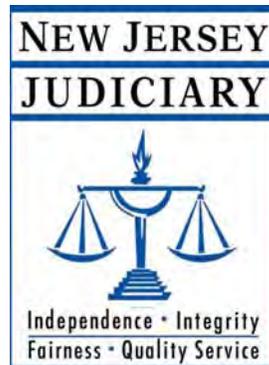


## **HOW TO USE THIS ONLINE**

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 FILE A RESPONSE TO A MOTION IN THE SUPERIOR COURT OF NEW JERSEY – LAW DIVISION – CIVIL PART**

### **Who Should Use This Packet?**

You should use this packet if you are a party to a lawsuit and you have received a Notice of Motion and supporting documents from another party in your case and you want to object to what that person is asking for. Unless you have received a motion for summary judgment, you **MUST** respond to the moving papers at least 8 days before the return date listed on the Notice of Motion. A summary judgment motion requires that the response be filed at least 10 days before the return date.

**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](http://www.njcourtsonline.com). However, you are ultimately responsible for the content of your court papers.

**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 [www.njcourtsonline.com](http://www.njcourtsonline.com).**

## **THINGS TO THINK ABOUT BEFORE YOU TRY TO 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 it 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 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. That 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 will 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.

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 defenses 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 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 copies of all completed forms and documents related to your case.

**DEFINITIONS OF WORDS USED IN THIS PACKET**

<b>Brief:</b>	A brief is a written argument submitted to the court in which you present the facts and the history of your case and the legal argument supporting the request you have made to the court in your motion.
<b>Calendar Motion:</b>	A calendar motion asks the court for a ruling related to the scheduling or timing of your case, such as a motion for more time to file papers. Before filing a calendar motion, the moving party must try to resolve the matter with the other party(ies) in the case.
<b>Certification:</b>	A certification is a written statement you make when you file your papers with the court in which you state that all the information contained in the papers is true to the best of your knowledge.
<b>Discovery Motion:</b>	A discovery motion asks the court for a ruling on some phase of the discovery process such as a motion for more specific answers to interrogatories, a motion to compel depositions. Before filing a discovery motion, the moving party must try to resolve the matter with the other party in the case.
<b>Docket Number:</b>	The 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.
<b>Motion:</b>	A motion is an application to the court for a specific order or ruling to be made in favor of the person making the motion (the movant).
<b>Motion Day:</b>	Courts hear motions on specified days (usually Fridays) on the court calendar called motion days. A schedule of the court's motion days can be obtained from the court staff or on Internet at the Judiciary's website at <a href="http://www.njcourtsonline.com">www.njcourtsonline.com</a> .
<b>Movant or Moving Party:</b>	The movant or moving party is the person who is bringing the motion.
<b>Notice of Motion:</b>	A notice of motion is the form used to inform the court and all opposing parties that the moving party is seeking a specific ruling or order from the court.
<b>Oral Argument:</b>	Oral argument refers to the appearance in court by the parties to present their positions to the judge in person. Either side may request oral argument, but the decision on whether there will be oral argument is up to the judge. If oral argument is not requested by either of the parties or the judge, the motion will be decided "on the papers."
<b>Pro Se:</b>	<i>Pro se</i> means by oneself. A <i>pro se</i> litigant represents him or herself in court without the aid of counsel.
<b>Proof of Mailing:</b>	Proof of mailing is the form in which you provide the dates and the method you used to give the other parties copies of the papers that you filed in court.
<b>Proposed Form of Order:</b>	A proposed order is a form that the judge can use to either grant or deny the relief sought in the motion. Every motion must be accompanied by a proposed form of order.
<b>Return date:</b>	The return date is the date on which the court will consider the motion. If you request oral argument, you must appear before the judge. If no oral argument is requested, the matter will be decided "on the papers." That is, the judge will decide the motion on what has been submitted in the moving papers and in the opposition papers, without having anyone appear in court.
<b>Summary Judgment:</b>	A motion for summary judgment asks the court to resolve the case in the moving party's favor without a trial because there is no dispute over the facts of the case and the law supports the moving party's position.

## STEPS TO TAKE TO RESPOND TO A MOTION

### **STEP 1: COMPLETE THE CERTIFICATION IN OPPOSITION TO MOTION AND CERTIFICATION OF SERVICE (FORM A).**

The *Certification in Opposition to Motion* tells the court the reasons why you object of the ruling requested by your adversary and why the court should deny the request. Fill in the required information.

You must indicate whether you want to waive oral argument and let the judge decide the motion on the papers or not. If you request oral argument you must tell the court why you think it is necessary. **Note: The judge makes the decision on whether there should be oral argument. The judge may request it even if neither party asked for it. Similarly, the judge may deny the request for oral argument.** The *Certification of Service* tells the court the date on which you mailed the copies of your response to your adversary.

### **STEP 2: PREPARE YOUR RESPONSE FOR MAILING.**

**Checklist:** You will need the following items:

\_\_\_ The original of your *Certification in Opposition to Motion* for filing in court. If you want the court to return a copy stamped “filed,” you should include a copy and a stamped self-addressed envelope.

\_\_\_ One copy of the *Certification* for each party to the lawsuit.

### **STEP 3: MAIL THE CERTIFICATION IN OPPOSITION TO MOTION TO YOUR ADVERSARY AND ANY OTHER PARTY TO THE LAWSUIT.**

You must serve your adversary no later than 8 days before the specified return date of the notice of motion (10 days if it is opposition to a motion for summary judgment). While the court rules do not require you to send your papers by certified mail, it is suggested that you send your *certification* by regular and certified mail, return receipt requested. You will then have the green card when it is returned to you as proof of service.

### **STEP 4: MAIL OR DELIVER THE CERTIFICATION TO THE COURT.**

You may deliver your papers to the court in person or you may mail them. The court address is available on line at [www.njcourtsonline.com](http://www.njcourtsonline.com). If you mail the papers, we recommend that you use certified mail, return receipt requested.

Mail or deliver to the court the original of the *Certification*. If you want the court to return a copy marked “filed” to you, include a copy of the certification along with a self-addressed, stamped envelope.

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

\_\_\_\_\_ County

\_\_\_\_\_  
Your Name (first, middle, last)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Town, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Plaintiff

VS.

\_\_\_\_\_  
Defendant

Docket No. \_\_\_\_\_

**Certification in  
Opposition to Motion**

I, \_\_\_\_\_, am the **(check one)** \_\_\_\_\_ PLAINTIFF \_\_\_\_\_ DEFENDANT in  
**(your name)**  
the captioned matter. I hereby enter my objection to the Motion to \_\_\_\_\_  
**(enter type of motion)**  
filed by the **(check one)** \_\_\_\_\_ PLAINTIFF \_\_\_\_\_ DEFENDANT. This motion should be denied  
because: (state the basis for your opposition to the motion; use additional paper if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to *R. 1:6-2(d)*, the undersigned: **(check one)**

- (     )     Waives oral argument and consents to disposition on the papers.  
(     )     Requests oral argument for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

## CERTIFICATION OF SERVICE

I further certify that on \_\_\_\_\_, 2\_\_\_\_, I sent my opposition the motion to the following by ( ) regular mail, ( ) certified mail (Check which mailing method you chose. If you sent it by both regular and certified mail, check both): (list each party to the lawsuit; send your opposition to the attorney if the party is represented by counsel; if the party is *pro se* you may send the papers directly to that individual).

**Name** \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Attorney for \_\_\_\_\_

Date: \_\_\_\_\_

**Name** \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Attorney for \_\_\_\_\_

Signature \_\_\_\_\_

\_\_\_\_\_  
(print or type your name)