

SUPREME COURT OF NEW JERSEY

NOTICE TO THE BAR

RE: Dismissal of Fictitious Parties

At its February 15, 2001 meeting, the Conference of Civil Presiding Judges reviewed the practice of including fictitious parties in the R.1:13-7 dismissal process. As a result of that review, the Conference made the following determinations:

- The Civil Automated Case Management System (ACMS) will be reprogrammed as soon as practicable to exclude fictitious parties from the R.1:13-7 dismissal process in every county.
- As to R.1:13-7 dismissal notices that have been sent out targeting fictitious parties for dismissal, dismissal without prejudice under R.1:13-7 does not impair rights against fictitious parties pursuant to Rules 4:26-4 and 4:26-5, as stated in the final sentence in the body of the dismissal notice.
- If and when a fictitious party is identified, a prior dismissal without prejudice of that fictitious party will not affect the addition of the subsequently identified and named party to the case, subject to the requirements of R. 4:26-4.

Richard J. Williams
Administrative Director of the Courts
Dated: February 21, 2001

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