

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 1:4. FORM AND EXECUTION OF PAPERS

1:4-1. Caption: Name and Addresses of Party and Attorney; Format

(a) Caption. Every paper to be filed shall contain a caption setting forth the name, division and part thereof, if any, of the court, the county in which the venue in a Superior Court action is laid, the title of the action, the docket number except in the case of a complaint, the designation "Civil Action" or "Criminal Action", as appropriate, and a designation such as "complaint", "order", or the like. In a complaint in a civil action, the title of the action shall include the names of all the parties, but in other papers it need state only the name of the first party on each side with an appropriate indication that there are other parties. Except as otherwise provided by R. 5:4-2(a), the first pleading of any party shall state the party's residence address, or, if not a natural person, the address of its principal place of business.

(b) Format; Addresses. At the top of the first page of each paper filed, a blank space of approximately 3 inches shall be reserved for notations of receipt and filing by the clerk. Above the caption at the left-hand margin of the first sheet of every paper to be filed there shall be printed or typed the name and the New Jersey attorney identification number of the attorney filing the paper, office address and telephone number or, if a party is appearing pro se, the name of such party, residence address and telephone number. No paper shall bear an attorney's post office box number in lieu of a street address. An attorney or pro se party shall advise the court and all other parties of a change of address or telephone number if such occurs during the pendency of an action.

Note: Source - R.R.. 4:5-8, 4:10-1, 5:5-1(e), 7:5-2(a) (first two sentences); paragraph (a) amended December 20, 1983 to be effective December 31, 1983; paragraph (a) redesignated as paragraph (a)(1) and paragraph (a)(2) added November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (a)(2) caption and text deleted, paragraph (a)(1) caption deleted, and paragraph (b) amended July 9, 2008 to be effective September 1, 2008; paragraph (b) amended July 9, 2013 to be effective September 1, 2013.

1:4-2. Paragraphs

Allegations of claim or defense in a civil action shall be made in numbered paragraphs, each limited as far as practicable to a single set of circumstances. A paragraph may be referred to by number in the same or succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matter.

Note: Source-R.R. 4:10-2.

1:4-3. Adoption by Reference; Exhibits

Statements in a pleading and exhibits to a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of a document which is an exhibit to a pleading is a part thereof. Copies of bonds, mortgages, tax sale certificates, and assignments thereof shall not be annexed to complaints in actions for the foreclosure of a mortgage or a tax sale certificate.

Note: Source-R.R. 4:10-3.

1:4-4. Affidavits

(a) Form. Every affidavit shall run in the first person and be divided into numbered paragraphs as in pleadings. The caption shall include a designation of the particular proceeding the affidavit supports or opposes and the original date, if any, fixed for hearing. Ex parte affidavits may be taken outside the State by a person authorized to take depositions under R. 4:12-2 and R. 4:12-3.

(b) Certification in Lieu of Oath. In lieu of the affidavit, oath, or verification required by these rules, the affiant may submit the following certification, which shall be dated and immediately precede the affiant's signature: "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

(c) Requirement for Original Signature. Every affidavit or certification shall be filed with an original signature, except that a copy of an affidavit or certification may be filed instead, provided that the affiant signs a document that is sent by facsimile or in Portable Document Format (PDF), or similar format, by the affiant and provided that the attorney or party filing the copy of the affidavit or certification files the original document if requested by the court or a party.

Note: Source -- R.R. 1:27F, 4:10-4; paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) caption and text amended July 22, 2014 to be effective September 1, 2014.

1:4-5. Signing and Dating of Pleadings; Motions

Pleadings (other than indictments), motions and briefs shall be signed by the attorney of record or the attorney's associate or by a pro se party. Signatures of a firm may be typed, followed by the signature of an attorney of the firm. Signatures on any duplicate original or carbon copy required to be filed may be typed. Every paper to be filed shall bear the date on which it was signed.

Note: Source-R.R. 4:5-6(a) (third sentence), 4:7-2(b), 4:11 (first three sentences); caption and text amended to be effective September 11, 1978; amended July 16, 1981 to be effective September 14, 1981; amended July 13, 1994 to be effective September 1, 1994.

1:4-6. Typewritten Names

Names shall be typed or stamped beneath all signatures on papers to be filed or served.

Note: Source-R.R. 4:5-9.

1:4-7. Verification of Pleadings

Pleadings need not be verified unless ex parte relief is sought thereon or a rule or statute otherwise provides. The verification shall not repeat the allegations of the pleadings but may incorporate them by reference if made on personal knowledge and so stated, and the allegations are of facts admissible in evidence to which the affiant is competent to testify.

Note: Source-R.R. 4:11 (fourth and fifth sentences).

1:4-8. Frivolous Litigation

(a) Effect of Signing, Filing or Advocating a Paper. The signature of an attorney or pro se party constitutes a certificate that the signatory has read the pleading, written motion or other paper. By signing, filing or advocating a pleading, written motion, or other paper, an attorney or pro se party certifies that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) the paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the factual allegations have evidentiary support or, as to specifically identified allegations, they are either likely to have evidentiary support or they will be withdrawn or corrected if reasonable opportunity for further investigation or discovery indicates insufficient evidentiary support; and

(4) the denials of factual allegations are warranted on the evidence or, as to specifically identified denials, they are reasonably based on a lack of information or

belief or they will be withdrawn or corrected if a reasonable opportunity for further investigation or discovery indicates insufficient evidentiary support.

