



How to Answer a Complaint in the Special Civil Part with a Counterclaim, Cross-claim and/or Third Party Complaint

Who Should Use This Packet?

You can use this packet if you are being sued in the Special Civil Part for an amount of money up to \$15,000 and you wish to file a counterclaim, cross-claim, and/or a third party complaint to join other parties to this lawsuit (definitions of these terms appear on page 3). If you do not file an Answer within the time specified in the Summons, which accompanies the Complaint, a money judgment may be entered against you.

Note: If you are **NOT** filing a counterclaim against the plaintiff or a claim against any other person, you should use packet [10542 - How to Answer a Complaint in the Special Civil Part](#).

General Requirements:

1. You must send an ANSWER to the court within 35 days from the date the Summons was sent to you. That date is shown on the summons you received. Your Answer must be accompanied by either the appropriate filing fee, or if you cannot afford the filing fee, a fee waiver request. To file a fee waiver use packet [11208 - How to File for a Fee Waiver - All Courts](#), found on our Self Help Center at njcourts.gov. (This form **must be sent at the same time** you file your Answer.)
 - a. The filing fee for an Answer with a Counterclaim, Cross-claim and/or Third Party Complaint alleging damages for **\$3,000.00 or less** is \$50.00 and an additional \$5.00 for each additional third party defendant.
 - b. The filing fee for an Answer with a Counterclaim, Cross-claim and/or Third Party Complaint alleging damages for **more than \$3,000.00** is \$75.00 and an additional \$5.00 for each additional third party defendant.
 - c. If your Answer includes a Third Party Complaint, you have to pay an additional \$7.00 service fee for each additional third party defendant (each new defendant you are adding).
2. If you have evidence showing that you do not owe the amount claimed, such as receipts, keep the original documents and bring them to the trial.
3. You must send a copy of the Answer to the plaintiff by certified and regular mail if the plaintiff does not have a lawyer. If the plaintiff has a lawyer, you must send a copy of the Answer to that lawyer by regular mail.
4. Each person being sued must file his or her own Answer.
5. An Answer on behalf of a CORPORATION, LIMITED LIABILITY CORPORATION or LIMITED PARTNER in a limited partnership must be filed by an attorney if the amount sought in the case is more than \$3,000.

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 njcourts.gov. 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 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. 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 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

If you do not hire an attorney but represent yourself, be sure to 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.

Definitions of Words Used in This Packet

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

Co-Defendant - A *co-defendant* is another defendant who has been sued by the plaintiff in the Complaint.

Complaint - A *complaint* is a document in which the plaintiff briefly tells the court the plaintiff's account of the facts that entitle the plaintiff to the relief requested.

Counterclaim - A *counterclaim* is a document in which (you) the defendant briefly tells the court your account of the facts and explains why you think the plaintiff owes you money in the case.

Cross-claim - A *cross-claim* is a claim by one defendant that a co-defendant is responsible for plaintiff's damages.

Default - When the defendant fails to respond to the Complaint in the time specified in the Summons, the court automatically marks the defendant in *default* for having failed to file an Answer to the Complaint. Once a default has been entered, the judge may enter a money judgment in the plaintiff's favor. Likewise, if the plaintiff does not show up in court, the court may dismiss the case for plaintiff's failure to prosecute the case.

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

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

Interrogatories - *Interrogatories* are a list of questions from the plaintiff and/or defendant asking for information about the case that require a written response from the party who was served.

Judgment - A *judgment* is the official decision of a court in a case.

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 signed paper from the judge telling someone they must do something.

Party - A *party* is a person, business, or governmental agency named in a court action.

Plaintiff - The *plaintiff* is the person who files the lawsuit.

Return Date - The *Return Date* is the date the plaintiff and defendant are told to appear in court.

Service - *Service* is mailing copies of your papers to the lawyer for the other party or to the other party if there is no lawyer.

Summons - A *summons* is the paper that notifies the defendant that he or she is being sued and briefly explains the steps he or she needs to take once they have received this notice.

Third Party Complaint - A *third party complaint* is a complaint filed against a third (new) party by a defendant alleging that the third party is liable for all or part of the claim that is in dispute.

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 Your Answer Containing a Counterclaim, Cross-claim or Third Party Complaint in the Special Civil Part

STEP 1: Fill out the *Answer with Counterclaim, Cross-claim and/or Third Party Complaint form (Form A)*

Fill out the *Answer with Counterclaim, Cross-claim and/or Third Party Complaint*, which is your written response to the Complaint, explaining to the Court why you think you do not owe the money that the person suing you is asking for and why someone else is responsible. Detailed instructions on how to fill out the Answer can be found on page 6.

STEP 2: Attach the filing fee

Attach your check or money order made payable to the *Treasurer, State of New Jersey*. If you cannot afford the filing fee, attach the fee waiver (CN 11208 found on njcourts.gov).

