

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 4, 2012.

For the Court,

A handwritten signature in black ink, appearing to read "Stuart Rosen", written in a cursive style.

Chief Justice

Dated: July 19, 2012

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

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1:18A-7	8:13 (new)
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1:34-2	Appendix II, Form A(1)
2:2-3	Appendix II, Form C
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2:9-1	Appendix VI
2:9-5	Appendix XI-A(1)
2:9-6	Appendix XI-A(2)
2:9-8	Appendix XI-C
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1:5-6. Filing

(a) ...no change.

(b) ...no change.

(c) Nonconforming Papers. The clerk shall file all papers presented for filing and may notify the person filing if such papers do not conform to these rules, except that

(1) ...no change.

(2) if an answer is presented by a defendant against whom default has been entered [other than in a mortgage or tax foreclosure action], the clerk shall return the same stamped "Received but not Filed (date)" with notice that the defendant may move to vacate the default.

(3) ...no change.

(4) ...no change.

(d) ...no change.

(e) ...no change.

Note: Source – R. R. 1:7-11, 1:12-3(b), 2:10, 3:11-4(d), 4:5-5(a), 4:5-6(a) (first and second sentence), 4:5-7 (first sentence), 5:5-1(a). Paragraphs (b) and (c) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended November 26, 1990 to be effective April 1, 1991; paragraphs (b) and (c) amended, new text substituted for paragraph (d) and former paragraph (d) redesignated paragraph (e) July 13, 1994 to be effective September 1, 1994; paragraph (b)(1) amended, new paragraph (b)(2) adopted, paragraphs (b)(2), (3), (4), (5) and (6) redesignated paragraphs (b)(3), (4), (5), (6) and (7), and newly designated paragraph (b)(4) amended July 13, 1994 to be effective January 1, 1995; paragraphs (b)(1),(3) and (4) amended June 28, 1996 to be effective September 1, 1996; paragraph (b)(4) amended July 10, 1998 to be effective September 1, 1998; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (c)(1) and (c)(3) amended July 28, 2004 to be effective September 1, 2004; subparagraph (c)(1)(E) adopted, paragraphs (c)(2) and (c)(3) amended, and paragraph (c)(4) adopted July 27, 2006 to be effective September 1, 2006; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; subparagraph (c)(1)(C) amended July 16, 2009 to be effective September 1, 2009; subparagraph (c)(1)(E) amended December 20, 2010 to be effective immediately; subparagraphs (b)(4) and (c)(1)(C) amended July 21, 2011 to be effective September 1, 2011; subparagraph (c)(2) amended July 19, 2012 to be effective September 4, 2012.

1:8-8. Materials to be Submitted to the Jury; Note-taking; Juror Questions

(a) Materials. The jury may take into the jury room the exhibits received in evidence, and if the court so directs in a civil action, a list of the claims made by the parties and of the defenses to such claims, a list of the various items of damage upon which proof was submitted at the trial and a list of the verdicts that may be properly found by the jury. Any such list may be prepared by an attorney or the court, but before delivery to the jury, it shall be submitted to all parties. The court, in its discretion, may submit a copy of [all or part of] its instructions to the jury for its consideration in the jury room. In civil cases, the court may consider the following factors in exercising its discretion to provide a copy of its instructions to the jury: (1) the track to which the case is assigned; (2) a request of one or more parties for submission of written instructions to the jury; (3) the length of the trial; (4) the complexity of the issues and charge; (5) whether the parties timely submitted a proposed charge to the court; (6) whether providing written instructions would unreasonably delay the proceedings; and (7) any other factor based upon the circumstances of the case. The court may also, in its discretion and at such time and in such format as it shall determine, permit the submission to the jury of individual copies of any exhibit provided an appropriate request to employ that technique was made prior to trial on notice to all parties and provided further that the court finds that no party will be unduly prejudiced by the procedure.

(b) ...no change.

(c) ...no change.

Note: Source – *R.R. 4:52-2*; caption and text amended July 15, 1982 to be effective September 13, 1982; amended and paragraphs (a) and (b) designated July 10, 1998 to be effective September 1, 1998; new paragraph (c) added July 12, 2002 to be effective September 3, 2002; caption amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

1:11-2. Withdrawal or Substitution

(a) Generally. Except as otherwise provided by R. 5:3-5(d) (withdrawal in a civil family action),

(1) prior to the entry of a plea in a criminal action or prior to the fixing of a trial date in a civil action, an attorney may withdraw upon the client's consent provided a substitution of attorney is filed naming the substituted attorney or indicating that the client will appear *pro se*. If the client will appear *pro se*, the withdrawing attorney shall file a substitution. An attorney retained by a client who had appeared *pro se* shall file a substitution. If a mediator has been appointed, the attorney shall serve a copy of the substitution of attorney on that mediator simultaneously with the filing of the substitution with the court, and

(2) after the entry of a plea in a criminal action or the fixing of a trial date in a civil action, an attorney may withdraw without leave of court only upon the filing of the client's written consent, a substitution of attorney executed by both the withdrawing attorney and the substituted attorney, a written waiver by all other parties of notice and the right to be heard, and a certification by both the withdrawing attorney and the substituted attorney that the withdrawal and substitution will not cause or result in delay.

(b) ... no change

Note: Source – R.R. 1:12-7A; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; amended and paragraph designations and captions added January 21, 1999 to be effective April 5, 1999; paragraphs (a)(1) and (a)(2) amended July 27, 2006 to be effective September 1, 2006; subparagraph (a)(1) amended July 19, 2012 to be effective September 4, 2012.

Rule 1:12-1. Cause for Disqualification; On the Court's Motion

The judge of any court shall be disqualified on the court's own motion and shall not sit in any matter, if the judge

(a) is by blood or marriage the second cousin of or is more closely related to any party to the action;

(b) is by blood or marriage the first cousin of or is more closely related to any attorney in the action. This proscription shall extend to the partners, employers, employees or office associates of any such attorney except where the Chief Justice for good cause otherwise permits;

(c) has been attorney of record or counsel in the action; [or]

(d) has given an opinion upon a matter in question in the action; [or]

(e) is interested in the event of the action; [or]

(f) has discussed or negotiated his or her post-retirement employment with any party, attorney or law firm involved in the matter; or

(g) [(f)] when there is any other reason which might preclude a fair and unbiased hearing and judgment, or which might reasonably lead counsel or the parties to believe so.

Paragraphs (c), (d) and (e) shall not prevent a judge from sitting because of having given an opinion in another action in which the same matter in controversy came in question or given an opinion on any question in controversy in the pending action in the course of previous proceedings therein, or because the board of chosen freeholders of a county or the municipality in which the judge resides or is liable to be taxed are or may be parties to the record or otherwise interested.

Note: Source – R.R. 1:25B(a); introductory paragraph, paragraph (d) and concluding paragraph amended July 13, 1994 to be effective September 1, 1994; paragraphs (c), (d) and (e) amended, former paragraph (f) redesignated as paragraph (g), and new paragraph (f) adopted July 19, 2012 to be effective September 4, 2012.

1:13-3. Approval and Filing of Surety Bond; Judgment Against Principal and Surety

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... Registry of Insurers. No surety bond for purposes of bail shall be accepted by any court unless the insurer has first filed with the Clerk of the Superior Court a Bail Program Registration Form in the form prescribed by [Appendix XXI to these rules] the Administrative Director of the Courts on the recommendation of the Clerk of Superior Court. Said form shall include the insurer's certification that it is authorized or admitted to transact surety business by the New Jersey Department of Banking and Insurance and shall include the name and address of each of its bail agents and agencies, any other person or entity who has provided it with a guarantee to satisfy forfeited bail or a bail forfeiture judgment, and any other person or entity authorized by the insurer to administer or manage its bail bond business. The bail agents and agencies so registered by the insurer shall be licensed as insurance producers or limited lines insurance producers. The insurer shall have a continuing obligation to update its Bail Program Registration Form as changes occur in order to assure that the information is complete and accurate.

(e) ... no change

Note: Source -- *R.R.* 1:4-8(b), 1:4-9, 3:9-7(c) (second, third and fourth sentences), 4:72-2, 4:118-6(a)(b). Paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraph (b) amended July 14, 1972 to be effective September 5, 1972; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; new sections (d) and (e) added July 5, 2000 to be effective September 5, 2000; paragraph (d) amended May 20, 2003 to be effective immediately; paragraph (a) amended, former paragraph (d) deleted and new paragraph (d) adopted, text of paragraph (e) deleted and new text adopted July 28, 2004 to be effective September 1, 2004; paragraph (d) amended July 19, 2012 to be effective September 4, 2012.

1:13-7. Dismissal of Civil Cases for Lack of Prosecution

(a) ... no change

(b) ... no change

(c) ... no change

(d) Special Civil Part. If original process in an action filed in the Special Civil Part has not been served within 60 days after the date of the filing of the complaint, the clerk of the court shall dismiss the action as to any unserved defendant and notify plaintiff that it has been marked "dismissed subject to automatic reinstatement within one year as to the non-answering defendant or defendants." The action shall be reinstated without motion or further order of the court if the complaint and summons are served within one year from the date of the dismissal. A case dismissed pursuant to this rule may be restored after one year only by order upon application, which may be made *ex parte*, and a showing of good cause for the delay in making service and due diligence in attempting to serve the summons and complaint. A new page 2 of the summons and the re-service fee shall be included with the documents submitted to support the application. The entry of such an order shall not prejudice any right the defendant has to raise a statute of limitations defense in the restored action.

Note: Source — *R.R.* 1:30-3(a) (b) (c) (d), 1:30-4. Amended July 7, 1971 to be effective September 13, 1971; former rule redesignated as paragraph (a) and paragraph (b) adopted July 15, 1982 to be effective September 13, 1982; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; caption and paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended, former paragraph (b) deleted, and new paragraphs (b), (c), and (d) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (d) amended July 19, 2012 to be effective September 4, 2012.

1:18A-4. Disposition of Inquiries

Except as may otherwise be determined by the Committee in the case of routine inquiries that require a response before the Committee can act, no opinion shall be given by the Committee unless concurred in by a majority thereof. In every matter, the secretary shall convey the Committee's response in writing to the judge making the inquiry. Such written response to the judge shall be in the form of an informal opinion. The judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, shall be copied on such informal opinion. The Committee may, in its discretion, issue, in addition, a formal opinion for distribution to all judges and make suitable arrangements for its publication. Formal opinions shall not, insofar as practicable, identify the judge making the inquiry. The Committee's written response, whether an informal opinion or a formal opinion, shall be subject to a request for reconsideration from the judge who submitted the inquiry or from that judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate. Requests for reconsideration shall be made in accordance with R. 1:18A-6(b).

Note: Adopted November 29, 1988, to be effective January 2, 1989; amended July 19, 2012 to be effective September 4, 2012.

1:18A-6. Procedure; Requests for Reconsideration

(a) Procedures. The Committee shall prescribe the methods and procedure to be followed in considering inquiries and expressing opinions.

(b) Reconsideration. Subsequent to the Committee's response, whether an informal opinion or a formal opinion, either the judge or the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, may seek reconsideration.

(c) Form of Reconsideration; Notice to Judge. The request for reconsideration shall be in writing and should be sent to the secretary for distribution to the Committee for its consideration. Where the request for reconsideration is made by the inquiring judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, notice of such request for reconsideration shall be provided in writing to the inquiring judge.

(d) Determination on Reconsideration. The secretary shall convey the Committee's determination on reconsideration in writing to the judge who submitted the inquiry and to the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate.

Note: Adopted November 29, 1988, to be effective January 2, 1989; caption amended, former text designated as paragraph (a), caption added to paragraph (a), new paragraphs (b), (c), and (d) adopted July 19, 2012 to be effective September 4, 2012.

1:18A-7. Petitions for Review

(a) Notice. Within 30 days after a judge is notified in writing of the Committee's response to the initial inquiry or to the inquiry on reconsideration, or, if a formal opinion has been rendered, within 20 days after its publication, the judge, if aggrieved thereby, or the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, may seek review thereof by filing a notice of petition for review with the Clerk of the Supreme Court.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Adopted November 29, 1988, to be effective January 2, 1989; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

1:21-7. Contingent Fees

(a) ...no change.

(b) ...no change.

(c) ... no change.

(d) ...no change.

(e) ...no change.

(f) If at the conclusion of a matter an attorney considers the fee permitted by paragraph (c) to be inadequate, an application on written notice to the client may be made to the Assignment Judge or the designee of the Assignment Judge for the hearing and determining of a reasonable fee in light of all the circumstances. This rule shall not preclude the exercise of a client's existing right to a court review of the reasonableness of an attorney's fee.

(g) ...no change.

(h) ...no change.

(i) ...no change.

Note: Source — R. 1:21-6(f), as adopted July 7, 1971 to be effective September 13, 1971 and deleted December 21, 1971 to be effective January 31, 1972. Adopted December 21, 1971 to be effective January 31, 1972. Amended June 29, 1973 to be effective September 10, 1973. Paragraphs (c) and (e) amended October 13, 1976, effective as to contingent fee arrangements entered into on November 1, 1976 and thereafter. Closing statements on all contingent fee arrangements filed as previously required between January 31, 1972 and January 31, 1973 shall be filed with the Administrative Office of the Courts whenever the case is closed; paragraph (c) amended July 29, 1977 to be effective September 6, 1977; paragraph (d) amended July 24, 1978 to be effective September 11, 1978; paragraph (c) amended and new paragraphs (h) and (i) adopted January 16, 1984, to be effective immediately; paragraph (d) amended July 26, 1984 to be effective September 10, 1984; paragraph (e) amended June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c)(5) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (c) amended January 21, 1999 to be effective April 5, 1999; paragraphs (g) and (h) amended July 5, 2000 to be effective September 5, 2000; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (d) and (f) amended July 9, 2008 to be effective September 1, 2008; paragraph (f) amended July 19, 2012 to be effective September 4, 2012.

1:34-2. Clerks of Court

The clerk of every court, except the Supreme Court, the Appellate Division, the Superior Court and the Tax Court, shall be responsible to and under the supervision of the judge or presiding judge of the court that the clerk serves, the Assignment Judge of the county, and the Administrative Director of the Courts. The clerks of the Supreme and Superior Courts shall be responsible to and under the supervision of the Administrative Director of the Courts and the Chief Justice. The clerk of the Appellate Division shall be responsible to and under the supervision of the Administrative Director of the Courts, the Chief Justice, and the Presiding Judge for Administration of the court. The clerk of the Tax Court shall be responsible to and under the supervision of the presiding judge of the court and the Administrative Director of the Courts. Each county shall have one or more deputy clerks of the Superior Court with respect to Superior Court matters filed in that county; deputy clerks may issue writs out of the Superior Court. The Surrogate of the county shall be the deputy clerk of the Superior Court, Chancery Division, Probate Part, with respect to probate matters pending in that county. The Vicinage Chief Probation Officer shall be the deputy clerk of the Superior Court for the purpose of certifying child support judgments and orders as required by *R. 4:101*, and with respect to writs of execution as provided by *R. 4:59-1(c)* [*4:59-1(b)*]. All employees serving as deputy clerks of the Superior Court shall be, in that capacity, responsible to the clerk of the Superior Court.

Note: Source — *R.R. 6:2-7, 7:21-1, 7:21-2, 8:13-4*. Amended July 14, 1972 to be effective September 5, 1972; amended June 20, 1979 to be effective July 1, 1979; amended June 29, 1990 to be effective September 4, 1990; amended July 14, 1992 to be effective September 1, 1992; amended June 28, 1996 to be effective June 28, 1996; amended July 28, 2004 to be effective September 1, 2004; amended July 19, 2012 to be effective September 4, 2012.

2:2-3. Appeals to the Appellate Division from Final Judgments, Decisions, Actions and from Rules; Tax Court

(a) As of Right. Except as otherwise provided by *R. 2:2-1(a)(3)* (final judgments appealable directly to the Supreme Court), and except for appeals from a denial by the State Police of an application to make a gun purchase under a previously issued gun purchaser card, which appeals shall be taken to the designated gun permit judge in the vicinage, appeals may be taken to the Appellate Division as of right

(1) from final judgments of the Superior Court trial divisions, or the judges thereof sitting as statutory agents; the Tax Court; and in summary contempt proceedings in all trial courts except municipal courts;

(2) to review final decisions or actions of any state administrative agency or officer, and to review the validity of any rule promulgated by such agency or officer excepting matters prescribed by *R. 8:2* (tax matters) and matters governed by *R. 4:74-8* (Wage Collection Section appeals), except that review pursuant to this subparagraph shall not be maintainable so long as there is available a right of review before any administrative agency or officer, unless the interest of justice requires otherwise;

(3) in such cases as are provided by law.