If the pleading, written motion or other paper is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the document had not been served. Any adverse party may also seek sanctions in accordance with the provisions of paragraph (b) of this rule.

(b) Motions for Sanctions.

(1) Contents of Motion, Certification. An application for sanctions under this rule shall be by motion made separately from other applications and shall describe the specific conduct alleged to have violated this rule. No such motion shall be filed unless it includes a certification that the applicant served written notice and demand pursuant to R. 1:5-2 to the attorney or pro se party who signed or filed the paper objected to. The certification shall have annexed a copy of that notice and demand, which shall (i) state that the paper is believed to violate the provisions of this rule, (ii) set forth the basis for that belief with specificity, (iii) include a demand that the paper be withdrawn, and (iv) give notice, except as otherwise provided herein, that an application for sanctions will be made within a reasonable time thereafter if the offending paper is not withdrawn within 28 days of service of the written demand. If, however, the subject of the application for sanctions is a motion whose return date precedes the expiration of the 28-day period, the demand shall give the movant the option of either consenting to an adjournment of the return date or waiving the balance of the 28-day period then remaining. A movant who does not request an adjournment of the return date as provided herein shall be deemed to have elected the waiver. The certification shall also certify that the paper objected to has not been withdrawn or corrected within the appropriate time period provided herein following service of the written notice and demand.

No motion shall be filed if the paper objected to has been withdrawn or corrected within 28 days of service of the notice and demand or within such other time period as provided herein.

(2) Time for Filing; Attorney's Fees. A motion for sanctions shall be filed with the court no later than 20 days following the entry of final judgment. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorneys' fees incurred in presenting or opposing the motion. For purposes of this rule, the term "final judgment" shall include any order deciding a post-judgment motion whether or not that order is directly appealable.

(3) Scope of Responsibility. Except in extraordinary circumstances, a law firm shall be jointly responsible for violations committed by its partners, shareholders, associates and employees.

(c) Sanction on Court's Initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate this rule and directing the

attorney or pro se party to show cause why he or she has not violated the rule. The order to show cause shall issue before a voluntary dismissal or settlement of the claims made by or against the pro se party or the attorney who is the subject of the order to show cause.

(d) Order for Sanctions. A sanction imposed for violation of paragraph (a) of this rule shall be limited to a sum sufficient to deter repetition of such conduct. The sanction may consist of (1) an order to pay a penalty into court, or (2) an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation, or both. Among the factors to be considered by the court in imposing a sanction under (2) is the timeliness of the movant's filing of the motion therefor. In the order imposing sanctions, the court shall describe the conduct determined to be a violation of this rule and explain the basis for the sanction imposed.

(e) Exceptions. This rule does not apply to disclosures and discovery requests, responses, objections, and discovery motions that are subject to the provisions of R. 4:23.

(f) Applicability to Parties. To the extent practicable, the procedures prescribed by this rule shall apply to the assertion of costs and fees against a party other than a pro se party pursuant to N.J.S.A. 2A:15-59.1.

Note: Source -- R.R. 4:11 (seventh through tenth sentences); amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; paragraph (b)(2) amended July 12, 2002 to be effective September 3, 2002; paragraph (b)(2) amended and paragraph (g) deleted July 28, 2004 to be effective September 1, 2004.

1:4-9. Size, Weight and Format of Filed Papers

Except as otherwise provided by R. 2:6-10, pleadings and other papers filed with the court, including letter briefs and memoranda but excluding preprinted legal forms and documentary exhibits, shall be prepared on letter size (approximately 8.5 x 11 inches) paper of standard weight and quality for copy paper and shall be double spaced with no smaller than 10-pitch or 12-point type. Both sides of the paper may be used and recycled paper should be used, provided legibility is maintained.

Note: Source - R.R. 1:27C; caption and text amended June 29, 1990 to be effective September 4, 1990; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 27, 2006 to be effective September 1, 2006; amended July 9, 2008 to be effective September 1, 2008.

1:4-10. Assignment of Judgment

Whenever there shall be an assignment of a judgment, the assignee may become the assignee of record by filing the assignment of judgment with the Clerk of the Court that entered the judgment. All such assignments of judgment must be in writing, showing the date thereof; the name and address of the assignor and assignee; the amount of the judgment or the amount remaining due on the judgment, whichever is lesser, and when and by what court the judgment was granted; a statement describing the rights assigned; and the docket number. All such assignments of judgment shall be executed by the judgment creditor or, if applicable, by a prior assignee of record and must be acknowledged as are deeds for recordation. When such assignment is filed with the court as herein provided, all forms of post-judgment civil process thereafter shall be captioned in the name of the original judgment creditor with the added wording "by assignee" followed by the name of the assignee.

Note: Adopted August 1, 2016 to be effective September 1, 2016.