

SUPREME COURT OF NEW JERSEY

NOTICE TO THE BAR

RE: Summonses and Motions in the Special Civil Part

Counsel who practice in the Special Civil Part are reminded that effective September 5, 2000 the recent amendments to Rules 6:2-1 and 6:3-3(c) require:

- (1) the use of a new form of summons in civil actions seeking \$10,000 or less in damages and in small claims, and
- (2) the use of new language, including the court's address, in all notices of motion filed in the Special Civil Part.

Please note that R. 6:2-2(a) now requires the plaintiff to provide page 2 of the new summons; the clerk's office will provide both sides of page 1. Please note further that the time to respond to all Special Civil Part motions (except motions to enforce litigant's rights) has been increased from five (5) to ten (10) days.

The forms for the new summonses, approved by the Supreme Court for inclusion in the court rules as Appendices XI-A(1) and (2), and the amended text of R. 6:3-3(c) follow. Matter deleted from the rule is in [brackets] and new provisions are underlined.

- [Appendix XI-A \(1\)](#)
- [Appendix XI-A \(2\)](#)

Dated: August 14, 2000

Richard J. Williams

Acting Administrative Director of the Courts

6:3B3. Motion Practice

- (a) ...no change
- (b) ...no change
- (c) ...no change
- (1) ...no change

(2) The notice of motion shall also state the court's address and that the order sought will be entered in the discretion of the court unless the attorney or pro se party upon whom it has been served notifies the clerk of the court and the attorney for the moving party or the pro se party in writing within [5] 10 days after the date of service of the motion [, or 10 days if the motion is for summary judgment, for a new trial or to vacate a judgment,] that the responding party objects to the entry of the order.

(3) [The notice of motion shall further provide that the basis of the objection to the relief sought shall be stated with particularity and that the opponent may request oral argument.] Every notice of motion shall include the following language: NOTICE. IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING. Your written response must be in the form of a certification or affidavit. That means that the person signing it swears to the truth of the statements in the certification or affidavit and is aware that the court can punish him or her if the statements are knowingly false. You may ask for oral argument, which means you can ask to appear before the court to explain your position. If the court grants oral argument, you will be notified of the time, date and place. Your response, if any, must be in writing even if you request oral argument. Any papers you send to the court must also be sent to the opposing party's attorney, or the opposing party if not represented by an attorney.

(4) In addition to the notice contained in subparagraph (3) above, all notices of motion for summary judgment must also state: We are asking the court to make a final decision against you without a trial or an opportunity for you to present your case to a judge. We are requesting that a decision be entered against you because we say that the

important facts are not in dispute and the law entitles us to a judgment. If you object to the motion, you must file a written response stating what facts are disputed and why a decision should not be entered against you.

(5) In addition to the notice contained in subparagraph (3) above, all notices of motion to dismiss or suppress for failure to answer interrogatories must also state: We are requesting that your complaint be dismissed or your answer not be considered for failure to answer the interrogatories (questions) we sent you. In order to avoid this you must, within 10 days, either (a) send us answers to the questions and inform the court in writing that you have fully answered the questions; or, (b) respond to the motion. If you choose to respond, you must state your opposition in writing and send copies to us and the court.

[(4)](6) Upon receipt of such objection and a request for oral argument, or at the direction of the court, the clerk shall set the motion down for hearing and shall notify the parties or their attorneys by mail of the time and place thereof.

[(5)](7) A party who has not requested oral argument may waive in writing the right to appear at the hearing and rely on the papers.

[(6)](8) The party seeking an order under this rule shall submit a proposed form of order with the moving papers.

(d) ...no change

Note: SourceCR.R. 7:5B9, 7:5B10, 7:5B11(a)(b); paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended November 2, 1987 to be effective January 1, 1988; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended and paragraph (d) adopted July 14, 1992 to be effective September 1, 1992; new text of subparagraph (c)(5) added and former subparagraph (c)(5) redesignated as (c)(6) July 13, 1994 to be effective September 1, 1994; subparagraph (c)(2) amended, new text of subparagraphs (c)(4) and (c)(5) added and former subparagraphs (c)(4), (c)(5), and (c)(6) redesignated as subparagraphs (c)(6), (c)(7) and (c)(8), respectively, July 5, 2000, to be effective September 5, 2000..