Final judgments of a court, for appeal purposes, shall also include those referred to by *R. 3:28(f)* (order enrolling defendant into the pretrial intervention program over the objection of the prosecutor), *R. 3:26-3* (material witness order), *R. 4:42-2* (certification of interlocutory order), *R. 4:53-1* (order appointing statutory or liquidating receiver), *R. 5:8-6* (final custody determination in bifurcated family action), and *R. 5:10-9* (order on preliminary hearing in adoption action). An order granting or denying a motion to extend the time to file a notice of tort claim pursuant to *N.J.S.A. 59:8-9*, whether entered in the cause or by a separate action, and [an]

any order either compelling arbitration, whether the action is dismissed or stayed, or denying arbitration shall also be deemed a final judgment of the court for appeal purposes.

(b) ...no change.

Note: Source — *R.R.* 2:2-1(a) (b) (c) (d) (f) (g), 2:2-4, 2:12-1, 3:10-11, 4:88-7, 4:88-8(a) (first sentence), 4:88-10 (first sentence), 4:88-14, 6:3-11(a). Paragraph (a) amended July 14, 1972 to be effective September 5, 1972; paragraph (b) amended November 27, 1974 to be effective April 1, 1975; caption and paragraph (a) amended June 20, 1979 to be effective July 1, 1979; paragraph (a) amended July 8, 1980 to be effective July 15, 1980; paragraph (a) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(1) amended July 22, 1983 to be effective September 12, 1983; paragraph (a) amended December 20, 1983 to be effective December 31, 1983; paragraph (b) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraph (a)(3) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

2:6-1. Preparation of Appellant's Appendix; Joint Appendix; Contents

(a) Contents of Appendix.

(1) Required Contents. ... no change

(2) Prohibited Contents. ... no change

(3) Confidential Documents. If the appellate record is not sealed, any documents that are required to be excluded from public access pursuant to R. 1:38-3 shall be submitted in a separate appendix marked as confidential. The format of the confidential appendix shall in all respects conform with the requirements of this rule.

(b) ... no change

(c) ... no change

(d) ... no change

Note: Source — *R.R.* 1:7-1(f), 1:7-2 (first six sentences), 1:7-3. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a), (b) and (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1) and (c) amended July 12, 2002 to be effective September 3, 2002; new subparagraph (a)(3) adopted July 19, 2012 to be effective September 4, 2012.

2:9-1. Control by Appellate Court of Proceedings Pending Appeal or Certification

(a) Control Prior to Appellate Disposition. Except as otherwise provided by R. 2:9-3, 2:9-4 (bail), 2:9-5 (stay pending appeal), 2:9-7 and 3:21-10(d), the supervision and control of the proceedings on appeal or certification shall be in the appellate court from the time the appeal is taken or the notice of petition for certification filed. The trial court, however, shall have continuing jurisdiction to enforce judgments and orders pursuant to R. 1:10 and as otherwise provided. In addition, when an appeal is taken from an order compelling or denying arbitration, the trial court shall retain jurisdiction to address issues relating to claims and parties that remain in that court. The appellate court may at any time entertain a motion for directions to the court or courts or agencies below or to modify or vacate any order made by such courts or agencies or by any judge below.

(b) ...no change.

(c) ...no change.

Note: Source — R.R. 1:4-1 (first sentence), 1:10-6(a) (first and third sentences); paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; new paragraph (c) adopted July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

2:9-5. Stay of Proceedings [Judgment] in Civil Actions, [and in] Contempts, and Arbitrations

(a) Stay on Order; Bond, Other Security or Cash Deposit. Except as otherwise provided by R. 1:10 (Contempt), neither an appeal, nor motion for leave to appeal, nor a proceeding for certification, nor any other proceeding in the matter shall stay proceedings in any court in a civil action or summary contempt proceeding, but a stay with or without terms may be ordered in any such action or proceeding in accordance with R. 2:9-5(b). If a stay is denied after conviction in a summary contempt proceeding, bail shall be allowed as provided by R. 2:9-4. A judgment or order in a civil action adjudicating liability for a sum of money or the rights or liabilities of parties in respect of property which is the subject of an appeal or certification proceedings shall be stayed only upon the posting of a supersedeas bond or other form of security pursuant to R. 2:9-6 or a cash deposit pursuant to R. 1:13-3(c), unless the court otherwise orders after notice and on good cause shown. Such posting or deposit may be ordered by the court as a condition for the stay of any other judgment or order in a civil action.

(b) ...no change.

(c) Stay of Arbitration Pending Appeal. If an order compelling arbitration is appealed as of right pursuant to R. 2:2-3(a), then any party subject to the order may move in the trial court for a stay of the arbitration pending appeal. If so requested, the stay of the arbitration shall be granted unless the court finds that exceptional circumstances warrant the arbitration to proceed while the appeal is pending. If an order compelling or denying arbitration is appealed as of right pursuant to R. 2:2-3(a) in circumstances where the trial court retains jurisdiction over remaining claims or parties pursuant to the exception set forth in R. 2:9-1(a), any party may move in that court for a stay of proceedings pertaining to such remaining claims or parties pending appeal. The trial court shall exercise its sound discretion in the interests of justice in

deciding whether to grant or deny the stay and whether any conditions shall apply. Any party may apply to the appellate court, by way of a timely motion filed in accordance with R. 2:8-1, to obtain review of the trial court's disposition of the application for a stay pending appeal.

Note: Source — *R.R.* 1:4-5, 1:4-6, 1:4-7, 1:10-6(b), 2:4-3 (first three sentences). Paragraph (b) amended July 14, 1972 to be effective September 5, 1972; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; caption amended, paragraph (a) caption and text amended, and new paragraph (c) adopted July 19, 2012 to be effective September 4, 2012.

2:9-6. Supersedeas Bond; Exceptions

(a) Supersedeas Bond; Other Form of Security.

(1) Except as otherwise provided in paragraph (c), the supersedeas bond or the form of security other than a supersedeas bond shall be presented for approval to the court or agency from which the appeal is taken, or to the court to which certification is sought, and shall have such surety or sureties as the court requires. Unless the court otherwise orders after notice on good cause shown, the bond or other form of security shall be conditioned for the satisfaction of the judgment in full, together with interest and trial costs, and to satisfy fully such modification of judgment, additional interest and costs and damages as the appellate court may adjudge.

(2) In determining whether good cause exists to approve a supersedeas bond in an amount less than the full judgment together with interest and trial costs or to approve a form of security other than a supersedeas bond either in the amount of the full judgment or an amount less than the full judgment together with interest and trial costs, the court shall consider all relevant factors, including, but not limited to, the amount and nature of the judgment, anticipated interest and costs, the availability and cost of a supersedeas bond or other form of security, the assets of the judgment debtor and of the judgment debtor's insurers, sureties and indemnitors, if any, the judgment debtor's ability to dissipate assets, and the risk of harm to the parties on the appeal. The burden shall be on the party seeking approval of a supersedeas bond in an amount less than the full judgment together with interest and trial costs or a form of security other than a supersedeas bond either in the full judgment amount or an amount less than the full judgment together with interest and trial costs to show that the posting of a supersedeas bond in the full judgment amount would cause undue economic hardship and that in the circumstances such lesser amount or other form of security is adequate and just. In the event the court approves a

form of security other than a supersedeas bond or a supersedeas bond in an amount less than the amount of the judgment plus anticipated interest and costs, the court shall impose additional conditions on the judgment debtor to prevent the dissipation, the diminution in the aggregate value, or the diversion of the judgment debtor's assets during the appeal.

(3) When the judgment determines the disposition of the property in controversy or when such property is in the custody of the sheriff or when the proceeds of such property or a bond for its value is in the custody or control of the court below, the amount of the supersedeas bond shall be fixed at such sum only as will secure the damages recovered for the use and detention of the property, trial and appellate costs, and interest.

(4) In all other cases not specifically provided for herein the amount of the supersedeas bond shall be fixed by the court.

(b) ...no change.

(c) Bail Forfeiture Appeals. Simultaneous with the filing of notice of appeal in respect of a bail forfeiture judgment by or on behalf of an insurer, the appellant shall deposit the full amount of the judgment with the Clerk of the Superior Court in cash or by certified, cashiers or bank check. The court for good cause shown may allow the posting of a supersedeas bond or other form of security in lieu of the cash deposit. Good cause, however, shall not be satisfied by an application to extend the time to locate the defendant or to stay payment of a forfeited bond, entry of a judgment, or preclusion from the bail registry maintained by the Superior Court.

Note: Source — *R.R.* 1:4-8(a) (c); paragraph (a) amended and paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) caption amended, text of paragraph (a) redesignated as subparagraphs (a)(1), (a)(3) and (a)(4), new subparagraph (a)(2) adopted, and paragraph (c) amended July 19, 2012 to be effective September 4, 2012.

Rule 2:9-8. Temporary Relief in Emergent Matters

When necessary, temporary relief, stays, and emergency orders may be granted, with or without notice, by a single Justice of the Supreme Court or, if the matter is pending in the Appellate Division, by a single judge thereof, to remain in effect until the court acts upon the application. [The Chief Justice shall, in accordance with a schedule to be filed with the Clerk of the Supreme Court, designate for each county at least one Justice to whom an application for such relief in the Supreme Court shall be made, if such Justice is available.] A request to the Supreme Court for emergent relief from an order or emergent application disposition of the Appellate Division may be made by contacting the Supreme Court Clerk's office, which will handle intake and referral of the matter to a single Justice on a rotating basis or to the full Court, as appropriate.

Note: Source—R.R. 1:1-5A, 2:4-3 (fourth sentence), 4:88-12(a) (second sentence), 4:88-12(b); amended January 22, 1974, effective immediately; amended July 29, 1977 to be effective September 6, 1977; amended July 19, 2012 to be effective September 4, 2012.

2:11-1. Appellate Calendar; Oral Argument

(a) Calendar. The clerk of the appellate court shall enter all appeals upon a docket in chronological order and, except for appeals on leave granted or from orders compelling or denying arbitration which shall be entitled to a preference, cases shall be argued or submitted for consideration without argument in the order of perfection, insofar as practicable, unless the court otherwise directs with respect to a category of cases or unless the court enters an order of acceleration as to a particular appeal on its own or a party's motion.

(b) ...no change.

Note: Source — *R.R.* 1:8-1(a) (b), 1:8-2(a), 1:8-3, 1:8-4, 2:8-3. Amended July 7, 1971 to be effective September 13, 1971; paragraph (b) amended June 29, 1973 to be effective September 10, 1973; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 2, 1987 to be effective January 1, 1988; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

4:4-7. Return

The person serving the process shall make proof of service thereof on the original process and on the copy. Proof of service shall be promptly filed with the court within the time during which the person served must respond thereto either by the person making service or by the party on whose behalf service is made. The proof of service, which shall be in a form prescribed by the Administrative Director of the Courts, shall state the name of the person served and the place, mode and date of service, and a copy thereof shall be forthwith furnished plaintiff's attorney by the person serving process. If service is made upon a member of the household pursuant to R. 4:4-4 that person's name shall be stated in the proof or, if such name cannot be ascertained, the proof shall contain a description of the person upon whom service was made. If service is made by a person other than a sheriff or a court appointee, proof of service shall be by similar affidavit which shall include the facts of the affiant's diligent inquiry regarding defendant's place of abode, business or employment. If service is made by mail, the party making service shall make proof thereof by affidavit which shall also include the facts of the failure to effect personal service and the facts of the affiant's diligent inquiry to determine defendant's place of abode, business or employment. With the proof shall be filed the affidavit or affidavits of inquiry, if any, required by R. 4:4-4 and R. 4:4-5. Where service is made by registered or certified mail and simultaneously by regular mail, the return receipt card, or the printout of the electronic confirmation of delivery, which shall include an image of the recipient's signature, provided by the U.S. Postal Service, or the unclaimed registered or certified mail shall be filed as part of the proof. A party making service by registered or certified mail and simultaneously by regular mail may file a photocopy of the return receipt card in lieu of the original return receipt card as the

proof of service but only if the original is unavailable. Failure to make proof of service does not affect the validity of service.

Note: Source — *R.R. 4:4-7*. Amended July 14, 1972 to be effective September 5, 1972; amended June 29, 1990 to be effective September 4, 1990; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; amended July 12, 2002 to be effective September 3, 2002; amended July 23, 2010 to be effective September 1, 2010; amended July 19, 2012 to be effective September 4, 2012.

4:5-3. Answer; Defenses; Form of Denials

An answer shall state in short and plain terms the pleader's defenses to each claim asserted and shall admit or deny the allegations upon which the adversary relies. A physician defending against a malpractice claim who admits to treating the plaintiff must include in his or her answer the field of medicine in which he or she specialized at that time, if any, and whether his or her treatment of the plaintiff involved that specialty. A pleader who is without knowledge or information sufficient to form a belief as to the truth of an allegation shall so state and, except as otherwise provided by *R. 4:64-1(c)* [4:64-1(d)] (foreclosure actions), this shall have the effect of a denial. Denials shall fairly meet the substance of the allegations denied. A pleader who intends in good faith to deny only a part or a qualification of an allegation shall specify so much of it as is true and material and deny only the remainder. The pleader may not generally deny all the allegations but shall make the denials as specific denials of designated allegations or paragraphs.

Note: Source — *R.R. 4:8-2*; amended July 13, 1994 to be effective September 1, 1994; amended August 1, 2006 to be effective September 1, 2006; amended July 19, 2012 to be effective September 4, 2012.

4:10-2. Scope of Discovery; Treating Physician

Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Trial Preparation; Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of *R. 4:10-2(a)* and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(1) A party may through interrogatories require any other party to disclose the names and addresses of each person whom the other party expects to call at trial as an expert witness, including a treating physician who is expected to testify and, whether or not expected to testify, of an expert who has conducted an examination pursuant to *R. 4:19* or to whom a party making a claim for personal injury has voluntarily submitted for examination without court order. The interrogatories may also require, as provided by *R. 4:17-4(a)*, the furnishing of a copy of that person's report. Discovery of communications between an attorney and any expert retained or specially employed by that attorney [occurring before service of an expert's report] is limited to facts and data considered by the expert in rendering the report. Except as otherwise expressly provided by *R. 4:17-4(e)*, all other communications between counsel and the expert constituting the collaborative process in preparation of the report, including all preliminary or draft reports produced during this process, shall be deemed trial preparation materials discoverable only as provided in paragraph (c) of this rule.

(2) ...no change.

- (3) ...no change.
- (4) ...no change.
- (e) ...no change.
- (f) ...no change.
- (g) ...no change.

Note: Source — *R.R.* 4:16-2, 4:23-1, 4:23-9, 5:5-1(f). Amended July 14, 1972 to be effective September 5, 1972 (paragraphs (d)(1) and (2) formerly in R. 4:17-1); paragraph (d)(2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c) and (d)(1) and (3) amended July 13, 1994 to be effective September 1, 1994; paragraph (d)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) adopted July 10, 1998 to be effective September 1, 1998; paragraph (d)(1) amended July 12, 2002 to be effective September 3, 2002; corrective amendments to paragraph (d)(1) adopted September 9, 2002 to be effective immediately; caption amended, paragraphs (a), (c), and (e) amended, and new paragraphs (d)(4), (f), and (g) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (d)(1) amended July 19, 2012 to be effective September 4, 2012.

4:12-4. Disqualification for Interest

No deposition shall be taken before or recorded by a person, whether or not a certified [shorthand] court reporter, who is a relative, employee or attorney of a party or a relative or employee of such attorney or is financially interested in the action. Any regulations of the State Board of [Shorthand Reporters] Court Reporting respecting disqualification of certified [shorthand] court reporters shall apply to all persons taking or recording a deposition.

The foregoing prohibitions shall not apply to a person making an audiovisual recording of the deposition, provided (1) the person is not a relative of a party, and (2) the person has no financial interest in the action, except that the person may be an attorney of a party or an employee of such attorney.

Note: Source — *R.R. 4:18-4*. Amended July 17, 1975 to be effective September 8, 1975; amended July 12, 2002 to be effective September 3, 2002; amended July 19, 2012 to be effective September 4, 2012.

4:14-9. [Videotaped] Audiovisual Recording of Depositions

[Videotaped depositions] An audiovisual recording of a deposition may be [taken] made for discovery purposes or for use at trial in accordance with the applicable provisions of these discovery rules subject to the [following] provisions of R. 4:12-4 and to the [further] following requirements and conditions:

(a) Time for Taking [Videotaped] Audiovisually-Recorded Depositions. The provisions of R. 4:14-1 shall apply to [videotaped] audiovisually-recorded depositions except that such a deposition of a treating physician or expert witness which is intended for use in lieu of trial testimony shall not be noticed for taking until 30 days after a written report of that witness has been furnished to all parties. Any party desiring to take a discovery deposition of that witness shall do so within such 30-day period.

(b) Notice. A party intending to [videotape] make an audiovisual recording of a deposition shall serve the notice required by R. 4:14-2(a) not less than 10 days prior to the date therein fixed for the taking of the deposition. The notice shall further state that the deposition is to be [videotaped] audiovisually-recorded.

(c) Transcript. The [videotaping] audiovisual recording of a deposition shall not be deemed to except it from the general requirement of stenographic recording and typewritten transcript. Prior to the swearing of the witness by the officer, the name, address and firm of the [videotape operator] person making the audiovisual recording shall be stated on the record.

