and telephone number of the courthouse you are filing in.

Where it says to *Check One*, check whether you are suing for breach of contract or a tort (see definitions on page 3).

In the space after the words *Demand Amount*, type or print the amount you are suing for.

In the space after the words *Filing Fee*, type or print the fee you calculated on page 7 (\$32 or \$50, plus \$2 for each additional defendant).

In the space after the words *Service Fee*, leave it blank for the court staff to complete.

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.

Leave the area after the word *Total* blank for the court staff to complete.

SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE – FORM B - PAGE 2

Plaintiff or Plaintiff's Attorney Information:

Name: _____

Address: _____

Telephone No.: () - _____

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ **COUNTY**

_____, Plaintiff(s)
versus
_____, Defendant(s)

() - _____

Docket No: _____
(to be provided by the court)

Civil Action
SUMMONS

(Circle one): **Contract** or **Tort**

Defendant(s) Information: Name, Address & Phone:

Date Served: _____

RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)

Docket Number _____ Date _____ Time _____
WM _____ WF _____ BM _____ BF _____ OTHER _____
HT _____ WT _____ AGE _____ HAIR _____ MUSTACHE _____ BEARD _____ GLASSES _____
NAME: _____ RELATIONSHIP: _____
Description of Premises _____

I hereby certify the above to be true and accurate:

Court Officer

RETURN OF SERVICE IF SERVED BY MAIL (For Court Use Only)

I, _____, hereby certify that on _____, I mailed a copy of the within summons and complaint by regular and certified mail-return receipt requested.

Employee Signature