STEP 3: Where to file the *Answer with Counterclaim, Cross-claim and/or Third Party Complaint*

You must mail or deliver your Answer to the Office of the Special Civil Part in the county where the case was filed against you. Look at the Summons you received from the court for this address.

STEP 4: Check your completed form

Check your form and make sure it is complete. Remove all instruction sheets. Make sure you have signed the form and have included your name, address and telephone number.

CHECKLIST -: You must have all of the following items in this order:

- *Answer with Counterclaim, Cross-claim and/or Third Party Complaint (Form A)*
- Filing fee in the form of a check or money order or fee waiver request. Do not mail cash. You may use cash if you pay in person but you should keep the receipt you get from the court staff for your records.

STEP 5: Mail or deliver your package of completed papers to the court, the plaintiff and any co-defendants or third party defendants

You can deliver your Answer in person or you can mail it. If you mail the Answer to the court, 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 Answer to the court. Your post office can tell you how to send certified mail, return receipt requested.

You must also mail a copy to each party’s attorney by regular mail or to each party by certified and regular mail if that party does not have an attorney. If the lawsuit names another person (in addition to yourself) as a defendant, you must also send that person a copy of your Answer.

If your Answer contains a *Third Party Complaint*, you must complete the DC Summons (Appendix XI-A (1)) form. That form is available on our website at www.njcourts.gov/forms/11808_dc_summons.pdf. Copies of the *Summons*, your *Answer* and *Third Party Complaint* will be sent to the **newly added parties** by the Court.

- Make enough copies of the Answer so that you will have one for yourself and one for the other parties’ attorneys. If the other parties do not have an attorney, then make enough copies so that you have one copy for each party in the case.
- Mail or deliver the original Answer to the court.
- Mail or deliver one copy to each of the other parties’ attorneys or to each of the other parties if he or she does not have an attorney.

STEP 6: You will get a court date for your trial

After you file your Answer with the court, you will receive a notice in the mail with the date you must appear in court. The plaintiff will also be notified to appear in court on the same date. You must appear in court on this date; if you do not the court may find you in *default* and *judgment* may be entered against you and you may lose the case.

If you cannot make your court date because of circumstances beyond your control, you must contact the plaintiff (and other parties) to ask for his/her consent to reschedule the matter. Once you have contacted the plaintiff, you can contact the court to advise the Court of the plaintiff’s response and request that your date be rescheduled. If the plaintiff does not appear, the case may be dismissed.

Other Considerations

Interrogatories

If you receive a list of questions (*interrogatories*) from the plaintiff, you must answer and return them to the plaintiff within 30 days. If you do not do so, the court may rule against you by suppressing (dismissing) your answer. You would then have to file a written motion, advising the court that you answered the questions and ask the court to reinstate the case and to reaccept your answer. The restoration fee is \$25 if you make the motion within 30 days of the suppression order; after 30 days, the restoration fee is \$75. After 45 days, the court may make the suppression order final and then enter a default judgment against you without hearing your side of the case.

The defendant can also send a list of interrogatories to the plaintiff. The plaintiff's complaint could get dismissed if they don't answer the interrogatory questions within 30 days as well. For sample interrogatories see [CN 11895 - Model Interrogatories in Special Civil Part Contract and Debt Collection Cases in Which the Demand Exceeds \\$3,000](#) on njcourts.gov.

Settlement Negotiations

The court will likely ask that you attempt to settle your case with the help of a mediator on the day of trial before the trial begins. You may also wish to contact the plaintiff's lawyer, or the plaintiff, if the plaintiff does not have a lawyer, to resolve this dispute on your own prior to your trial date. **You do not have to do this unless you want to.** However, negotiating with the plaintiff or the plaintiff's attorney will not stop the 35-day period for filing an Answer, unless a written agreement between you and the plaintiff is reached and filed with the court before the 35-day period ends.

Interpreter or Accommodation

If you need an interpreter or an accommodation for a disability for your trial, please contact the court before your trial date and check the appropriate space on the Answer form.

Instructions for Completing Special Civil Answer with a Counterclaim, Cross-claim and/or Third Party Complaint (Form A)

- A. The *defendant* is you, the person who is being sued, and the *plaintiff* is the person who is suing you.
- B. At the top left of the form under the section labeled *Filing Attorney Information or Pro Se Litigant*, enter your name, address, daytime phone number and email address. If you are not an attorney, leave the *NJ Attorney ID* field blank.
- C. In the section for plaintiff's information, enter the plaintiff's *name, address* and *daytime phone number*. Make sure to check the box if the plaintiff's address and/or phone number have changed since the initial filing.
- D. In the section for defendant's information, enter the *name(s)*, current *address(es)* and *daytime phone number(s)* of the defendant(s) listed on the complaint.
- E. On the right side of the form, enter the *County* and *Docket No.* assigned to the case by the court. (You can get this information from the complaint filed against you.)
- F. Select the appropriate box(es) to indicate if you are filing a *Counterclaim, Cross-claim* and/or *Third Party Complaint* (select all that apply).
- G. In the section below *Defendant denies owing the debt to the Plaintiff*, check the appropriate statement(s) which set forth why you claim you do not owe the money to the plaintiff (select all that apply); or choose the box marked "Other" and explain your position.
- H. On page 2, check the appropriate box(es) and provide a statement of facts as to why the plaintiff(s) and/or named defendant(s) and/or third party defendant(s) are at fault.

