



How to File a Complaint in the Superior Court of New Jersey Law Division - Civil Part

Who Should Use This Packet?

You can use this packet if you wish to sue another person or corporation in New Jersey for money damages for any harm or injury caused by someone to your body, property, reputation or rights. Examples of civil complaints include but are not limited to auto negligence, contract disputes, products liability, age, race, or gender discrimination and medical malpractice. If your case is valued at \$15,000 or less, you may wish to use the packet for the Special Civil Part, where there are lower filing fees and shorter time periods.

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 at [njcourts.gov](#). However, you are ultimately responsible for the content of your court papers. With limited exceptions, any paper filed with the court can be looked at by the public.

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 or 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. The law, the proofs necessary to present your case, and the procedural rules governing cases in the Law Division, Civil Part are complex. Since valuable claims or potentially heavy judgments may be at stake, most litigants appearing in the Law Division, Civil Part have a lawyer. If you are being sued, please contact your insurance company to see if they might provide a lawyer for you. Most likely your opponent will be represented by a lawyer. It is recommended that you make every effort to obtain the assistance of a lawyer. 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. Their 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 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 will 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.

If you decide to proceed without an attorney, these materials explain the procedures that must be followed to have your papers properly filed and considered by the court. These materials do not provide information on the law governing your claims or defenses; information on how to conduct pretrial discovery; information on alternative dispute resolution procedures, such as arbitration or mediation, that may be available or required in your case; information on the kinds of evidence you need to prove your claims or defense at trial; or information on other procedural and evidentiary rules governing civil law suits.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking 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 copies of all completed forms and documents related to your case.

Overview

A civil suit begins with the filing of a complaint and civil case information statement ([CIS](#)) with the appropriate filing fee. Within 10 days of the filing of the complaint, the plaintiff will receive a Track Assignment Notice (TAN). A case is assigned to one of four tracks depending on the type of case and the length of time it should take to complete discovery. The complaint, CIS and TAN must be served with the [summons](#) on all parties. Defendant must file an answer to the complaint along with the appropriate filing fee within 35 days after service of the complaint.

After the complaint is served and an answer is filed, the discovery period begins. The time for discovery depends on what track the case is assigned to. During the discovery period, the parties exchange information about the case. At any time during the case, a party may make a motion to the court for some specific relief.

Prior to a trial, cases may be sent to mediation (a meeting in which a neutral third party facilitates discussion between the parties to reach a resolution of their differences) and/or arbitration (a hearing in which parties present their positions to a neutral third party who makes a recommendation for resolving the case which may be accepted or rejected by the parties). If mediation and/or arbitration is unsuccessful, a case will be scheduled for trial.

The trial may take place before the judge alone or before a judge and a jury. At the trial, both sides present evidence supporting their positions. The decision of the judge and/or jury is contained in the final judgment. If a party wishes to appeal the final decision, a notice of appeal must be filed in the Appellate Division within 45 days after the entry of the final judgment.

Definitions of Words Used in This Packet

Affidavit of Merit - The Court Rules require that a plaintiff in a medical or professional malpractice case file an Affidavit of Merit by a neutral expert asserting that the defendant's performance was below the standards of the profession.

Caption - A caption is the name of the case; it lists the name of the plaintiff(s) and the defendant(s). For example, John Jones, Plaintiff v. Mary Smith, Defendant.

Certification - A certification is statement that certain facts are true to the best of the knowledge of the person making the statement. It is like an affidavit, but is not sworn before a notary or other authorized person.

Certification of No Other Actions - A certification of no other actions is a sworn written statement at the end of the complaint in which you state that, to the best of your knowledge, the action about which you are complaining is not the subject of any other court matter or arbitration, that there are no other parties that need to be added to this action and that you recognize the obligation to notify all parties and the court if there are any changes.

Civil Action - A Civil Action is a noncriminal case in which one individual or business sues another individual or business. To protect or enforce a right.

Civil Case Information Statement (CIS) The CIS is a form that summarizes your case for the court. Court rules require that a CIS be filed with a verified complaint. The pro se version of the [CIS](#) which is to be used with this packet can be found on our [Self Help Center](#).

Complaint - A complaint is a document in which the plaintiff tells the court his or her version or perspective the facts of a case and states what relief is sought.

Defendant - The defendant is the person or entity being sued.

Definitions of Words Used in This Packet (continued)

Docket Number - A docket number is the number the court assigns to your case so that it may be identified and located easily. Once you have a docket number, you must include it on all your communications with the court.

File - To file means to give the appropriate forms and fee to the court to begin the court's handling of your case.

Jury - A jury in a civil matter is usually a group of six people selected according to law and sworn to inquire into and decide the facts at issue in a trial.

Motion - A motion is an application to the court for a specific order or ruling to be made in favor of the party filing the motion

Party - A party is any plaintiff or defendant in a case. You must send a copy of everything you send to the court to every party.