(d) Filing, Copies. Immediately following the conclusion of the [videotaped] deposition, the [videotape operator] person making the audiovisual recording shall deliver [the tape] the audiovisual recording to the [party] officer taking or directing the deposition, who shall [take physical custody thereof and arrange for the making of one copy] mark it as an exhibit to

the deposition, if feasible. Further, the person making the audiovisual recording shall, if feasible, provide a copy of the audiovisual recording to all parties present. If copies cannot be made at the conclusion of the deposition, the [The] party [taking] who noticed the audiovisual recording of the deposition shall [then] promptly furnish a copy of the [tape] audiovisual recording to [an adverse party who shall make it available for copying and inspection to] all [other] parties appearing at the deposition.

(e) Use. [Videotaped] Audiovisually-recorded depositions may be used at trial in accordance with R. 4:16-1. In addition, [a videotaped] an audiovisually-recorded deposition of a treating physician or expert witness, which has been taken in accordance with these rules, may be used at trial in lieu of testimony whether or not such witness is available to testify and provided further that the party who has taken the deposition has produced the witness for further [videotaped] audiovisually-recorded deposition necessitated by discovery completed following the original [videotaped] deposition or for other good cause. Disputes among parties regarding the recall of a treating physician or expert witness shall be resolved by motion, which shall be made as early as practicable before trial. The taking of [a videotaped] an audiovisually-recorded deposition of a treating physician or expert witness shall not preclude the party taking the deposition from producing the witness at trial.

(f) Objections. Where [a videotaped] an audiovisually-recorded deposition is taken for use at trial in lieu of testimony, all evidential objections shall, to the extent practicable, be made during the course of the deposition. Each party making such objection shall, within 45 days following the completion of the deposition, file a motion for rulings thereon and all such motions shall be consolidated for hearing. The court may, however, on its own motion or the motion of a party, abbreviate the time period if the deposition of a treating physician or expert

witness is taken pursuant to R. 4:36-3(c) or for other good cause. A copy of the [tape] audiovisual recording shall be edited in accordance with said rulings and the copy so edited shall be made available for copying to all other parties.

(g) Cost of [Videotaped] Audiovisually-Recorded Depositions. All out-of-pocket expenses incurred in connection with [a videotaped] an audiovisual recording of a deposition, including [the] making [of copies herein] required copies and [the editing of tapes] edits, shall be borne, in the first instance, by the party taking the deposition. The cost of court presentation of the [deposition] audiovisual recording shall be borne, in the first instance, by the party offering [the] that [deposition] recording.

(h) Record on Appeal. Where [a videotaped] an audiovisual recording of a deposition is used at trial, [a] the typewritten transcript thereof shall be included in the record on appeal. The [videotape] audiovisual recording itself shall not constitute part of the record on appeal except on motion for good cause shown.

Note: Adopted July 21, 1980 to be effective September 8, 1980; paragraph (e) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended June 28, 1996 to be effective September 1, 1996; introductory text and paragraphs (b), (d), and (f) amended July 28, 2004 to be effective September 1, 2004; caption, introductory text, paragraphs (a) and (g) caption and text, and paragraphs (b), (c), (d), (e), (f), and (h) amended July 19, 2012 to be effective September 4, 2012.

4:21A-6. Entry of Judgment; Trial *De Novo*

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Attorney Fees. In all actions where by statute or otherwise an award of attorney fees is allowed, all such issues are reserved for court resolution unless the parties otherwise agree to submit a fee demand to the arbitrator. In all cases in which attorney fees are sought, the party seeking attorney fees must comply with the provisions of R. 4:42-9(b).

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (c) amended November 5, 1986 to be effective January 1, 1987; paragraphs (b)(1) and (c) amended November 2, 1987 to be effective January 1, 1988; paragraph (c)(5) amended November 7, 1988 to be effective January 2, 1989; paragraphs (b)(1) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended May 3, 1994 to be effective July 1, 1994; paragraph (b)(1) amended July 10, 1998 to be effective September 1, 1998; paragraphs (b) and (c) amended July 5, 2000 to be effective September 5, 2000; paragraph (c) amended June 7, 2005 to be effective immediately; new paragraph (d) adopted July 19, 2012 to be effective September 4, 2012.

4:21A-9 Parties in Default

(a) If a party against whom an arbitration award is sought in a multiple party action (1) has had default entered against such party pursuant to R. 4:43-1 and the said default was entered less than six months prior to the date of the arbitration hearing, or (2) has had default judgment on liability pursuant to R. 4:43-2(b) entered against such party, the arbitration shall proceed against such party provided that the notice of hearing and proof of mailing as set forth in paragraph (b) of this rule has been complied with.

(b) If a party against whom an arbitration award is sought has had default or default judgment on liability entered against it as set forth in paragraph (a), notice of the arbitration proceeding shall be provided to that party in the form set forth in Appendix XXVII to these Rules no later than 30 days prior to the arbitration hearing by ordinary mail addressed to the same address at which that party was served with process if the process was originally served personally or by certified or ordinary mail, unless the party providing the notice has actual knowledge of a different current address of the defaulting defendant, in which case the notice shall be sent to that address. Proof of service of the notice of arbitration hearing herein shall be filed with the clerk prior to the arbitration hearing and shall certify that the party serving the notice has no actual knowledge that the defaulting party's address has changed subsequent to service of original process, or, if the party has such knowledge, the proof shall certify the underlying facts. A copy of the filed proof of service of the notice provided to the defaulting party shall be provided to the arbitrator at the time of the arbitration hearing and the arbitrator shall indicate same in the arbitration award. In the event the arbitration hearing is adjourned or cancelled, the party providing such notice shall promptly notify the defaulting party of the underlying facts and the new hearing date, if applicable.

(c) If a party against whom an arbitration award is sought has had default or default judgment on liability entered against it and did not appear at the arbitration hearing after notice has been provided in accordance with paragraph (b) of this rule, the party obtaining the arbitration award against such defaulting party shall serve a copy of the arbitration award upon such defaulting party within 10 days of the date of receipt of the arbitration award. Service shall be made by ordinary mail addressed to the same address at which that party was served with service of process if the process was originally served personally or by certified or ordinary mail unless the party serving the arbitration award has actual knowledge of a different current address of the party against whom the award was entered, in which case the copy of the award shall be sent to that address.

(d) If a party who has obtained an arbitration award against the defaulting party moves for confirmation of the arbitration award and entry of judgment pursuant to R. 4:21A-6(b)(3), that party shall comply with the provisions of R. 4:43-2 and R. 1:5-7 and shall provide sufficient proof of compliance to the court.

Note: Prior rule adopted [Adopted] July 5, 2000 to be effective September 5, 2000; rule deleted July 27, 2006 to be effective September 1, 2006. New rule adopted July 19, 2012 to be effective September 4, 2012.

4:23-5. Failure to Make Discovery

(a) ...no change.

(b) ...no change.

(c) Motion to Compel. Prior to moving to dismiss pursuant to subparagraph (a)(1) of this rule, a party may move for an order compelling discovery demanded pursuant to R. 4:14, R. 4:18-1 or R. 4:19. An order granting a motion to compel shall specify the date by which compliance is required. If the delinquent party fails to comply by said date, the aggrieved party may apply for dismissal or suppression pursuant to subparagraph (a)(1) of this rule by promptly filing a motion to which the order to compel shall be annexed, supported by a certification asserting the delinquent party's failure to comply therewith.

Note: Source — *R.R. 4:23-6(c)(f)*, *4:25-2* (fourth sentence); paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) caption amended and subparagraphs (a)(1) captioned and amended, and (a)(2) and (3) captioned and adopted, June 29, 1990 to be effective September 4, 1990; paragraph (a)(3) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraphs (a)(1) and (a)(2) amended, and new paragraph (a)(4) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a)(1) amended and new paragraph (c) added July 12, 2002 to be effective September 3, 2002; paragraph (a)(1) amended and paragraph (a)(4) deleted July 27, 2006 to be effective September 1, 2006; paragraphs (a)(1) and (a)(2) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (a)(1) and (a)(3) amended July 23, 2010 to be effective September 1, 2010; paragraph (c) amended July 19, 2012 to be effective September 4, 2012.

Rule 4:38A. Centralized Management of [Mass Torts] Multicounty Litigation

The Supreme Court may designate a case or category of cases as [a mass tort] Multicounty Litigation to receive centralized management in accordance with criteria and procedures promulgated by the Administrative Director of the Courts upon approval by the Court. Promulgation of the criteria and procedures will include posting in the [Mass Tort] Multicounty Litigation Information Center on the Judiciary's Internet website (njcourts.com) [www.judiciary.state.nj.us].

Note: Adopted October 23, 2003 to be effective immediately; caption and text amended July 19, 2012 to be effective September 4, 2012.

4:44A-1 Venue; Complaint; Service

An action seeking approval of a transfer or assignment of structured settlement payment rights shall be brought by the proposed transferee in the county of the payee-transferor's residence by order to show cause and verified complaint. [to which shall be annexed] Annexed to the verified complaint shall be (a) a copy of the proposed transfer or assignment agreement; (b) a copy of the disclosure statement required by N.J.S.A. 2A:16-65[, and]; (c) a certification by the payee-transferor that lists [of] the names and ages of [the payee-transferor's] any dependents and explains the impact of the proposed transfer on the payee-transferor and any dependents; (d) a copy of all agreements in any way related to the proposed transfer and a certification that there are no undisclosed conditions or agreements; and (e) either a copy of all prior orders granting or denying approval of a transfer or assignment of structured settlement payment rights or a certification that there have been no such prior orders. The order to show cause and complaint shall be served in accordance with R. 4:67-3 on the payee-transferor, all persons entitled to support by the payee-transferor, and the issuer of the annuity. The order to show cause shall be returnable not less than 20 days following the date of service and shall advise that interested parties, other than the payee-transferor, may, in lieu of appearing on the return date, file an affidavit or certification in response to the order to show cause at least five days before the return date. If the payee-transferor is a minor or an incapacitated person, the court shall appoint a guardian ad litem to represent such payee-transferor whether or not a guardian or conservator has been judicially appointed.

Note: Adopted July 28, 2004 to be effective September 1, 2004; amended July 9, 2008 to be effective September 1, 2008; amended July 19, 2012 to be effective September 4, 2012.

4:46-1. Time for Making, Filing, and Serving Motion

A party seeking any affirmative relief may, at any time after the expiration of 35 days from the service of the pleading claiming such relief, move for a summary judgment or order on all or any part thereof or as to any defense. A party against whom a claim for such affirmative relief is asserted may move at any time for a summary judgment or order as to all or any part thereof. All motions for summary judgment [Said motion, however,] shall be returnable no later than 30 days before the scheduled trial date, unless the court otherwise orders for good cause shown, and if the decision is not communicated to the parties at least 10 days prior to the scheduled trial date, an application for adjournment shall be liberally granted. [A party against whom a claim for such affirmative relief is asserted may move at any time for a summary judgment or order as to all or any part thereof.] Except as otherwise provided by R. 6:3-3 (motion practice in Special Civil Part) or unless the court otherwise orders, a motion for summary judgment shall be served and filed not later than 28 days before the time specified for the return date; opposing affidavits, certifications, briefs, and cross-motions for summary judgment, if any, shall be served and filed not later than 10 days before the return date; and answers or responses to such opposing papers or to cross-motions shall be served and filed not later than four days before the return date. No other papers may be filed without leave of court.

Note: Source – R.R. 4:58-1, 4:58-2. Caption and text amended November 1, 1985 to be effective January 2, 1986; amended November 5, 1986 to be effective January 1, 1987; amended November 7, 1988 to be effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; amended July 27, 2006 to be effective September 1, 2006; amended July 9, 2008 to be effective September 1, 2008; amended July 19, 2012 to be effective September 4, 2012.

4:49-2. Motion to Alter or Amend a Judgment or Order

Except as otherwise provided by *R. 1:13-1* (clerical errors) a motion for rehearing or reconsideration seeking to alter or amend a judgment or order shall be served not later than 20 days after service of the judgment or order upon all parties by the party obtaining it. The motion shall state with specificity the basis on which it is made, including a statement of the matters or controlling decisions which counsel believes the court has overlooked or as to which it has erred, and shall have annexed thereto a copy of the judgment or order sought to be reconsidered and a copy of the court's corresponding written opinion, if any.

Note: Source — *R.R. 4:61-6*. Amended November 5, 1986 to be effective January 1, 1987; amended July 14, 1992 to be effective September 1, 1992; amended July 10, 1998 to be effective September 1, 1998; amended July 19, 2012 to be effective September 4, 2012.

4:59-1. Execution

(a) In General. Process to enforce a judgment or order for the payment of money and process to collect costs allowed by a judgment or order, shall be a writ of execution, except if the court otherwise orders or if in the case of a *capias ad satisfaciendum* the law otherwise provides. Unless the court otherwise orders, the writ of execution shall be in the form prescribed by Appendix XII-D and Appendix XII-E, as appropriate, to these rules. Except with respect to writs issued out of the Special Civil Part, the amount of the debt, damages, and costs actually due and to be raised by the writ, together with interest from the date of the judgment, shall be endorsed thereon by the party at whose instance it shall be issued before its delivery to the sheriff or other officer. The endorsement shall explain in detail the method by which interest has been calculated, taking into account all partial payments made by the defendant. Except with respect to writs issued out of the Special Civil Part, the judgment-creditor shall serve a copy of the fully endorsed writ, personally or by ordinary mail, on the judgment-debtor after a levy on the debtor's property has been made by the sheriff or other officer and in no case less than 10 days prior to turnover of the debtor's property to the creditor pursuant to the writ. Unless the court otherwise orders, every writ of execution shall be directed to a sheriff and shall be returnable within 24 months after the date of its issuance, except that in case of a sale, the sheriff shall make return of the writ and pay to the clerk any remaining surplus within 30 days after the sale, and except that a *capias ad satisfaciendum* shall be returnable not less than eight and not more than 15 days after the date it is issued. A writ of execution issued by the Civil Part of the Law Division shall not be directed to a Special Civil Part Officer except by order of the Civil Presiding Judge and such order shall specify the amount of the Officer's fee. One writ of

execution may issue on one or more judgments or orders in the same cause. The writ may be issued either by the court or the clerk thereof.

(b) Contents of Writs of Execution and Other Process for the Enforcement of Judgments. All writs of execution and other process for the enforcement of judgments shall provide that any levy pursuant thereto shall exclude:

(1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey law or federal law, and

(2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the two months immediately prior to the account review undertaken by the bank or other financial institution in response to the writ that are identified by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey law or federal law.

(c) [(b)] Execution to Enforce a Court Order for the Support of Dependents. ... no change to text

(d) [(c)] Order of Property Subject to Execution; Required Motion. ... no change to text

(e) [(d)] Wage Executions; Notice, Order, Hearing. .. no change to text

(f) [(e)] Supplementary Proceedings. ... no change to text

(g) [(f)] Sheriff's Costs. ... no change to text

(h) [(g)] Notice to Debtor. Every court officer or other person levying on a debtor's property shall, on the day the levy is made, mail a notice to the last known address of the person or business entity whose assets are to be levied on stating that a levy has been made and describing exemptions from levy and how such exemptions may be claimed by qualified persons. If the execution is served on a bank or other financial institution as garnishee pursuant to N.J.S.A. 2A:17-63, the officer shall mail the notice to the debtor on the day the officer serves the writ.

The notice shall be in the form prescribed by Appendix VI to these rules and copies thereof shall be promptly filed by the levying officer with the clerk of the court and mailed to the person who requested the levy. If the clerk or the court receives a claim of exemption, whether formal or informal, it shall hold a hearing thereon within 7 days after the claim is made. If an exemption claim is made to the levying officer, it shall be forthwith forwarded to the clerk of the court and no further action shall be taken with respect to the levy pending the outcome of the exemption hearing. No turnover of funds or sale of assets may be made, in any case, until 20 days after the date of the levy and the court has received a copy of the properly completed notice to debtor.

(i) [(h)] Forms. The forms in Appendices XI-I and XI-L through XI-R, inclusive, shall be used in the Law Division, Civil Part, as well as in the Special Civil Part.

Note: Source — R.R. 4:74-1, 4:74-2, 4:74-3, 4:74-4. Paragraph (c) amended November 17, 1970 effective immediately; paragraph (d) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended, new paragraph (b) adopted and former paragraphs (b), (c), (d), and (e) redesignated (c), (d), (e) and (f) respectively, July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 21, 1980 to be effective September 8, 1980; paragraphs (a) and (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (d) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended and paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (c), (e), (f), and (g) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective June 28, 1996; paragraph (d) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) amended July 10, 1998

to be effective September 1, 1998; paragraphs (a), (e), and (g) amended July 5, 2000 to be effective September 5, 2000; paragraph (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (d) amended, and new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (f) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) redesignated as subparagraph (c)(2), new paragraph (c) caption adopted, new subparagraph (c)(1) caption and text adopted, and paragraph (g) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended, former paragraphs (b) through (h) redesignated as paragraphs (c) through (i), new paragraph (b) adopted, redesignated paragraph (h) amended, and caption added to redesignated paragraph (i) July 19, 2012 to be effective September 4, 2012.