In the *Defendant's Demand* section (if applicable), provide the demand amount (how much you think they owe you) and the address of the third party defendant(s).

- I. Indicate if you want a trial by jury. If so, select the appropriate statement - trial by jury requested or trial by jury requested and I have submitted an application for a fee waiver.
Enclose either a check or money order for the correct amount (jury fee, Answer fee, service fee - see page 1) made payable to the *Treasurer, State of New Jersey* or your completed application for a fee waiver. (To file a fee waiver use packet [11208 - How to File for a Fee Waiver - All Courts](#), found on our Self Help Center at njcourts.gov).
- J. In the section that states *At the trial, Defendant requests*, advise the court if you need an interpreter and for what language. Next, indicate if you need an accommodation for a disability and specify the accommodation needed.
- K. In the Certification area, check the applicable box in **each section**, advising the court of any other pending actions involving the same parties. Provide information about those other claims or lawsuits (if any), and advise the court if any other parties should be joined to this lawsuit.
- L. **IMPORTANT:** Carefully review the Certifications made and double check that you have complied with the Certifications before moving to the next step. This means that you must make sure that you do not need to bring anyone else into the case or that you advise the Court if another party should be brought into the case. A frequent example is when a hospital sues a patient for payment of a bill, but the patient believes that the insurance company should pay the bill instead. The insurance company needs to be brought into the case.

M. If the *Answer* (Form A) or any of the copies of papers that you attach to the Answer 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. Once you have confirmed that none of these personal identifiers are on the papers that you are filing, you must sign and date the Certification that indicates "*I certify that 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).*"

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.

N. On the line above *Dated*, clearly print or type the date on which you sign this form, sign your name on the line above *Defendant's Signature* and clearly print or type your name on the line below your signature.

O. If you would like a copy of the documents or papers referred to in the Complaint check the *Demand for Production of Documents* box located at the bottom of the form.

Review all steps for completion before mailing your forms.

Form A

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver’s license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Telephone Number _____

Plaintiff’s Name

Street Address Check if new address/phone number

Town, State, Zip Code

Telephone Number

vs.

Defendant’s Name

Street Address

Town, State, Zip Code

Telephone Number

**Superior Court of New Jersey
Law Division: Special Civil Part**

County
Docket Number: DC- _____

**Civil Action
Answer**

AND

- Counterclaim**
- Cross-claim**
- Third Party Complaint**

Defendant denies owing the debt to the Plaintiff. Check the appropriate statement(s) below which set forth why you claim you do not owe money to the plaintiff or owe less than the Plaintiff is claiming.

- The bill has been paid.
- The dollar amount claimed by the plaintiff(s) is incorrect.
- The claim or the amount of the claim is unfair. *(Must explain below)*
- The goods or services were not received.
- The goods or services received were defective.
- I/We did not order the goods or services.
- I am a victim of identity theft or mistaken identity.
- The time has passed for plaintiff to sue on this debt.
- This debt has been discharged in bankruptcy.
- A lawsuit was previously filed and the claim has been resolved. *(Must explain below)*
- Defendant is in the military on active duty.
- Plaintiff did not file this lawsuit in the proper place. *(Must explain below)*
- Other – Set forth any other reasons why you believe money is not owed to the plaintiff(s). *(You may attach more sheets if you need to.)*

Form A

- I have a claim against the plaintiff(s). [Counterclaim]
- I have a claim against another defendant(s). [Cross-claim] _____
- I have a claim against the following 3rd party (new party) [Third Party Complaint]:

You **must** provide a statement of facts below as to why the plaintiff(s) and/or named defendant(s) and/or third party defendant(s) are at fault: (You may attach additional sheets if necessary)

Defendant's Demand:

I have a claim and demand judgment for \$ _____, plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

Name of Third Party Defendant(s)

Street Address

Town, State, Zip Code

Telephone Number

- Trial by jury requested; an extra \$100 cash, check or money order is submitted.
- Trial by jury requested; and I have submitted an application for a waiver of the \$100.00 fee.

At the trial, Defendant requests:

An interpreter Yes No Indicate Language _____

An accommodation for a disability Yes No Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

- that the above matter is not the subject of any other court action or arbitration proceeding now pending or contemplated, or
- that the following actions or arbitration proceedings are pending or contemplated

AND

Must check one

- that no other parties should be joined in this action; or
- that the following persons or entities 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). I further certify that this answer was served by me upon all existing parties.

Dated

Defendant's Signature

Defendant's Name - Typed or Printed

- Demand for Production of Documents Pursuant to R. 4:18-2.** By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.