



## How to File a Motion in the Special Civil Part

A **MOTION** is a written request which asks the court to issue an order or to change an order the court has already issued.

### Who Should Use This Packet?

**You may use this packet** if you want to file certain motions in the Special Civil Part, for example, a motion to permit discovery, to vacate a dismissal or to vacate a default or default judgment.

#### **1. General Requirements for Filing a Motion:**

When you file a motion, you must submit the following papers contained in this packet:

- Notice of Motion (including the Certification of Service at the bottom of the Notice of Motion)
- Certification in Support of the Motion
- Order

**2. Fees:** The fee for filing a motion in the Special Civil Part is \$25 unless in relation to filing a motion to vacate a default or a default judgment (step #6, page 4). There is no fee to file a motion in the Small Claims Section of the Special Civil Part.

**3. Exceptions: DO NOT use this packet** if you want to file a motion for any one of the following:

- **Motion to Enforce Litigants' Rights**
- **Motion to Turn Over Funds**
- **Motion for Summary Judgment**
- **Motion to Strike a Party's Pleading for Failure to Answer Interrogatories.**

If you want to file any one of the four motions above, ask the court staff how you may proceed.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site [njcourts.gov](#). However, you are ultimately responsible for the content of your court papers.

**Completed forms are to be submitted to the county where you are filing your case. A list of [Special Civil Part Offices](#) is provided at the customer counter and at [njcourts.gov](#)**

## Things to Think About Before You Represent Yourself in Court

### Try to Get a Lawyer

The court system can be confusing and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. The telephone number can be found online or in your local yellow pages under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Their telephone number can also be found in your local yellow pages. Most county bar associations have a [Lawyer Referral Service](#). The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and who may sometimes consult with you at a reduced fee.

There are also a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your Superior Court staff for a list of lawyer referral services that include these organizations.

### What You Should Expect if You Represent Yourself

While you have the right to represent yourself in court, you should not expect any special treatment, help, or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

### Keep Copies of All Papers

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs, and other important documents that relate to your case. Bring all documents to court if you are notified that an appearance is necessary.

## Definitions of Words Used in This Packet

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

**Complaint** - A *complaint* is a document in which you briefly tells the court the facts in your case and the remedy you want the court to give you.

**Default** - When the defendant does not appear in court to respond to the complaint or does not file an answer, a judge may immediately enter an order giving a remedy to the plaintiff. This is called a *default*. Also, if the plaintiff does not show up in court, the court may dismiss the case.

**Defendant** - The *defendant* is the person (party) against whom the court action (complaint) was filed.

**Docket Number** - The *docket number* is the number the court assigned to this case when the complaint was filed. The docket number is listed on the complaint and answer.

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

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

**Motion** – A *motion* is a written request in which you ask the court to issue an order, or to change an order it has already issued.

**Oral Argument** – An *oral argument* is when you personally appear in court to explain what you want the court to do.

**Order** – An *order* is a signed paper from the judge telling someone they must do something.

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

**Plaintiff** - The *plaintiff* is the person (party) who the court action by filing the complaint.

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

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

**The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ “x 11” white paper only. Forms may not be filed on a different size or color paper.**

## **Steps for Filing a Motion in the Special Civil Part**

### **STEP 1: Fill out the *Notice of Motion* (Form A)**

The *Notice of Motion* tells the court what you want the court to do. Make sure to include the docket number of your case and sign your name where requested. (Step 4 explains how to complete the Certification of Service at the bottom of Form A.)

### **STEP 2: Fill out the *Certification in Support of a Motion* (Form B)**

The *Certification in Support of a Motion* tells the court why you think you are entitled to what you are asking for in your Notice of Motion. Attach any additional copies of documents that you have that may help support your motion.

### **STEP 3: Fill out the top portion of the *Order* (Form C)**

The *Order* is the document that grants or denies what you are asking for in the case. You must fill out the top portion of the Order. The instructions will tell you how. Leave the bottom half of the Order blank for the judge to complete.

### **STEP 4: Fill out the *Certification of Service* (Form A, page 2)**

The *Certification of Service* is located on page 2 of Form A. All parties to the case are required to receive a copy of this motion. The date you put on your Certification of Service MUST be the same day you personally give these papers to the other party or his or her lawyer OR you deliver these papers to the post office for mailing. (See the instructions for Form A for more information about this.).