4:65-2. Notice of Sale; Posting and Mailing

If real or personal property is authorized by court order or writ of execution to be sold at public sale, notice of the sale shall be posted in the office of the sheriff of the county or counties where the property is located, and also, in the case of real property, on the premises to be sold, but need not be posted in any other place. If the premises are residential, the notice of sale shall have annexed thereto, in bold type of at least 14-point, the notice of tenants' rights during foreclosure in the form prescribed by Appendix XII-K of the rules of court. The party who obtained the order or writ shall, at least 10 days prior to the date set for sale, serve a notice of sale by registered or certified mail, return receipt requested, upon (1) every party who has appeared in the action giving rise to the order or writ and (2) the owner of record of the property as of the date of commencement of the action whether or not appearing in the action, and (3) except in mortgage foreclosure actions, every other person having an ownership or lien interest that is to be divested by the sale and is recorded in the office of the Superior Court Clerk, the United States District Court Clerk or the county recording officer, and in the case of personal property, recorded or filed in pertinent public records of security interests, provided, however, that the name and address of the person in interest is reasonably ascertainable from the public record in which the interest is noted. The notice of sale shall include notice that there may be surplus money and the procedure for claiming it. The party obtaining the order or writ may also file the notice of sale with the county recording officer in the county in which the real estate is situate, pursuant to *N.J.S.A. [46:16A-1 et seq.] 46:26A-11* , and such filing shall have the effect of the notice of settlement as therein provided.

Note: Source — *R.R. 4:83-2*; caption and rule amended July 13, 1994 to be effective September 1, 1994; amended July 3, 1995, to be effective immediately; amended July 9, 2008 to be effective September 1, 2008; amended July 23, 2010 to be effective September 1, 2010; amended July 19, 2012 to be amended September 4, 2012.

4:73-7. Jury; View of Property

If a jury is demanded, the appeal shall be tried by a jury drawn from the general panel.

The court may permit the [The] jury [shall] to view the land and property to be taken[, unless the court otherwise orders] depending on the circumstances of the case.

Note: Source — *R.R. 4:92-7*. Amended July 7, 1971 effective September 13, 1971; amended July 19, 2012 to be effective September 4, 2012.

5:7-5. Failure to Pay; Enforcement by the Court or a Party; Income Withholding for Child Support; Suspension and Revocation of Licenses for Failure to Support Dependents; Execution of Assets for Child Support; Child Support Judgments and Post-Judgment Interest

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) Execution on Assets to Collect Alimony and Child Support. If an order is issued pursuant to *R. 4:59-1(c)* [4:59-1(b)] authorizing the Probation Division to execute on cash or cash-equivalent assets as defined therein to collect alimony and child support judgments payable through the Probation Division, the Probation Division may assist judgment creditors by preparing the writ of execution, serving the writ on the holder of the debtor's asset by registered or certified mail, and scheduling the matter before the court to obtain an order to turn over funds. Service of the writ shall freeze the asset for the amount of the judgment, but no turnover of funds shall be made or required to be made until ordered by the court. The writ of execution shall be signed by the judgment creditor or the attorney for the judgment creditor and may, subject to the limitations of this rule, be issued by the Vicinage Chief Probation Officer acting as deputy clerk of the Superior Court pursuant to *R. 4:59-1(c)* [4:59-1(b)]. The Probation Division shall mail a notice to the debtor as required by *R. 4:59-1(h)* [4:59-1(g)] immediately after the writ has been served on the holder of the asset. The Probation Division shall send a copy of all writs of execution issued pursuant to *R. 4:59-1(c)* [4:59-1(b)] to the Family Division Case Management Office. No costs or fees shall be assessed by the Probation Division for aiding in the execution of a judgment for alimony or child support. With respect to assets other than cash or cash-

equivalents as defined in *R. 4:59-1(c)* [4:59-1(b)], the Probation Division may assist the judgment creditor in preparing the writ of execution and such other forms relating to the execution as may be required, and in referring the judgment creditor to the sheriff of the county where the asset is located.

(g) ...no change.

Note: Source — *R. (1969) 4:79-9(b)(1), (2) (3)*. Adopted December 20, 1983 to be effective December 31, 1983; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 13, 1994, to be effective August 1, 1994; paragraphs (b), (c) and (d) amended July 13, 1994 to be effective September 1, 1994; caption amended, paragraph (e) adopted March 15, 1996, to be effective immediately; caption amended, paragraphs (a) and (d) amended, and paragraphs (f) and (g) adopted June 28, 1996, to be effective immediately; paragraphs (b), (c), and (e) amended May 25, 1999 to be effective July 1, 1999; paragraph (a) caption and text, and paragraphs (e)(1), (e)(3), and (e)(7) amended June 15, 2007 to be effective September 1, 2007; paragraph (f) amended July 19, 2012 to be effective September 4, 2012.

6:1-1. Scope and Applicability of Rules

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) Service of Process and Enforcement of Judgments. Officers of the Special Civil Part shall serve process in accordance with *R. 6:2-3* and enforce judgments in accordance with *R. 6:7*. A writ of execution issued by the Civil Part of the Law Division shall not be directed to a Special Civil Part Officer except by order of the Civil Presiding Judge and such order shall specify the amount of the Officer's fee, require the Officer to account to the court for all funds collected and disbursed pursuant to the writ, and require the Officer to obtain and file a bond in such sum and form as the Civil Presiding Judge may deem necessary.

(f) ... no change

(g) ... no change

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (e) and (g) amended July 9, 2008 to be effective September 1, 2008; paragraph (e) amended July 19, 2012 to be effective September 4, 2012.

6:1-2. Cognizability

(a) Matters Cognizable in the Special Civil Part. The following matters shall be cognizable in the Special Civil Part:

(1) Civil actions (exclusive of professional malpractice, probate, and matters cognizable in the Family Division or Tax Court) seeking legal relief when the amount in controversy does not exceed \$15,000;

(2) Small claims actions [in those counties that heretofore have had small claims divisions], which are defined as all actions in contract and tort (exclusive of professional malpractice, probate, and matters cognizable in the Family Division or Tax Court) and actions between a landlord and tenant for rent, or money damages, when the amount in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of \$3,000. Small claims also include actions for the return of all or part of a security deposit when the amount in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of \$5,000. The Small Claims Section may provide such ancillary equitable relief as may be necessary to effect a complete remedy. Actions in lieu of prerogative writs and actions in which the primary relief sought is equitable in nature are excluded from the Small Claims Section;

(3) ... no change.

(4) Summary actions for the possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., where the defendant has no colorable claim of title or possession, or pursuant to N.J.S.A. 2A:39-1 et seq.;

(5) [(4)] Summary proceedings for the collection of statutory penalties not exceeding \$15,000 per complaint[;].

[(5) Municipal court actions, pursuant to R. 7:1, in the counties of Bergen, Hudson and Warren.]

(b) ... no change.

(c) ... no change.

Note: Adopted November 7, 1988 to be effective January 2, 1989; caption added to paragraph (a) and paragraph (a) amended July 17, 1991 to be effective immediately; paragraphs (a)(1) and (2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a)(1) and (2) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a)(1) and (a)(2) amended July 12, 2002 to be effective September 3, 2002; paragraph (a)(2) amended July 28, 2004 to be effective September 1, 2004; subparagraph (a)(4) and paragraph (c) amended July 27, 2006 to be effective September 1, 2006; subparagraphs(a)(1) and (a)(2) amended, new subparagraph (a)(4) adopted, former subparagraph (a)(4) redesignated as subparagraph (a)(5), and former subparagraph (a)(5) deleted July 19, 2012 to be effective September 4, 2012.

6:2-3. Service of Process

(a) ...no change

(b) ...no change

(c) ...no change

(d) Service By Mail Program. If the process is to be served in this State, or if substituted service of process is to be made within this State:

(1) ... no change

(2) Reservice. Where initial service by mail is not effected, plaintiff or the attorney may request reservice by mail or by court officer personally pursuant to R. 4:4-4. If reservice by mail at the same address is requested the plaintiff or attorney shall be required to provide a postal verification, affidavit containing a statement that sets forth the source of the address used for service of the summons and complaint, or other proof satisfactory to the court that the party to be served receives mail at that address.

(3) ... no change

(4) ... no change

(5) ... no change

(e) ... no change

Note: Source R.R. 7:4-6(a)(b) (first three sentences), 7:4-7. Paragraph (a) amended July 7, 1971 effective September 13, 1971; paragraph (a) amended July 14, 1972 to be effective September 5, 1972; paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraphs (a)(b) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and paragraph (d) adopted November 5, 1986 to be effective January 1, 1987; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 17, 1991 to be effective immediately; paragraph (e) adopted July 14, 1992 to be

effective September 1, 1992; paragraphs (a) and (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (d)(4) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (b), (d), (d)(2), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b), d(4), and (5) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 23, 2010 to be effective September 1, 2010; subparagraph (d)(2) amended July 19, 2012 to be effective September 4, 2012.

6:3-2. Endorsement of Papers: Complaint; Summons

(a) Classification of Pleading. For classification by the clerk, the caption of the summons and complaint shall state the nature of the action (e.g., “contract”, “tort”, “replevin”, “disorderly tenant”, “non-payment of rent”, “holdover tenant”, etc.). The clerk shall endorse upon each summons the sum demanded in the complaint, with costs.

(b) Caption in Actions on Assigned Claims. The caption in any action to collect an assigned claim shall name both the original creditor and the current assignee. The caption shall also include the name of the vendor, if any, that appears on any credit card that may be involved in the action.

(c) Pleading Requirements in Actions on Assigned Claims. The complaint in actions to collect assigned claims shall set forth with specificity the name of the original creditor, the last four digits of the original account number of the debt, the last four digits of the defendant-debtor’s Social Security Number (if known), the current owner of the debt, and the full chain of the assignment of the claim, if the action is not filed by the original creditor.

Note: Source — *R.R. 7:5-2(a)* (third sentence) (b). Caption and text amended July 10, 1998, to be effective September 1, 1998; text designated as paragraph (a), caption added to paragraph (a), and new paragraphs (b) and (c) adopted July 19, 2012 to be effective September 4, 2012.

6:3-4 Summary Actions For Possession of Premises

(a) No Joinder of Actions. Summary actions between landlord and tenant for the recovery of premises [and forcible entry and detainer actions] shall not be joined with any other cause of action, nor shall a defendant in such proceedings file a counterclaim or third-party complaint. A party may file a single complaint seeking the possession of a rental unit from a tenant of that party and from another in possession of that unit in a summary action for possession provided that (1) the defendants are separately identified by name or as otherwise permitted by R. 4:26-5(c) or (d) and R. 4:26-5(e), and (2) each party's interests are separately stated in the complaint.

(b) ... no change.

(c) ... no change.

(d) ... no change.

Note: Source — R.R. 7:5-12. Caption and text amended July 14, 1992 to be effective September 1, 1992; amended July 27, 2006 to be effective September 1, 2006; caption amended, former text allocated into paragraphs (a) and (b), captions to paragraphs (a) and (b) adopted, and new paragraphs (c) and (d) added July 9, 2008 to be effective September 1, 2008; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

6:4-1. Transfer of Actions

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Transmission of Record; Costs. Upon presentation of an order transferring an action to the Law Division, the clerk of the Special Civil Part shall transmit the papers on file in the court, together with copies thereof, to the deputy clerk of the Superior Court in the county of venue [upon payment by the party applying for the transfer of the Special Civil Part fees prescribed by law for said copies].

(e) ...no change.

(f) ...no change.

(g) ...no change.

Note: Source *R.R. 7:6-1(a)(b)(c)(d)(e)*. Paragraph (b) adopted and former paragraphs (b)(c)(d)(e) redesignated June 29, 1973 to be effective September 10, 1973; paragraph (g) amended July 21, 1980 to be effective September 8, 1980; paragraph (f) amended November 2, 1987 to be effective January 1, 1988; paragraphs (a), (b), (c), (d), (e) and (g) and captions of paragraphs (b), (c) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (g) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 19, 2012 to be effective September 4, 2012.

6:4-5. Time for Completion of Discovery Proceedings

All proceedings referred to in *R. 6:4-3* and *R. 6:4-4*, including discovery in actions that are cognizable but not pending in the Small Claims Section, except for proceedings under *R. 4:22* (request for admissions), shall be completed as to each defendant within 90 days of the date of service of that defendant's answer, unless on motion and notice, and for good cause shown, an order is entered before the expiration of said period enlarging the time for such proceedings to a date specified in the order. In actions transferred to the Special Civil Part pursuant to *R. 4:3-4(c)*, however, the parties shall complete discovery within such time to which they would have been entitled under *R. 4:24-1* had the action not been transferred.

Note: Source — *R.R. 7:6-6*; amended November 7, 1988 to be effective January 2, 1989; amended July 12, 2002 to be effective September 3, 2002; amended July 19, 2012 to be effective September 4, 2012.

6:6-3. Judgment By Default

(a) Entry by the Clerk; Judgment for Money. If the plaintiff's claim against a defendant is for a sum certain or for a sum that can by computation be made certain, the clerk on request of the plaintiff and on affidavit setting forth a particular statement of the items of the claim, the amounts and dates, the calculated amount of interest, the payments or credits, if any, the net amount due, and the name of the original creditor if the claim was acquired by assignment, shall enter judgment for the net amount and costs against the defendant, if a default has been entered against the defendant for failure to appear and the defendant is not a minor or mentally incapacitated person. If prejudgment interest is demanded in the complaint the clerk shall add that interest to the amount due provided the affidavit of proof states the date of defendant's breach and the amount of such interest. If the judgment is based on a document of obligation that provides a rate of interest, prejudgment interest shall be calculated in accordance therewith; otherwise it shall be calculated in accordance with *R. 4:42-11(a)*. If a statute provides for a maximum fixed amount as an attorney fee, contractual or otherwise, and if the amount of the fee sought is specified in the complaint, the clerk shall add it to the amount due, provided that in lieu of the affidavit of services prescribed by *R. 4:42-9(b)* the attorney files a certification that sets forth the amount of the fee sought, how the amount was calculated, and specifies the statutory provision and, where applicable, the contractual provision that provides for the fixed amount. If the claim is founded on a note, contract, check, or bill of exchange or is evidenced by entries in the plaintiff's book of account, or other records, a copy thereof shall be attached to the affidavit. The clerk may require for inspection the originals of such documents. The affidavit shall contain or be supported by a separate affidavit containing a statement, by or on behalf of the applicant for a default judgment, that sets forth the source of the address used for service of

the summons and complaint. The affidavit prescribed by this Rule shall be sworn to not more than 30 days prior to its presentation to the clerk and, if not made by plaintiff, shall show that the affiant is authorized to make it.

In any action to collect an assigned claim, plaintiff/creditor shall submit a separate affidavit certifying with specificity the name of the original creditor, the last four digits of the original account number of the debt, the last four digits of the defendant-debtor's Social Security Number (if known), the current owner of the debt, and the full chain of the assignment of the claim, if the action is not filed by the original creditor.

If plaintiff's records are maintained electronically and the claim is founded on an open-end credit plan, as defined in 15 U.S.C. §1602(i) and 12 C.F.R. §226.2(a)(20), a copy of the periodic statement for the last billing cycle, as prescribed by 15 U.S.C. §1637(b) and 12 C.F.R. §226.7, or a computer-generated report setting forth the previous balance, identification of transactions and credits, if any, periodic rates, balance on which the finance charge is computed, the amount of the finance charge, the annual percentage rate, other charges, if any, the closing date of the billing cycle, and the new balance, if attached to the affidavit, shall be sufficient to support the entry of judgment.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

Note: Source — *R.R.* 7:9-2(a) (b), 7:9-4. Paragraphs (a) and (d) amended June 29, 1973 to be effective September 10, 1973; paragraph (c) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraphs (a), (b) and (c) amended

July 14, 1992 to be effective September 1, 1992; paragraphs (a), (b), and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 18, 2001 to be effective November 1, 2001; paragraphs (a), (b), and (c) amended, and new paragraph (e) added July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

6:6-6. Post-Judgment Levy Exemption Claims and Applications for Relief in Tenancy Actions

(a) ... no change

(b) ... no change

(c) Orders to Release Levies on Exempt Funds. An order to release a levy on funds because they are exempt from execution, levy or attachment under New Jersey law or federal law shall require the third-party garnishee to refund to the judgment-debtor all fees incurred as a result of the levy. However, if the court determines that the judgment-creditor at whose instance the levy was made knew or should have known that the funds were exempt from execution, levy or attachment, the order can require that party to reimburse the judgment-debtor for such fees.

(d) [(c)] Forms. Forms for applications for post-judgment relief in tenancy actions and claims of exemption from levy in other actions shall be available to litigants in the clerk's office.

Note: Adopted July 12, 2002 to be effective September 3, 2002; caption and paragraphs (a), (b), and (c) amended July 27, 2006 to be effective September 1, 2006; former paragraph (c) redesignated as paragraph (d) and new paragraph (c) adopted July 19, 2012 to be effective September 4, 2012.