Plaintiff - The plaintiff is the person who files the first complaint with the court.

Proof of Mailing - Proof of mailing is the form in which you provide the dates and method you used to give the other parties copies of the papers that you filed in court.

Pro se - *Pro se* is a Latin term that means "on one's own behalf." A plaintiff or defendant in a law suit who does not have an attorney is said to be appearing *pro se*.

Service - Service refers to the delivery of the complaint or any other paper in a suit to the defendant and other parties. Formal legal service requires that the service be made by an officially authorized person or by mail.

Team - A team is made up of courthouse staff who are responsible for the processing of your case. Each team is headed by a team leader who reports to the Civil Division Manager.

Track - Lawsuits in the Civil Division are assigned to one of four tracks. Which track a case is assigned to usually depends on the type of case and how much time it should take to complete discovery. On the back of the CIS is a listing of the tracks and the various case types that are included in each one.

Track Assignment Notice (TAN) - The Track Assignment Notice (TAN) is a document prepared by the court that tells you what judge and team will be handling your case. It also gives the telephone number you should call whenever you need to reach the court about your case. The plaintiff is required to send a copy of the TAN to everyone being sued.

Venue - Venue refers to the county where the court that has jurisdiction to hear your case is located.

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 ½ "x 11" white paper only. Forms may not be filed on a different size or color paper.

Steps for Filing a Complaint

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

The *Complaint* tells the court the facts of your case and what relief you want the court to give you. A judge will decide your case unless you request to have a jury hear it. Sign and date all sections *except* the demand for a jury. Complete that section *only* if you would like a jury to decide your case.

STEP 2: Fill out the *Civil Case Information Statement* (CIS).

The *Civil CIS* form with instructions can be found on our [Self Help Center](#). The completed *CIS* must be filed with the complaint. Failure to file this required document may result in the return of your complaint.

STEP 3: Make a check or money order payable to *Treasurer, State of New Jersey* in the amount of \$250.00.

This is the fee for filing your papers.

STEP 4: Check your completed forms and make copies.

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed all the forms wherever necessary. You also need to make three copies of each form. Two of the copies will be sent to the court; the other is for your records.

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 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 (such as a police accident report) since you may have to show them to the court at some point.

Checklist - In Step 5 you will be directed to mail your documents to the court. The following checklist will help insure your package is complete:

- The original and two copies of the **Complaint** and **CIS**
- A money order or check made out to the *Treasurer, State of New Jersey* in the amount of \$250 to cover the filing fee
- A stamped envelope addressed to yourself so that the court will be able to return the forms to you.

STEP 5: Mail or deliver the forms to the court.

You may deliver your papers to the court clerk in person or you may mail them. The court address is stamped on the front of this guide or is available on the Judiciary's website, njcourts.gov. If you mail the papers, we recommend that you use certified mail, return receipt requested. Mail or deliver to the court the original and 2 copies of the *Complaint* and *CIS*.

Note: The court will return copies to you along with a *Track Assignment Notice (TAN)*. If you have any questions, you should contact the team leader at the number on the *TAN*. Copies of the *Complaint*, *CIS*, and *TAN* along with a *Summons* must be served immediately on every person you are suing in this case. The court rules permit a *pro se* plaintiff to issue the *summons* and sign it in the name of the Clerk of the Superior Court. The *summons* alerts the defendant that you have filed a complaint and provides information on what the defendant may do to reply to your complaint. The *summons* form is available on the Judiciary's website, njcourts.gov. You will have to enter your name and address as the *pro se* plaintiff, the caption for the case, the name of the county where the case is filed and the case docket number. You may also sign the Superior Court Clerk's name in the space provided and supply the name and address of the defendant to be served. The Superior Court Clerk's name can be found on the Judiciary's website, njcourts.gov. To serve the defendant(s) properly, you should contact the sheriff in the county in which your suit is filed or a process server. The sheriff's telephone number can be obtained from Directory Assistance. If you do not have your *complaint*, *CIS*, *TAN*, and *summons* served immediately, your complaint may be dismissed. You may serve a defendant by registered, certified, or ordinary mail, but this service is effective only if the defendant answers the complaint or otherwise appears in response to the complaint.

Form A

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

Telephone Number _____

Plaintiff,

v.

Defendant(s).

Superior Court of New Jersey

Division _____ County

Part

Docket No: _____
(to be filled in by the court)

Civil Action

Complaint

Plaintiff, _____, residing at
(your name)

_____, City of _____
(your address) (your city or town)

County of _____
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On _____, 20_____, _____, Defendant
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

The defendant in this action resides at _____,
(defendant's address)

In the County of _____, State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. _____

2. _____

3. _____

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: _____ Signature: _____

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: _____ Signature: _____

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Dated: _____ Signature: _____