6:7-1. Requests for Issuance of Writs of Execution; Contents of Writs of Execution and Other Process for the Enforcement of Judgments; Notice to Debtor; Claim for Exemption; Warrant of Removal; Enforcement of Consent Judgments and Stipulations of Settlement in Tenancy Actions; Writs of Possession

(a) ...no change.

(b) ...no change.

(c) Notice to Debtor. The provisions of *R. 4:59-1(h)* [4:59-1(g)] respecting notice to debtor, exemption claims and deferment of turnover and sales of assets shall apply to all writs of execution issued by the Law Division, Special Civil Part, except that a copy of the Notice to Debtor shall not be filed by the levying officer with the clerk of the court after a levy on a bank account. The notice to debtor shall be in the form prescribed by Appendix VI to these rules.

(d) ...no change.

(e) ...no change.

(f) Writs of Possession. Orders and writs of possession in summary actions for the possession of real property filed pursuant to R. 6:1-2(a)(4) shall be issued to the sheriff, except that in cases brought by a tenant against a landlord pursuant to N.J.S.A. 2A:39-1 et seq., orders and writs may be issued to a Special Civil Part Officer.

Note: Source — *R.R. 7:11-1*; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; caption amended and paragraph (c) adopted November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; caption and paragraph (c), caption and text, amended July 13, 1994 to be effective September 1, 1994; paragraph (a) caption and text amended June 28, 1996 to be effective September 1, 1996; caption amended and paragraph (d) adopted July 18, 2001 to be effective November 1, 2001; paragraph (c) amended September 14, 2004 to be effective immediately; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; caption amended, former paragraph (b) redesignated as paragraph (c) and amended, former paragraphs (c) and (d) redesignated as paragraphs (d) and (e), and new paragraph (b) caption and text adopted July 23, 2010 to be effective September 1, 2010; subparagraph (b)(2) amended May 17, 2011 to be effective immediately; caption amended, paragraph (c) amended, and new paragraph (f) adopted July 19, 2012 to be effective September 4, 2012.

6:7-2. Orders for Discovery; Information Subpoenas

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) Warrant for Arrest. Upon the judgment-creditor's certification, in the form set forth in Appendix XI-P to these Rules, that a copy of the signed order to enforce litigant's rights has been served upon the judgment-debtor as provided in this rule, that 10 days have elapsed and that there has been no compliance with the information subpoena or discovery order, the court may issue an arrest warrant. If the judgment-debtor is to be arrested in a county other than the one in which the judgment was entered, the warrant shall be issued directly to a Special Civil Part Officer or the Sheriff of the county where the judgment debtor is to be arrested, and the warrant shall have annexed to it copies of the order to enforce litigant's rights and the certification in support of the application for the warrant. The warrant shall be in the form set forth in Appendix XI-Q to these Rules and, except for good cause shown and upon such other terms as the court may direct, shall be executed by a Special Civil Part Officer or Sheriff only between the hours of 7:30 a.m. and 3:00 p.m. on a day when the court is in session. If the notice of motion and order to enforce litigant's rights were served on the judgment-debtor by mail, the warrant may be executed only at the address to which they were sent. In all cases the arrested judgment-debtor shall promptly be brought before a judge of the Superior Court in the county where the judgment-debtor is arrested and released upon compliance with the order for discovery

or information subpoena. When the judgment-debtor has been arrested for failure to answer an information subpoena, the clerk shall furnish the judgment-debtor with a blank form containing the questions attached to the information subpoena, as set forth in Appendix XI-L to these Rules.

(h) ... no change.

(i) ... no change.

Note: Source — R.R. 7:11-3(a)(b), 7:11-4. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 17, 1975 to be effective September 8, 1975; amended July 21, 1980 to be effective September 8, 1980; caption amended, paragraph (a) caption and text amended, paragraph (b) adopted and former paragraph (b) amended and redesignated as paragraph (c) June 29, 1990 to be effective September 4, 1990; paragraph (a) amended and paragraphs (d), (e) and (f) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (b), (d), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; former paragraph (b) redesignated as subparagraph (b)(1), subparagraph (b)(2) adopted, paragraph (c) amended, paragraph (d) adopted, former paragraph (d) amended and redesignated as paragraph (e), former paragraphs (e) and (f) redesignated as paragraphs (f) and (g) June 28, 1996 to be effective September 1, 1996; subparagraph (b)(2) and paragraph (g) amended July 10, 1998 to be effective September 1, 1998; paragraph (h) adopted July 5, 2000 to be effective September 5, 2000; new paragraph (h) added, and former paragraph (h) redesignated as paragraph (i) July 12, 2002 to be effective September 3, 2002; paragraphs (f) and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (g) amended July 19, 2012 to be effective September 4, 2012.

6:7-3 Wage Executions; Notice, Order, Hearing; Accrual of Interest

(a) Notice, Order, Hearing. The provisions of R. 4:59-1(e) [4:59-1(d)] (wage executions) are applicable to the Special Civil Part, except as otherwise provided by R. 6:7-1(a) and except that the judgment-debtor shall notify the clerk of the Special Civil Part named in the notice of execution and the judgment-creditor in writing within 10 days after service of the notice of any reasons why the order should not be entered and the judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers.

(b) Accrual of Interest. The judgment creditor or the judgment creditor's attorney who seeks to recover interest that has accrued subsequent to issuance of the execution must [may] file an affidavit or certification with the clerk of the court setting forth the amount of accrued interest. A copy of the affidavit or certification shall be served personally or by certified mail upon the judgment debtor's employer by the judgment creditor or attorney. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or attorney to the judgment debtor at the debtor's last known address and to the court officer who served the execution upon the judgment debtor's employer. The affidavit or certification shall state that the interest and the court officer fees thereon have been imposed pursuant to R. 4:42-11 and must be collected in accordance with same by the employer. The court officer shall give to the judgment creditor or judgment creditor's attorney at least 30 days' notice of intention to return the wage execution fully satisfied. The affidavit or certification shall be filed with the clerk prior to the return of the satisfied wage execution by the court officer. An affidavit or certification filed subsequent to the return of the satisfied wage execution shall be returned by the clerk to the

judgment creditor or attorney with a notation or notice that the wage execution has been fully satisfied.

Note: Source — *R.R.7:11-5*. Amended July 7, 1971 to be effective September 13, 1971; amended July 14, 1972 to be effective September 5, 1972; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (b) amended July 19, 2012 to be effective September 4, 2012.

6:7-4 Chattel Executions; Time at Which Levy Can be Made; Accrual of Interest

(a) ...no change.

(b) ...no change.

(c) Accrual of Interest. The judgment creditor or the judgment creditor's attorney who seeks to recover interest that has accrued subsequent to issuance of the execution must [may] file an affidavit or certification with the clerk of the court setting forth the amount of accrued interest. A copy of the affidavit or certification shall be sent by ordinary mail and by certified or registered mail, return receipt requested, by the judgment creditor or attorney to the judgment debtor at the debtor's last known address and by ordinary mail to the court officer to whom the writ of execution has been assigned. The affidavit or certification shall state that the interest and the court officer fees thereon have been imposed pursuant to R. 4:42-11 and must be collected in accordance with same by the officer. The court officer shall give to the judgment creditor or judgment creditor's attorney at least 30 days' notice of intention to return the chattel execution fully satisfied. The affidavit or certification shall be filed with the clerk prior to the return of the satisfied execution by the court officer. An affidavit or certification filed subsequent to the return of the satisfied execution shall be returned by the clerk to the judgment creditor or attorney with a notation or notice that the execution has been fully satisfied.

Note: Adopted July 12, 2002 to be effective September 3, 2002; caption amended and new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 19, 2012 to be effective September 4, 2012.

6:12-1 Recording and Transcript of Proceedings

(a) ...no change.

(b) Use of Transcripts. Transcripts of proceedings in the Special Civil Part for use on appeal or other authorized purposes shall be prepared, insofar as practical, in accordance with the procedures applicable to the preparation of transcripts of proceedings in the Civil Part of the Law Division.

(c) ...no change.

(d) ...no change.

Note: Source — *R.R. 7:16-1(a) (b) (c).* Paragraph (c) adopted July 7, 1971 to be effective September 13, 1971; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 19, 2012 to be effective September 4, 2012.

6:12-2. Clerk's Office; Place of Trials; Filing; Inquiries

The clerk's office shall be maintained at the principal location of the Special Civil Part. All business of the court shall be conducted there and all papers in pending actions filed there except as otherwise provided in these rules or by order of the Assignment Judge. Orders shall be filed forthwith upon signing. All inquiries shall be addressed to the clerk and answered in his or her name, and requests for information or for the return of papers shall be accompanied by an addressed stamped envelope. [Actions may be assigned for trial or hearing to the branch parts.] All fees must be paid in advance.

Note: Source — *R.R. 7:12-2, 7:19-3, 7:19-5, 7:19-7, 7:19-8, 7:19-10*; amended November 7, 1988 to be effective January 2, 1989; amended July 19, 2012 to be effective September 4, 2012.

6:12-3. Supporting Personnel

(a) Officers' Bonds; Fiscal Accounts. All officers executing writs issued out of the Special Civil Part upon which money may be collected shall, before entering upon the discharge of their duties, file in the office of the clerk a bond in such sum and form as prescribed by the Administrative Director of the Courts. [The bond shall be in addition to the bond filed as provided by law with the governing bodies of the municipalities and the boards of chosen freeholders.] Such officers shall maintain such fiscal records, subject to such audit, as the Administrative Director of the Courts prescribes.

(b) ...no change.

Note: Source — *R.R. 7:21-4, 7:21-5*; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 19, 2012 to be effective September 4, 2012.

7:13-1. Appeals

Appeals shall be taken in accordance with R. 3:23, 3:24, and 4:74-3, and in extraordinary cases and in the interest of justice, in accordance with R. 2:2-3(b). [Appeals from judgments of conviction and interlocutory orders in municipal court actions heard in the Law Division, Special Civil Part, pursuant to R. 6:1-2(a)(5), shall be taken to the Appellate Division pursuant to Rules 2:2-3(a)(1) and 2:2-4, respectively.]

Note: Source -- R. (1969) 7:8-1. Adopted October 6, 1997 to be effective February 1, 1998; amended July 28, 2004 to be effective September 1, 2004; amended July 19, 2012 to be effective September 4, 2012.

R. 8:5-3. On Whom Served

(a) Review of Action of a County Board of Taxation or Direct Review by the Tax Court.

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) A complaint to correct an error in an assessment pursuant to N.J.S.A. 54:51A-7 shall be served as follows:

(i) ... no change

(ii) If by a [municipality] taxing district, upon the County Board of Taxation and the property owner;

(iii) ... no change

(6) ... no change

(7) A complaint for direct review of an assessment [that exceeds \$750,000] pursuant to the provisions of N.J.S.A. 54:3-21, 54:4-63.11, 54:4-63.28, or 54:4-63.39 shall be served on the County Board of Taxation and on the assessor and the Clerk of the taxing district in which the property is located, unless the complaint is by a taxing district, in which case the Clerk of the taxing district need not be served.

(8) ... no change

(b) ... no change

(c) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a)7 adopted and paragraphs (b)(1) and (2) amended July 8, 1980 to be effective July 15, 1980; paragraphs (a)(1), (2), (3) and (7) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(5) amended and paragraph (b)(4) adopted July 22, 1983 to be effective September 12, 1983;

Corrected 08-01-12

paragraph (a)(3) amended and paragraph (a)(8) adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) caption and paragraphs (a)(7) and (8) amended and paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; paragraph (a)(5) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 13, 1994; paragraph (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a)(7) and (a)(8) amended July 27, 2006 to be effective September 1, 2006; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (a)(5)(ii) and (a)(7) amended July 19, 2012 to be effective September 4, 2012.

R. 8:5-4. Mode of Service of Complaint

Service shall be made personally or by certified or registered mail, return receipt requested, as provided in R. 4:4-4 with the following exceptions:

(1) ... no change

(2) ... no change

(3) Service upon a taxpayer in a local property tax matter shall be:

(i) ... no change

(ii) If there was no attorney for the taxpayer in the County Board of Taxation proceeding which resulted in the judgment contested in the complaint or if the complaint is a direct appeal by a [municipality] taxing district pursuant to N.J.S.A. 54:3-21, service shall be made upon the taxpayer by personal service or by certified or registered mail, return receipt requested, and if by mail, at the address listed on the County Board of Taxation petition by the taxpayer, or if none, at the last known address as it appears on the last [municipal] taxing district tax duplicate.

(iii) ... no change

(iv) ... no change

(v) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a)(4) and (6) amended July 8, 1980 to be effective July 15, 1980; paragraph (a)(2) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(3) amended November 2, 1987 to be effective January 1, 1988; caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (6) amended July 13, 1994 to be effective September 1, 1994; paragraph (6) amended July 9, 2008 to be effective September 1, 2008; paragraph (3)(ii) amended July 19, 2012 to be effective September 4, 2012.

R. 8:9-5. Judgment Pursuant to Stipulation

(a) Judgment in a local property tax matter may be entered upon stipulation of the parties supported by such proof as the Court may require.

(b) In a county subject to the provisions of the Property Tax Assessment Reform Act, N.J.S.A. 54:1-86 et seq., if the county assessor seeks to settle a property tax appeal filed pursuant to N.J.S.A. 54:3-21, the county assessor shall inform the municipality in which the property that is the subject of the appeal is located prior to entering into any final settlement agreement.

Note: Adopted June 20, 1979 to be effective July 1, 1979; former text redesignated as paragraph (a) and new paragraph (b) adopted July 19, 2012 to be effective September 4, 2012.

R. 8:13. Pilot County as Taxing District

In a municipality subject to the provisions of the Property Tax Assessment Reform Act N.J.S.A. 54:1-86 et seq., the county in which the property is located shall constitute a taxing district for purposes of these rules.

Note: Adopted July 19, 2012 to be effective September 4, 2012.

APPENDIX II. — INTERROGATORY FORMS

Form A. Uniform Interrogatories to be Answered by Plaintiff in All Personal
Injury Cases (Except Medical Malpractice Cases): Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3).

(Caption)

1. Full name, present address, [and] date of birth, Social Security number, and Medicare number, if applicable. If Medicare number is applicable, attach a copy of the Medicare card.
2. ...no change.
3. ...no change.
4. ...no change.
5. ...no change.
6. ...no change.
7. ...no change.
8. ...no change.
9. ...no change.
10. ...no change.
11. ...no change.
12. ...no change.
13. ...no change.
14. ...no change.
15. ...no change.
16. ...no change.

17. ...no change.
18. ...no change.
19. ...no change.
20. ...no change.
21. ...no change.
22. ...no change.
23. ...no change.
24. ...no change.
25. ...no change.
26. ...no change.

TO BE ANSWERED ONLY IN AUTOMOBILE ACCIDENT CASES

...no change.

**FOR PRODUCT LIABILITY CASES (OTHER THAN PHARMACEUTICAL AND
TOXIC TORT CASES), ALSO ANSWER A(2)**

CERTIFICATION

...no change.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 23 and certification amended July 28, 2004 to be effective September 1, 2004; caption and final instruction amended July 23, 2010 to be effective September 1, 2010; interrogatory 1 amended July 19, 2012 to be effective September 4, 2012.

APPENDIX II. — INTERROGATORY FORMS

Form A(1). Uniform Interrogatories to be Answered by Plaintiff in Medical Malpractice

Cases Only: Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3).

(Caption)

1. ...no change.
2. ...no change.
3. ...no change.
4. ...no change.
5. ...no change.
6. ...no change.
7. ...no change.
8. ...no change.
9. ...no change.
10. Unless for purposes of impeachment, if [If] you or your expert intend to rely on or use in any way at trial any treatise, identify the treatise by title, author and edition and indicate the pertinent portions to be relied on or used at trial.
11. ...no change.
12. ...no change.
13. ...no change.
14. ...no change.
15. ...no change.

16. ...no change.
17. ...no change.
18. ...no change.
19. ...no change.
20. ...no change.
21. ...no change.

CERTIFICATION

...no change.

Note: New form interrogatory adopted June 28, 1996 to be effective September 1, 1996; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 9 and certification amended July 28, 2004 to be effective September 1, 2004; new paragraph 19 (e) added July 23, 2010 to be effective September 1, 2010; interrogatory 10 amended July 19, 2012 to be effective September 4, 2012.

APPENDIX II — INTERROGATORY FORMS

Form C. Uniform Interrogatories to be Answered by Defendant in All Personal Injury Cases: Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with *R. 4:17-1(b)(3)*.

(Caption)

1. ...no change.
2. Describe [in detail your version of] the accident or occurrence in detail, setting forth the date, location, time and weather.
3. ...no change.
4. ...no change.
5. ...no change.
6. ...no change.
7. ...no change.
8. ...no change.
9. ...no change.
10. ...no change.
11. ...no change.
12. ...no change.
13. ...no change.
14. ...no change.
15. ...no change.

Certification

...no change.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added July 13, 1994 to be effective September 1, 1994; entire text deleted and new text added June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 10 and certification amended July 28, 2004 to be effective September 1, 2004; interrogatory 3 amended July 27, 2006 to be effective September 1, 2006; interrogatory 2 amended July 19, 2012 to be effective September 4, 2012.

APPENDIX II. — INTERROGATORY FORMS

Form C(3). Uniform Interrogatories to be Answered by Defendant Physicians in Medical Malpractice Cases Only: Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3).

(Caption)

1. ...no change.
2. ...no change.
3. ...no change.
4. ...no change.
5. ...no change.
6. ...no change.
7. ...no change.
8. ...no change.
9. ...no change.
10. ...no change.
11. ...no change.
12. ...no change.
13. Unless for purposes of impeachment, if [If] you or your expert intend to rely on or use in any way at trial any treatise, identify the treatise by title, author and edition and indicate the pertinent portions to be relied on or used at trial.
14. ...no change.
15. ...no change.

CERTIFICATION

...no change.

Note: New form interrogatory adopted June 28, 1996 to be effective September 1, 1996; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 15(c) and certification amended July 28, 2004 to be effective September 1, 2004; interrogatory 15(c) amended July 27, 2006 to be effective September 1, 2006; interrogatory 13 amended July 19, 2012 to be effective September 4, 2012.

APPENDIX VI – NOTICE TO DEBTOR (Rules 4:59-1(h) [(g)] and 6:7-1(c) [(b)])

Re:

**SUPERIOR COURT OF NEW JERSEY
LAWDIVISION, SPECIAL CIVIL PART**

_____ County

v.

Docket No: _____

NOTICE TO DEBTOR

To: _____, designated defendant:

An attempt has been made to levy upon your [Your] asset, in an amount not to exceed \$ _____ [has been levied upon] at the instruction of: _____ to satisfy in whole or in part the judgment against you in the above matter. If you are an individual rather than a business entity, some property may be exempt from execution by Federal and State law, including but not limited to clothing and a total of \$1,000.00 of cash and personal property, except for goods purchased as part of the transaction[,], which led to the judgment in this case. In addition, welfare benefits, social security benefits, S.S.I. benefits, V.A. benefits, unemployment benefits, workers' compensation benefits and child support you receive are exempt, even if the funds have been deposited in a bank account. If any funds belong to a joint owner an objection to the levy can be filed to release the funds not owned by the debtor from the levy.

If the levy is against an [a bank] account at a bank listed below, the bank has already been notified to place a hold on any [your] account that you may have at the bank. However, the funds will not be taken from your account until the court so orders. If you are entitled to an exemption as an individual, you may claim your exemption by notifying the clerk of the court and the person who ordered this levy of your reasons why your property is exempt. This claim must be in writing and if it is not mailed within 10 days of service of this notice, your property is subject to further proceedings for execution. The address of the court is: _____

If this judgment has resulted from a default, you may have the right to have this default judgment vacated by making an appropriate motion to the court. Contact an attorney or the clerk of the court for information on making such a motion, or, for forms and instructions, go to: www.judiciary.state.nj.us/prose/10543_motion_spcv1.pdf.

A Writ of Execution [Levy] has been served on the following:

1. _____
2. _____
3. _____
4. _____
5. _____

The name and address of the person who ordered this levy is:

CERTIFICATION OF SERVICE

I mailed a copy of this notice to the defendant(s) and the person who requested the levy on _____, 20____, the same day this levy was made or the execution was served on a bank. I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____

(Signature)

(Court Officer)

Note: Amended July 14, 1992, effective September 1, 1992; amended July 13, 1994, effective September 1, 1994; amended July 5, 2000, effective September 5, 2000; amended July 27, 2006 to be effective September 1, 2006; amended July 23, 2010 to be effective September 1, 2010; amended July 19, 2012 to be effective September 4, 2012.

APPENDIX XI-A (1)

SUMMONS AND RETURN OF SERVICE



THE SUPERIOR COURT OF NEW JERSEY
Law Division, Special Civil Part
SUMMONS

YOU ARE BEING SUED!

IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS LAWSUIT, YOU MUST FILE A WRITTEN ANSWER WITH THE COURT WITHIN 35 DAYS OR THE COURT MAY RULE AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **You are cautioned that if you do not answer the complaint, you may lose the case automatically**, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

You can do one or more of the following things:

1. *Answer the complaint.* An answer form is available at the Office of the Clerk of the Special Civil Part. The answer form shows you how to respond in writing to the claims stated in the complaint. If you decide to answer, you must send it to the court's address on page 2 and pay a \$15 filing fee with your answer and send a copy of the answer to the plaintiff's lawyer or to the plaintiff if the plaintiff does not have a lawyer. Both of these steps must be done **within 35 days (including weekends)** from the date you were "served" (sent the complaint). That date is noted on the next page.

AND/OR

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. **You do not have to do this unless you want to.** This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. Negotiating with the plaintiff or the plaintiff's attorney will not stop the 35-day period for filing an answer unless a written agreement is reached and filed with the court.

AND/OR

3. *Get a lawyer.* If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at _____.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

La traducción al español se encuentra al dorso de esta página.

Clerk of the Special Civil Part



EL TRIBUNAL SUPERIOR DE NUEVA JERSEY
División de Derecho, Parte Civil Especial
NOTIFICACIÓN DE DEMANDA

¡LE ESTÁN HACIENDO JUICIO!

SI UD. QUIERE QUE EL TRIBUNAL VEA SU VERSIÓN DE ESTA CAUSA, TIENE QUE PRESENTAR UNA CONTESTACIÓN ESCRITA EN EL TRIBUNAL DENTRO DE UN PERÍODO DE 35 DÍAS O ES POSIBLE QUE EL TRIBUNAL DICTAMINE EN SU CONTRA. PARA LOS DETALLES, LEA TODA ESTA PÁGINA Y LA QUE SIGUE.

En la demanda adjunta, la persona que le está haciendo juicio (que se llama *el demandante*) da al juez su versión breve de los hechos del caso y la suma de dinero que alega que Ud. le debe. **Se le advierte que si Ud. no contesta la demanda, es posible que pierda la causa automáticamente** y que el tribunal dé al demandante lo que pide más intereses y costas. Si se registra una decisión en su contra, es posible que un Oficial de la Parte Civil Especial (Special Civil Part Officer) embargue su dinero, salario o bienes muebles para pagar toda o parte de la adjudicación, y la adjudicación tiene 20 años de vigencia.

Usted puede escoger entre las siguientes opciones:

1. *Contestar la demanda.* Puede conseguir un formulario de contestación en la Oficina del Secretario de la Parte Civil Especial. El formulario de contestación le indica cómo responder por escrito a las alegaciones expuestas en la demanda. Si Ud. decide contestar, tiene que enviar su contestación a la dirección del tribunal que figura en la página 2, pagar un gasto de iniciación de la demanda de \$15 dólares y enviar una copia de la contestación al abogado del demandante, o al demandante si el demandante no tiene abogado. Tiene **35 días (que incluyen fines de semana)** para hacer los trámites a partir de la fecha en que fue "notificado" (le enviaron la demanda). Esa fecha se anota en la página que sigue.

ADEMÁS, O DE LO CONTRARIO, UD. PUEDE

2. *Resolver la disputa.* Posiblemente Ud. quiera comunicarse con el abogado del demandante, o el demandante si el demandante no tiene abogado, para resolver esta disputa. **No tiene que hacerlo si no quiere.** Esto puede evitar que se registre una adjudicación y puede ser que el demandante esté de acuerdo con aceptar un convenio de pago lo cual es algo que el juez no puede imponer. Negociaciones con el demandante o el abogado del demandante no suspenderán el término de 35 días para registrar una contestación a menos que se llegue a un acuerdo escrito que se registra en el tribunal.

ADEMÁS, O DE LO CONTRARIO, UD. PUEDE

3. *Conseguir un abogado.* Si Ud. no tiene dinero para pagar a un abogado, es posible que pueda recibir consejos legales gratuitos comunicándose con Servicios Legales (Legal Services) al _____. Si tiene dinero para pagar a un abogado pero no conoce ninguno puede llamar a Servicios de Recomendación de Abogados (Lawyer Referral Services) del Colegio de Abogados (Bar Association) de su condado local al _____.

Si necesita un intérprete o alguna acomodación para un impedimento, tiene que notificárselo inmediatamente al tribunal.

SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE – PAGE 2

Plaintiff or Plaintiff's Attorney Information:

Name: _____
Address: _____
Telephone No.: _____

Demand Amount: _____
Filing Fee: _____
Service Fee: _____
Attorney's Fees: _____
TOTAL _____

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ COUNTY**

_____, Plaintiff(s)
versus

_____, Defendant(s)

Docket No: _____
(to be provided by the court)

**Civil Action
SUMMONS**

(Check one): Contract or Tort

Defendant(s) Information: Name, Address & Phone:

RETURN OF SERVICE (For Court Use Only)

Date Served: _____

RETURN OF SERVICE IF SERVED BY COURT OFFICER

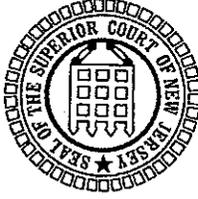
Docket Number: _____
Date: _____ Time: _____ WM ___ WF ___ BM ___ BF ___ OTHER ___
HT ___ WT ___ AGE ___ HAIR ___ MUSTACHE ___ BEARD ___ GLASSES ___
Name: _____ Relationship: _____
Description of Premises _____

I hereby certify the above to be true and accurate.

Special Civil Part Officer.

Note: Adopted July 5, 2000 to replace Appendix XI-A effective September 5, 2000; amended July 12, 2002 effective September 3, 2002; amended July 19, 2012 to be effective September 4, 2012.

APPENDIX XI-A(2) - SMALL CLAIMS SUMMONS AND RETURN OF SERVICE



THE SUPERIOR COURT OF NEW JERSEY

Law Division, Special Civil Part

SMALL CLAIMS SUMMONS

YOU ARE BEING SUED!

IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS CASE, YOU MUST APPEAR IN COURT. IF YOU DO NOT, THE COURT MAY RULE AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **You are cautioned that if you do not come to court on the trial date to answer the complaint, you may lose the case automatically**, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

You can do one or more of the following things:

1. *Come to court to answer the complaint.* You do not have to file a written answer, but if you dispute the complaint and want the court to hear your side of the case, you must appear in court on the date and at the time noted on the next page.

AND/OR

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. **You do not have to do this unless you want to.** This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. You will have to appear in court on the trial date unless a written agreement is reached and filed with the court.

AND/OR

3. *Get a lawyer.* If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at _____.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

La traducción al español se encuentra al dorso de esta página.

Clerk of the Special Civil Part



EL TRIBUNAL SUPERIOR DE NUEVA JERSEY
División de Derecho, Parte Civil Especial
NOTIFICACIÓN DE DEMANDA DE
RECLAMACIONES MENORES

¡LE ESTÁN HACIENDO JUICIO!

SI UD. QUIERE QUE EL TRIBUNAL VEA SU VERSIÓN DE ESTA CAUSA TIENE QUE COMPARECER EN EL TRIBUNAL. SI NO COMPARECE, PUEDE SER QUE EL TRIBUNAL DICTAMINE EN SU CONTRA. PARA LOS DETALLES, LEA TODA ESTA PÁGINA Y LA QUE SIGUE.

En la demanda adjunta, la persona que le está haciendo juicio (que se llama *el demandante*) da al juez su versión breve de los hechos del caso y la suma de dinero que alega que Ud. le debe. **Se le advierte que si Ud. no viene al tribunal en la fecha del juicio, es posible que pierda la causa automáticamente** y el tribunal puede dar al demandante lo que pide más intereses y costas. Si se registra una decisión en contra de Ud., un Oficial de la Parte Civil (Special Civil Part Officer) puede embargar su dinero, salario o bienes muebles para pagar toda o parte de la adjudicación y la adjudicación tiene 20 años de vigencia.

Usted puede escoger entre las siguientes opciones:

1. *Venir al tribunal para contestar la demanda.* No hace falta que presente una contestación escrita, pero si Ud. disputa la demanda y quiere que el juez vea su versión de la causa, tiene que comparecer en el tribunal en la fecha y a la hora notadas en la página que sigue.

ADEMÁS, O DE LO CONTRARIO, USTED PUEDE

2. *Resolver la disputa.* Ud. posiblemente quiera comunicarse con el abogado del demandante, o el demandante si el demandante no tiene abogado, para resolver esta disputa. **No tiene que hacerlo si no quiere.** Esto puede evitar que se registre una adjudicación y puede ser que el demandante esté de acuerdo con aceptar un convenio de pago lo cual es algo que el juez no puede imponer. Tendrá que comparecer en el tribunal en la fecha del juicio a menos que se llegue a un acuerdo escrito que se registra en el tribunal.

ADEMÁS, O DE LO CONTRARIO, USTED PUEDE

3. *Conseguir un abogado.* Si Ud. no tiene dinero para pagar a un abogado, es posible que pueda recibir consejos legales gratuitos si se comunica con Servicios Legales (Legal Services) al . Si tiene dinero para pagar a un abogado pero no conoce ninguno puede llamar a Servicios de Recomendación de Abogados (Lawyer Referral Services) del Colegio de Abogados (Bar Association) de su condado local al _____

Si necesita un intérprete o alguna acomodación para un impedimento, tiene que notificárselo inmediatamente al tribunal.

Secretario de la Parte Civil Especial

SMALL CLAIMS SUMMONS AND RETURN OF SERVICE – PAGE 2

Plaintiff or Plaintiff's Attorney Information:

Name: _____
Address: _____

Phone: _____

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ COUNTY

_____ Plaintiff(s)
versus

_____ Defendant(s)

Defendant Information:

Name: _____
Address: _____

Phone: _____

Docket Number: _____
(to be provided by the court)

Civil Action

SUMMONS

(Check one): _____ Contract _____ Tort

Demand Amount: \$ _____
Filing Fee: \$ _____
Service Fee: \$ _____
Attorney's Fees: \$ _____
TOTAL: \$ _____

YOU MUST APPEAR IN COURT ON THIS DATE _____ AND TIME: _____ a.m. p.m.,
OR THE COURT MAY RULE AGAINST YOU.
REPORT TO: _____

RETURN OF SERVICE (For Court Use Only)

Date Served: _____

RETURN OF SERVICE IF SERVED BY COURT OFFICER

Docket Number: _____
Date: _____ Time: _____ WM ___ WF ___ BM ___ BF ___ OTHER ___
HT ___ WT ___ AGE ___ HAIR ___ MUSTACHE ___ BEARD ___ GLASSES ___
Name: _____ Relationship: _____
Description of Premises _____

I hereby certify the above to be true and accurate.

Special Civil Part Officer.

Note: New form adopted July 5, 2000 to be effective September 5, 2000; amended July 19, 2012 to be effective September 4, 2012.

APPENDIX XI-C - SMALL CLAIMS COMPLAINT (Contract, Security Deposit, Rent, or Tort)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
SMALL CLAIMS SECTION

Attorney for Plaintiff (if any)

County

Address

Docket No.

(to be provided by the court)

Telephone No.

From Plaintiff

Name

Address

Telephone No.

CIVIL ACTION
COMPLAINT

To Defendant

Name

Address

Telephone No.

- Contract
 Security Deposit
 Rent
 Personal Injury or Property Damage (other than motor vehicle)

COMPLAINT

Demand: \$ _____ plus costs.

Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): Attach additional sheets if necessary.

IMPORTANT: Plaintiffs and defendants must bring all witnesses, photos, and documents, and other evidence to the hearing. Subpoena forms are available at the Clerk's office to require the attendance of witnesses.

At the trial Plaintiff will require:

An interpreter Yes No Indicate Language: _____

An accommodation for disability Yes No Indicate Disability: _____

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties 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)*.

Date

Plaintiff's Signature

Plaintiff's Name Typed, Stamped or Printed

Note: Adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; amended July 5, 2000, effective September 5, 2000; amended July 19, 2012 to be effective September 4, 2012.

APPENDIX XI-D - SMALL CLAIMS COMPLAINT (Motor Vehicle)

Name of Attorney for Plaintiff (if any) _____	Name of Court _____
Address _____	Address _____
Telephone No. _____	Telephone No. _____

From Plaintiff:

Name: _____	SUPERIOR COURT OF NEW JERSEY LAW DIVISION, SPECIAL CIVIL PART SMALL CLAIMS SECTION
Address _____	
Telephone No. _____	
_____	_____ County

Docket No. _____

To Defendant:

Name: _____	CIVIL ACTION COMPLAINT Motor Vehicle
Address _____	
Telephone No. _____	

COMPLAINT

Plaintiff says the negligence of the defendant operator and/or defendant owner caused a motor vehicle accident resulting in property damage to plaintiff's vehicle, in the following accident:

- | | |
|----------------------------|------------------------|
| 1. Date of Accident: _____ | 3. Place of Accident: |
| 2. Name of Defendant(s): | a) Street: _____ |
| a) Owner: _____ | b) Municipality: _____ |
| b) Operator: _____ | c) County: _____ |

Demand: \$ _____

Note: Adopted effective January 2, 1989; amended July 19, 2012 to be effective September 4, 2012.

APPENDIX XI-F. ANSWER (Contract)

Name:
Address:
Telephone No.:

Superior Court Of New Jersey
Law Division, Special Civil Part

County
CIVIL ACTION

Plaintiff(s)
vs.

Answer

Defendant(s)

Check the appropriate statement or statements below which set forth why you claim you do not owe money to the plaintiff.

<input type="checkbox"/>	(1)	The good or services were not received.
<input type="checkbox"/>	(2)	The goods or services received were defective.
<input type="checkbox"/>	(3)	The bill has been paid.
<input type="checkbox"/>	(4)	I/We did not order the goods or services.
<input type="checkbox"/>	(5)	The dollar amount claimed by the plaintiff(s) is incorrect.
<input type="checkbox"/>	(6)	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.)

_____ Trial by jury requested; an extra \$50 check or money order is enclosed.

At the trial Defendant requests:

An interpreter: ___ Yes ___ No Indicate Language: _____
An accommodation for
a disability: ___ Yes ___ No Requested Accommodation: _____

I certify the matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated, and that no other parties 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 on all other parties within 35 days of the date the summons and complaint were mailed to me as indicated on page 2 of the summons.

Dated: _____

Defendant's Signature: _____

Defendant's Name – Type or Printed: _____

Note: Adopted effective January 2, 1989; amended July 13, 1994, effective September 1, 1994; amended July 19, 2012 to be effective September 4, 2012.

**APPENDIX XI-W
 CONSENT TO ENTER JUDGMENT FOR POSSESSION (TENANT VACATES)**

Plaintiff v. Defendant	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: SPECIAL CIVIL PART _____ COUNTY LANDLORD-TENANT DIVISION DOCKET # LT - _____ CONSENT TO ENTER JUDGMENT (TENANT REQUIRED TO VACATE)
--------------------------------------	--

THE TENANT AND LANDLORD HEREBY AGREE THAT:

1. The Tenant **AGREES TO THE IMMEDIATE ENTRY OF A JUDGMENT FOR POSSESSION AND THAT THE WARRANT OF REMOVAL MAY ISSUE AND BE SERVED UPON THE TENANT AT THE LANDLORD'S REQUEST, AS PERMITTED BY LAW. THE LANDLORD AGREES THAT THE WARRANT OF REMOVAL CANNOT BE EXECUTED (NO EVICTION) UNTIL _____ ("THE MOVE OUT DATE")**, UNLESS THE TENANT FAILS TO COMPLY WITH PARAGRAPH 2(B).

2. Check one of the following:
 - A. _____ The Tenant shall pay no money, or
 - B. _____ The Tenant shall pay \$ _____, as follows: _____

3.
 - A. If the Tenant does not make all payments required in paragraph 2(B) of this Agreement, the Tenant agrees that the Landlord, with notice to the Tenant, can file a certification stating when and what the breach was and that the warrant of removal can then be executed upon, as permitted by law, prior to the agreed upon MOVE OUT DATE.
 - B. **EVEN IF THE TENANT DOES MAKE ALL PAYMENTS REQUIRED IN PARAGRAPH 2(B), TENANT STILL AGREES TO MOVE NO LATER THAN _____. IF THE TENANT DOES NOT MOVE BY THAT DATE, LANDLORD CAN HAVE THE TENANT EVICTED, AS PERMITTED BY LAW. THE 30 DAY PERIOD TO EXECUTE UPON A WARRANT OF REMOVAL IS AGREED BETWEEN THE LANDLORD AND TENANT TO BE EXTENDED TO INCORPORATE THE MOVE OUT DATE.**

DATE: _____

 Landlord's Attorney

 Tenant's Attorney

 Landlord

 Tenant

NOTE: THE CERTIFICATION BY LANDLORD AND THE CERTIFICATION OF LANDLORD'S ATTORNEY (IF THE LANDLORD HAS AN ATTORNEY) ARE ATTACHED HERETO.

Note: Appendix XI-W adopted July 18, 2001 to be effective November 1, 2001; amended July 19, 2012 to be amended September 4, 2012.

APPENDIX XI-Y

Plaintiff

Address

City, State, Zip Code

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ COUNTY

DOCKET NO: _____

CIVIL ACTION

Plaintiff

WRIT OF POSSESSION

v.

Defendant

Do Not Write Below This Line – For Court Use Only

THE STATE OF NEW JERSEY TO THE SHERIFF OF _____ COUNTY:

WHEREAS, on _____, 20__, by a certain judgment of the Superior Court of New Jersey, Law Division, Special Civil Part, _____ County, in a cause therein pending, wherein _____ is (are) the Plaintiff(s) and _____ is (are) the Defendant(s), it was ordered and adjudged that the Plaintiff(s) recover the possession of the lands and premises, with appurtenances, described in the Complaint from the Defendant(s) which premises are located at:

Street Address

City, State, Zip Code

the possession of which the Defendant(s) have unlawfully deprived the Plaintiff(s), as appears to us of record.

Therefore, you are hereby COMMANDED without delay, to restore Plaintiff(s) to possession of his/her/their property; and return this writ to the Clerk of Special Civil Part within 14 days of its issuance.

WITNESS, the Honorable _____, Judge of the Superior Court
at _____, this ____ day of _____, 20__.

Clerk of the Special Civil Part

Certification of Execution of Writ for Possession

I hereby certify that I executed this writ for possession as follows:

Date and Time Executed: _____

Signature of Sheriff's Officer

Printed or Typed Name of Officer

Note: Adopted July 19, 2012 to be effective September 4, 2012.

APPENDIX XII-A — SUMMONS

Attorney(s) _____
Office Address _____
Town, State, Zip Code _____
Telephone Number _____
Attorney(s) for Plaintiff _____

Superior Court of
New Jersey

_____ COUNTY
_____ DIVISION

Docket No:

Plaintiff(s)

Vs.

Defendant(s)

CIVIL ACTION
SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. [(The address of each deputy clerk of the Superior Court is provided.)] (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). [A list of these offices is provided.] If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. [A list of these numbers is also provided.] A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Clerk of the Superior Court

DATED: _____

Name of Defendant to Be Served: _____

Address of Defendant to Be Served: _____

**[Directory of Superior Court Deputy Clerk's Offices
County Lawyer Referral and Legal Services Offices**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444

LEGAL SERVICES

(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044

LEGAL SERVICES

(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862

LEGAL SERVICES

(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520

LEGAL SERVICES

(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313

LEGAL SERVICES

(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 696-5550

LEGAL SERVICES

(856) 691-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204

LEGAL SERVICES

(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House—1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor—Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
 Civil Division
 Court House
 77 Hamilton Street
 Paterson, NJ 07505

LAWYER REFERRAL
 (973) 278-9223
 LEGAL SERVICES
 (973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
 Attn: Civil Case Management Office
 92 Market Street
 Salem, NJ 08079

LAWYER REFERRAL
 (856) 935-5629
 LEGAL SERVICES
 (856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
 Civil Division
 P.O. Box 3000
 40 North Bridge Street
 Somerville, N.J. 08876

LAWYER REFERRAL
 (908) 685-2323
 LEGAL SERVICES
 (908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
 Sussex County Judicial Center
 43-47 High Street
 Newton, NJ 07860

LAWYER REFERRAL
 (973) 267-5882
 LEGAL SERVICES
 (973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
 1st Fl., Court House
 2 Broad Street
 Elizabeth, NJ 07207-6073

LAWYER REFERRAL
 (908) 353-4715
 LEGAL SERVICES
 (908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
 Civil Division Office
 Court House
 413 Second Street
 Belvidere, NJ 07823-1500

LAWYER REFERRAL
 (973) 267-5882
 LEGAL SERVICES
 (908) 475-2010

Note: Adopted July 13, 1994, effective September 1, 1994; amended June 28, 1996, effective September 1, 1996; address/phone information updated July 1, 1999, effective September 1, 1999; amended July 12, 2002 to be effective September 3, 2002; amended July 27, 2006 to be effective September 1, 2006; address/phone information updated October 10, 2006 to be effective immediately; address/phone information updated November 1, 2006 to be effective immediately; address/phone information updated November 17, 2006 to be effective immediately; amended July 23, 2010 to be effective September 1, 2010; amended and Directory of Superior Court Deputy Clerk's Offices, County Lawyer Referral, and Legal Services Offices deleted July 19, 2012 to be effective September 4, 2012.

Appendix XII-D
WRIT OF EXECUTION

Attorney for Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

COUNTY

Plaintiff

DOCKET NO: _____

Vs

WRIT OF EXECUTION

Defendant

THE STATE OF NEW JERSEY

TO THE SHERIFF OF _____

WHEREAS, on the _____ day of _____ judgment was recovered by Plaintiff,

_____ in an action in the Superior Court of New Jersey, Law Division, _____ County, against Defendant, for damages of \$ _____ and costs of \$ _____; and

WHEREAS, on _____, the judgment was entered in the civil docket of the Clerk of the Superior Court, and there remains due thereon \$ _____.

THEREFORE, WE COMMAND YOU that you satisfy the said Judgment out of the personal property of the said Judgment debtor within your County; and if sufficient personal property cannot be found then, subsequent to your levy and only after receipt of an order of the court pursuant to R. 4:59-1(d), out of the real property in your County belonging to the judgment debtor(s) at the time when the judgment was entered or docketed in the office of the Clerk of this Court or at any time thereafter, in whosoever hands the same may be [and], Any levy pursuant to this writ shall exclude (1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and (2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the two months immediately prior to the account review

undertaken by the bank or other financial institution in response to the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey law or federal law. You [you] shall pay [the] said monies realized by you from such property to _____, Esq., attorney in this action[; and that]. Within [within] twenty-four months after the date of its issuance you shall return this execution and your proceedings thereon to the Clerk of the Superior Court of New Jersey at Trenton.

WE FURTHER COMMAND YOU, that in case of a sale, you make your return of this Writ with your proceedings thereon before this Court and you pay to the Clerk thereof any surplus in your hands within thirty days after the sale.

WITNESS, HONORABLE _____ a Judge of the Superior Court, at _____ this _____ day of _____, 20_____.

_____, CLERK

ENDORSEMENT

Judgment Amount*:	\$ _____
Additional Costs:	\$ _____
Interest thereon:	\$ _____
Credits:	\$ _____
Sheriff's Fees:	\$ _____
Sheriff's Commissions	\$ _____
 TOTAL	 \$ _____

*"Judgment Amount" includes amount of verdict or settlement, plus pre-judgment court costs, plus any applicable statutory attorney's fee.

Post Judgment Interest applied pursuant to R. 4:42-11 has been calculated as **simple interest**. As required by R. 4:59-1, attached is the method by which interest has been calculated, taking into account all partial payments made by the defendant.

Attorney for Plaintiff

Dated: _____, 20_____

Note: Form adopted as Appendix XII-D July 27, 2006 to be effective September 1, 2006, amended September 11, 2006 to be effective immediately; amended July 9, 2008 to be effective September 1, 2008; amended July 23, 2010 to be effective September 1, 2010; amended July 19, 2012 to be effective September 4, 2012.

APPENDIX XII-F

OSC AS ORIGINAL PROCESS – SUMMARY ACTION
PURSUANT TO R 4:67-1(A)
FAMILY PART R. 5:4-3(b)
SUBMITTED WITH NEW COMPLAINT
FORM CAN ALSO BE FOUND AT
WWW.NJCOURTSONLINE.COM

SUPERIOR COURT OF NEW JERSEY
_____ DIVISION _____ COUNTY
_____ PART

[Insert the plaintiff's name],

Plaintiff(s),

v.

[Insert the defendant's name],

Defendant(s).

Docket No.:

CIVIL ACTION

ORDER TO SHOW CAUSE
SUMMARY ACTION

THIS MATTER being brought before the court by _____, attorney for plaintiff, [insert the plaintiff's name], seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith; and the court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to [insert the statute or court rule that permits the matter to be brought as a summary action] and for good cause shown.

IT IS on this _____ day of _____, 20____, ORDERED that the defendant(s), [insert defendant's name(s)], appear and show cause on the _____ day of _____, 20____ before the Superior Court at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why judgment should not be entered for:

- A. [Set forth with specificity the return date relief that the plaintiff is seeking.];
- B. _____;
- C. _____;
- D. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the defendant(s), [personally or alternate: describe form of substituted service] within ____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant(s) no later than three (3) days before the return date.

3. Defendant(s) shall file and serve a written answer, an answering affidavit or a motion returnable on the return date [Family Part alternate: appearance or response] to this order to show cause and the relief requested in the verified complaint and proof of service of the same by _____, 20___. The answer, answering affidavit or a motion [Family Part alternate: appearance, response], as the case may be, must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge _____.

4. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 20___. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

5. If the defendant(s) do/does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendant(s) take notice that the plaintiff has filed a lawsuit [Family Part alternate: divorce action] against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit or a motion returnable on the return date to the order to show cause [Family Part alternate: appearance or response] and proof of service before the return date of the order to show cause.

These documents must be [fled] filed with the Clerk of the Superior Court in the county listed above. [A list of these offices is provided.] A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include a \$ _____ filing fee payable to the “Treasurer State of New Jersey.” You must also send a copy of your answer, answering affidavit or motion [*Family Part alternate: appearance or response*] to the plaintiff’s attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer, answering affidavit or motion [*Family Part alternate: appearance or response*] with the fee or judgment may be entered against you by default.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). [A list of these offices is provided.] If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. [A list of these numbers is also provided.] A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

J.S.C.

Note: Adopted as Appendix XII-F July 9, 2008 to be effective September 1, 2008; amended and Directory of Superior Court Deputy Clerk’s Offices, County Lawyer Referral, and Legal Services Offices deleted July 19, 2012 to be effective September 4, 2012.

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER-REFERRAL

(609) 345-3444

LEGAL SERVICES

(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER-REFERRAL

(201) 488-0044

LEGAL SERVICES

(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER-REFERRAL

(609) 261-4862

LEGAL SERVICES

(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER-REFERRAL

(856) 964-4520

LEGAL SERVICES

(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER-REFERRAL

(609) 463-0313

LEGAL SERVICES

(609) 465-3001

GUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER-REFERRAL

(856) 692-6207

LEGAL SERVICES

(856) 451-0003

ESSEX COUNTY:

LAWYER-REFERRAL

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
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LEGAL SERVICES
(856) 848-5360

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Superior Court, Civil Records Dept.
Brennan Court House -- 1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
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LEGAL SERVICES
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HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL

(732) 431-5544

LEGAL SERVICES

(732) 866-0020

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL

(973) 267-5882

LEGAL SERVICES

(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL

(732) 240-3666

LEGAL SERVICES

(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL

(973) 278-9223

LEGAL SERVICES

(973) 345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL

(856) 935-5628

LEGAL SERVICES

(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL

(908) 685-2323

LEGAL SERVICES

(908) 231-0840

LAWYER REFERRAL

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2-Broad-Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

APPENDIX XII-G

OTSC AS ORIGINAL PROCESS –
SUBMITTED WITH NEW COMPLAINT
PRELIMINARY INJUNCTIVE RELIEF
PURSUANT TO RULE 4:52-1 – NO TRO
FORM CAN ALSO BE FOUND AT
WWW.NJCOURTSONLINE.COM

SUPERIOR COURT OF NEW JERSEY
_____ Division _____ County
_____ PART

(Insert the Plaintiff's name),

Plaintiff(s)

v.

(Insert the defendant's name),

Defendant(s)

Docket No
CIVIL ACTION

ORDER TO SHOW CAUSE
PRELIMINARY INJUNCTION
PRUSUANT TO *RULE 4:52*

THIS MATTER being brought before the court by _____, attorney for plaintiff, (*insert the plaintiff's name*), seeking relief by way of preliminary injunction at the return date set forth below pursuant to *R. 4:52*, based upon the facts set forth in the verified complaint filed herewith and for good cause shown.

It is on this ____ day of _____ ORDERED that defendant(s), (*insert the defendant's name*), appear and show cause before the Superior Court at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____ day of _____, 20__ why an order should not be issued preliminarily enjoining and restraining [*insert the defendant's name*] from

- A. (*Set forth with specificity the return date relief that the plaintiff is seeking*);
- B. _____;
- C. _____;
- D. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant(s) [personally or alternate: describe form of substituted service] within ___ days of the date hereof, in accordance with *R. 4:4-3* and *R. 4:4-4*, this being original process.
2. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three (3) days before the return date.
3. Defendant(s) shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by _____, 20___. The original documents must be filed with the clerk of the Superior Court in the county listed above. [A list of these offices is provided.] A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ _____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.
4. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 20___. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

5. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendant takes notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the day of service of this order to show cause; not counting the day you received it.

These documents must be [filed] filed with the Clerk of the Superior Court in the county listed above. [A list of these offices is provided.] A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include a \$_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the court may enter a default against you for the relief plaintiff demands.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). [A list of these offices is provided.] If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. [A list of these numbers is also provided.] A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

9. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

J.S.C.

Note: Adopted as Appendix XII-G July 9, 2008 to be effective September 1, 2008; amended and Directory of Superior Court Deputy Clerk's Offices, County Lawyer Referral, and Legal Services Offices deleted July 19, 2012 to be effective September 4, 2012.

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL

(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL

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LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL

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LEGAL SERVICES
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GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
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LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House—1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
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LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
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LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
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LEGAL SERVICES
(732) 249-7600

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Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
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LEGAL SERVICES
(732) 866-0020

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Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL

(732) 240-3666

LEGAL SERVICES

(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL

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LEGAL SERVICES

(973) 345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL

(856) 935-5628

LEGAL SERVICES

(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL

(908) 685-2323

LEGAL SERVICES

(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL

(973) 267-5882

LEGAL SERVICES

(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL

(908) 353-4715

LEGAL SERVICES

(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL

(973) 267-5882

LEGAL SERVICES

(973) 475-2010

APPENDIX XII-H

OSC AS ORIGINAL PROCESS –
SUBMITTED WITH NEW COMPLAINT
PRELIMINARY INJUNCTIVE RELIEF AND
TEMPORARY RESTRAINING ORDER

PURSUANT TO RULE 4:52
FORM CAN ALSO BE FOUND AT
WWW.NJCOURTSONLINE.COM

SUPERIOR COURT OF NEW JERSEY
_____ DIVISION _____ COUNTY
_____ PART

[Insert the plaintiff's name]

Plaintiff(s),

v.

[Insert the defendant's name]

Defendant(s).

Docket No.:

CIVIL ACTION

ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52

THIS MATTER being brought before the court by _____, attorney for plaintiff, [insert the plaintiff's name], seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the verified complaint filed herewith; and it appearing that [the defendant has notice of this application] or [defendant consent's to plaintiff's application] or [immediate and irreparable damage will probably result before notice can be given and a hearing held] and for good cause shown.

It is on this ____ day of _____ ORDERED that defendant, [insert the defendant's name], appear and show cause before the Superior Court at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____ day of _____, 20__ why an order should not be issued preliminarily enjoining and restraining defendant, [insert the defendant's name], from

- A. [Set forth with specificity the return date relief that the plaintiff is seeking.];
- B. _____;
- C. _____;
- D. Granting such other relief as the court deems equitable and just.

And it is further *ORDERED* that pending the return date herein, the defendant is [*temporarily*] enjoined and restrained from:

- A. [Set forth with specificity the temporary restraints that the plaintiff is seeking.];
- B. _____;
- C. _____.

And it is further *ORDERED* that:

1. The defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the [plaintiff's attorney *or alternate*: plaintiff].
2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant [personally *or alternate*: describe form of substituted service] within ____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.
3. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three (3) days before the return date.
4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by _____, 20___. The original documents must be filed with the Clerk of the Superior Court in the county listed above. [A list of these offices is provided.] A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ _____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.
5. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 20___. The reply papers must be filed with the

Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be [fled] filed with the Clerk of the Superior Court in the county listed above. [A list of these offices is provided.] A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include a \$ _____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). [A list of these offices is provided.] If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. [A list of these numbers is also provided.] A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in

the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than ___ days before the return date.

J.S.C.

Note: Adopted as Appendix XII-H July 9, 2008 to be effective September 1, 2008; amended and Directory of Superior Court Deputy Clerk's Offices, County Lawyer Referral, and Legal Services Offices deleted July 19, 2012 to be effective September 4, 2012.

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-4088

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 645
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

Woodbury, NJ 08096

HUDSON COUNTY: Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House—1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
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(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
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LEGAL SERVICES
(609) 695-6249

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Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

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Civil Division
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Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

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Court House, Room 119
118 Washington Street
Toms River, NJ 08754

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Civil-Division	(973) 345-7171
Court-House	
77-Hamilton-St.	
Paterson, NJ-07505	
SALEM-COUNTY:	LAWYER-REFERRAL
Deputy-Clerk-of-the-Superior-Court	(856) 935-5628
92-Market-St., P.O.-Box-18	LEGAL-SERVICES
Salem, NJ-08079	(856) 451-0003
SOMERSET-COUNTY:	LAWYER-REFERRAL
Deputy-Clerk-of-the-Superior-Court	(908) 685-2323
Civil-Division-Office	LEGAL-SERVICES
New-Court-House, 3rd Fl.	(908) 231-0840
P.O.-Box-3000	
Somerville, NJ-08876	
SUSSEX-COUNTY:	LAWYER-REFERRAL
Deputy-Clerk-of-the-Superior-Court	(973) 267-5882
Sussex-County-Judicial-Center	LEGAL-SERVICES
43-47-High-Street	(973) 383-7400
Newton, NJ-07860	
UNION-COUNTY:	LAWYER-REFERRAL
Deputy-Clerk-of-the-Superior-Court	(908) 353-4715
1st Fl., Court-House	LEGAL-SERVICES
2-Broad-Street	(908) 354-4340
Elizabeth, NJ-07207-6073	
WARREN-COUNTY:	LAWYER-REFERRAL
Deputy-Clerk-of-the-Superior-Court	(973) 267-5882
Civil-Division-Office	LEGAL-SERVICES
Court-House	(973) 475-2010
413-Second-Street	
Belvidere, NJ-07823-1500	

[Appendix XXI – Insurance Producer/Limited Insurance Representative Registration Form (R. 1:13-3(d)) (deleted)]

Note: [Form adopted July 5, 2000 to be effective September 5, 2000; revised form adopted July 28, 2004 to be effective September 1, 2004.] Appendix XXI (“Insurance Producer/Limited Insurance Representative Registration Form (R. 1:13-3(d))”) deleted July 19, 2012 to be effective September 4, 2012.

Canon 3. A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of the office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities. . . . no change

B. Administrative Responsibilities. . . . no change

C. Disqualification. (see R. 1:12-1)

(1) A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer or has personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the judge served as lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a witness concerning it;

Commentary

A lawyer in a governmental agency does not necessarily have an association with other lawyers employed by that agency within the meaning of this subsection; a judge formerly employed by a

governmental agency, however, should disqualify himself or herself in a proceeding if the judge's impartiality might reasonably be questioned because of such association.

(c) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child or any other member of the judge's family residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding or any other interest that could be affected by the outcome of the proceeding;

(d) the judge has initiated contact about or discussed or negotiated his or her post-retirement employment with any party, attorney or law firm involved in any matter pending before the judge in which the judge is participating personally and substantially, regardless of whether or not the discussions or negotiations lead to employment of the judge by the party, attorney or law firm;

Commentary

A judge may not initiate contact about or discuss or negotiate his or her post-retirement employment with any party, attorney or law firm involved in any matter pending before the judge in which the judge is participating personally and substantially. A matter pending before the judge includes any matter or aspect of a matter which has not been completed, even if only the performance of a ministerial act remains outstanding, such as signing a consent order or a similar order. If the subject is raised in any fashion, the judge must put a halt to the discussion or negotiation at once, rebuff any offer, and disclose what occurred on the record in the presence of

all parties and counsel. The judge, all parties and attorneys on the record can then evaluate objectively whether any further relief is needed.

A judge who engages in post-retirement employment negotiations or discussions while still on the bench with any party, attorney or law firm that does not have a matter pending before the judge, must do so in a way that minimizes the need for disqualification, does not interfere with the proper performance of the judge's judicial duties, and upholds the integrity of the courts. A judge should delay starting any such negotiations or discussions until shortly before his or her planned retirement, and should discuss post-retirement employment opportunities with the fewest possible number of prospective employers. A judge should also inform the Appellate Division Presiding Judge for Administration or Deputy Presiding Judge for Administration, his or her Assignment Judge, or the Tax Court Presiding Judge about the post-retirement employment negotiations or discussions to the extent that such negotiations or discussions will interfere with the judge's regular assignments.

A judge should not initiate contact about or discuss or negotiate his or her post-retirement employment with a party, attorney or law firm that has in the past appeared before the judge until the passage of a reasonable interval of time, so that the judge's impartiality in the handling of the case cannot reasonably be questioned. What is reasonable depends on the circumstances. For instance, it may be that an uncontested matter resolved swiftly by entry of a default judgment would not call for a lengthy interval of time. Prolonged or particularly acrimonious litigation may caution in favor of a longer delay. Actions likely to result in continuing post-judgment matters would also warrant a lengthier intervening period of time.

(e) ~~[(d)]~~ the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as, or is in the employ of or associated in the practice of law with, a lawyer in the proceeding;

Commentary

The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated of itself disqualifies the judge.

(iii) . . . no change

(iv) . . . no change

(2) . . . no change

(3) . . . no change

D. Remittal of Disqualification. . . . no change

Canon 7. A Judge Should Refrain from Political Activity

- A. A judge shall not:
- (1) act as a leader or hold any office in a political organization;
 - (2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;
 - (3) attend political functions or functions that are likely to be considered as being political in nature; or
 - (4) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, or purchase tickets for political party dinners, or other functions[;].
- B. A judge shall resign from office when the judge becomes a candidate for an elective office or nomination thereto.
- C. A judge shall not otherwise engage in any political activity.
- D. A part-time municipal court judge shall not affiliate with a law firm as a partner, director, of counsel, associate, or some other comparable status if the law firm, or any lawyer of the firm on the law firm's behalf, makes political contributions such as those included in Section A(4). It shall be the responsibility of a part-time municipal judge to take reasonable measures to ensure that a law firm with which the judge is affiliated does not make political contributions. Lawyers within the firm with whom the part-time municipal judge is affiliated, may nonetheless make personal political contributions.

[Code of Judicial Conduct -- Note]

NOTE: The foregoing Code of Judicial Conduct of the American Bar Association, as amended by the New Jersey Supreme Court, adopted April 3, 1974, to be effective immediately; caption "Applicability" added and new paragraph A.(3) adopted to be effective September 8, 1980; new subparagraph 3A(7)(b) adopted October 8, 1980, to be effective immediately; subparagraph 3A(7)(b) amended June 9, 1981 to be effective immediately; new subparagraph 3A(4) adopted October 26, 1987, to be effective January 1, 1988 (with remaining subparagraphs of 3A renumbered accordingly); paragraphs 4(B) and 4(C) and commentary to Canon 4 amended October 26, 1987, to be effective January 1, 1988; paragraphs A(3) and B of Applicability section amended October 26, 1987, to be effective January 1, 1988; entire code and commentary amended October 26, 1987 so as to be degenderize, effective January 1, 1988; subparagraph 5A(2) amended February 1, 1988 to be effective immediately; commentary to Canon 4 amended February 1, 1988, to be effective immediately; subparagraph 3A(4) amended July 18, 1990, to be effective September 4, 1990; paragraph A(1) of Applicability section amended December 20, 1990 to be effective immediately; paragraphs 2B, 3A(3), 3A(4), 3A(8), 3A(8)(b), 3B(1), 3B(2), 3B(3), 3B(4), 3C(1)(a), 3C(1)(c), 3C(2), 5B(2), 5B(3), 5C(2), 5C(4), 5D, 5E, 5F, 5G, 6, 7, and Applicability paragraph and headings to paragraphs 5, 6, 7 amended and new paragraphs 2C, 3A(5), 3A(10), 3B(3)(a), 3B(3)(b), 3B(3)(c), 5A (with remaining subparagraphs of 3 and 5 renumbered accordingly), adopted July 13, 1994 to be effective September 1, 1994; commentary to Canon 6 adopted March 12, 2002 to be effective immediately; former paragraph 3C(1)(d) redesignated as paragraph 3C(1)(e), new paragraph 3C(1)(d) and related commentary to Canon 3 adopted, paragraph 7A(3) and 7A(4) amended, and paragraph 7D adopted July 19, 2012 to be effective September 4, 2012.

RPC 1.6 Confidentiality of Information

(a) ... no change

(b) ... no change

(c) ... no change

(d) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

(1) to rectify the consequences of a client's criminal, illegal or fraudulent act in the furtherance of which the lawyer's services had been used;

(2) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon the conduct in which the client was involved; [or]

(3) to prevent the client from causing death or substantial bodily harm to himself or herself; or

(4) [(3)] to comply with other law.

(e) ... no change

Note: Adopted July 12, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended, new paragraph (c) added, former paragraph (c) redesignated as paragraph (d), and former paragraph (d) amended and redesignated as paragraph (e) November 17, 2003 to be effective January 1, 2004; former subparagraph (d)(3) redesignated as subparagraph (d)(4) and new subparagraph (d)(3) adopted July 19, 2012 to be effective September 4, 2012.

RPC 3.5. Impartiality and Decorum of the Tribunal

A lawyer shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte with such a person except as permitted by law; [or]

(c) engage in conduct intended to disrupt a tribunal[.]; or

(d) contact or have discussions with a judge or other adjudicative officer, arbitrator, mediator, or other third-party neutral (hereinafter "judge") about the judge's post-retirement employment while the lawyer (or a law firm with or for whom the lawyer is a partner, associate, counsel, or contractor) is involved in a pending matter in which the judge is participating personally and substantially.

Note: Adopted July 12, 1984 to be effective September 10, 1984; paragraphs (b) and (c) amended and new paragraph (d) adopted July 19, 2012 to be effective September 4, 2012.

RPC 5.1. Responsibilities of Partners, Supervisory Lawyers, and Law Firms

(a) ... no change

(b) ... no change

(c) ... no change

(d) No law firm or lawyer on behalf of a law firm shall pay an assessment or make a contribution to a political organization or candidate, including but not limited to purchasing tickets for political party dinners or for other functions, from any of the firm's business accounts while a municipal court judge is associated with the firm as a partner, shareholder, director, of counsel, or associate or holds some other comparable status with the firm.

Note: Adopted July 12, 1984 to be effective September 10, 1984; caption and paragraph (a) amended November 17, 2003 to be effective January 1, 2004; new paragraph (d) adopted July 19, 2012 to be effective September 4, 2012.

RPC 5.5. Lawyers Not Admitted to the Bar of This State and the Lawful Practice of Law

(a) ... no change

(b) A lawyer not admitted to the Bar of this State who is admitted to practice law before the highest court of any other state, territory of the United States, Puerto Rico, or the District of Columbia (hereinafter a United States jurisdiction) may engage in the lawful practice of law in New Jersey only if:

(1) ... no change

(2) ... no change

(3) under any of the following circumstances:

(i) ... no change

(ii) ... no change

(iii) ... no change

(iv) the out-of-state lawyer's practice in this jurisdiction is occasional and the lawyer associates in [a] the matter with, and designates and discloses to all parties in interest, a lawyer admitted to the Bar of this State who shall be held responsible for the conduct of the out-of-State lawyer in the matter; or

(v) ... no change

(c) ... no change

Note: Adopted July 12, 1984 to be effective September 10, 1984; caption amended, former text designated as paragraph (a), and new paragraphs (b) and (c) adopted November 17, 2003 to be effective January 1, 2004; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(3)(ii) and (b)(3)(iii) amended, former subparagraph (b)(3)(iv) redesignated as subparagraph (b)(3)(v) and amended, new subparagraph (b)(3)(iv) adopted, and paragraph (c) and subparagraphs (c)(3) and (c)(6) amended July 23, 2010 to be effective September 1, 2010; subparagraph (b)(3)(iv) amended July 19, 2012 to be effective September 4, 2012.

GUIDELINES FOR OPERATION OF PRETRIAL INTERVENTION IN NEW JERSEY

[Note: The PTI Guidelines Appear in the Rules of Court Immediately Following Rule 3:28]

Guideline 1 . . . no change.

Guideline 2 . . . no change.

Guideline 3

In evaluating a defendant's application for participation in a pretrial intervention program, consideration shall be given to the criteria set forth in N.J.S.A. 2C:43-12(e). In addition thereto, the following factors shall also be considered together with other relevant circumstances:

(a) Age. Pretrial intervention is designed to deal only with adult defendants who, in accordance with New Jersey law, are those persons above the age of 18. Also included are those juveniles between the ages of [16] 14 and 18 who are treated as adults under R. [5:9-5] 5:22-1 or R. 5:22-2.

(b) Residence. . . . no change.

(c) Jurisdiction. . . . no change.

(d) Minor Violations. . . . no change.

(e) Prior Record of Convictions. . . . no change.

(f) Parolees and Probationers. . . . no change.

(g) Defendants Previously Diverted. . . . no change.

(h) Eligibility Under N.J.S.A. 24:21-27 or N.J.S.A. 2C:36A-1. . . . no change.

(i) Assessment of the Nature of the Offense. . . . no change.

(j) Co-defendants. . . . no change.

(k) Restitution and Community Service. . . . no change.

Guideline 4 . . . no change.

Guideline 5 . . . no change.

Guideline 6 . . . no change.

Guideline 7 . . . no change.

Guideline 8 . . . no change.

Note: Guidelines 2, 3, 6 and 8 and Comments to Guidelines 2, 3, 5 and 6 amended July 13, 1994 to be effective January 1, 1995; Guidelines 3(g) and (h) and Comments to Guidelines 3(g) and (h) amended June 28, 1996 to be effective September 1, 1996; Guideline 3(a) amended July 19, 2012 to be effective September 4, 2012.