### **STEP 5: Check your completed forms**

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms where you are asked to sign them. **You must have the following items in this order:**

- \_\_\_ *Notice of Motion* (Form A)
- \_\_\_ *Certification of Service* signed and dated (Form A, second page)
- \_\_\_ *Certification in Support of the Motion* (Form B)
- \_\_\_ *Order* (Form C)

### **STEP 6: Filing Fee**

The fee for filing a motion is \$25. If you file a motion to vacate a default or a default judgment, you must file an answer to the original complaint along with any cross claims or counterclaims you may wish to assert, and the motion must be accompanied by the appropriate fee. Make a check or money order payable to *Treasurer, State of New Jersey*. You may contact the Office of the Special Civil Part to find out the amount of the fee. There is no fee to file a motion in the Small Claims Section of the Special Civil Part.

### **STEP 7: Mail or deliver your package of completed papers to the court and all other parties in the case.**

You can deliver or mail your motion papers to the court. You must mail the motion to all other parties in the case by certified mail, return receipt requested and regular mail. You will receive a green receipt card which can serve as proof that you mailed the motion to the other party. Your post office can tell you how to send certified mail, return receipt requested.

In the motion papers you mail to the court, include two more additional copies of the Order along with original motion papers and a self-addressed, stamped envelope. The court will return the extra copies of the Order to you along

with the court's decision only if a self-addressed stamped envelope is provided. When you receive a copy of the court's Order signed by the judge, you are required, as the moving party, to provide a copy to all other parties involved in this motion.

### **STEP 8: Requesting Oral Argument**

You may ask for oral argument, which means you are asking to personally appear in court to explain what you want the court to do. Motions may be decided by the judge without oral argument unless one of the parties requests it and the judge grants that request. Even if no one requests oral argument, the court may still require oral argument. If there is to be oral argument, you will be notified of the time, date, and place. Check whether or not you want to request oral argument on the Notice of Motion (Form A).

- Make enough copies of the forms so that you will have two copies for every party in the case (one for certified mail and one for regular mail) including yourself.
- Mail or deliver all of the original motion papers to the court (Form A, Form B, Form C). Note: Make certain that you have signed all forms which require your signature.
- Keep at least one copy of the completed motion packet for your own records.

\_\_\_\_\_  
Plaintiff's Name (first, middle, last)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Telephone Number

Superior Court of New Jersey  
Law Division  
Special Civil Part  
\_\_\_\_\_  
County  
Docket Number \_\_\_\_\_

**Civil Action  
Notice of Motion**

**vs.**

\_\_\_\_\_  
Defendant's Name (first, middle, last)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Telephone Number

- (check one)  
 I do not request Oral Argument  
 I request Oral Argument

If you requested Oral Argument do you wish to request:  
An Interpreter:  Yes  No  
Indicate Language: \_\_\_\_\_  
An accommodation for a disability:  Yes  No  
Requested accommodation: \_\_\_\_\_

**PLEASE TAKE NOTICE** that I will apply to the Superior Court of New Jersey, Law Division, Special Civil Part, \_\_\_\_\_ County located at (address) \_\_\_\_\_, in the above entitled matter for an **Order** to:

- |   |   |
|---|---|
| <input type="checkbox"/> Permit Discovery                     | <input type="checkbox"/> Amend Judgment   |
| <input type="checkbox"/> Vacate Dismissal/Reinstate Complaint | <input type="checkbox"/> Enter Judgment Out of Time   |
| <input type="checkbox"/> Amend Complaint                      | <input type="checkbox"/> Vacate Default/Vacate Default Judgment   |
| <input type="checkbox"/> Amend Answer                         | (must include answer, any cross-claims or counterclaims, and the application fee; see step 6 on page 4) |
| <input type="checkbox"/> Other (Specify) _____                |   |

**NOTICE: IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING.** Your written response must be in the form of a certification or affidavit. That means that the person signing it swears to the truth of the statements in the certification or affidavit and is aware that the court can punish him or her if the statements are knowingly false. You may ask for oral argument, which means you can ask to appear before the court to explain your position. If the court grants oral argument, you will be notified of the time, date and place. Your response, if any, must be in writing even if you request oral argument. Any papers you send to the court must also be sent to the opposing party's attorney, or the opposing party if not represented by an attorney.

If you do not notify the Clerk and the undersigned in writing within ten (10) days of service of the motion that you object to entry of the order sought, the court, in its discretion, may enter the order against you without a hearing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name  
Check one:  Plaintiff  Defendant



\_\_\_\_\_  
Plaintiff's Name (first, middle, last)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

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

**vs.**

\_\_\_\_\_  
Defendant's Name (first, middle, last)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

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

Superior Court of New Jersey

Law Division

Special Civil Part

\_\_\_\_\_ County

Docket Number \_\_\_\_\_

**Civil Action**

**Certification in Support of Motion to**

- Permit Discovery
- Amend Judgment
- Vacate Dismissal/Reinstate Complaint
- Enter Judgment Out of Time
- Amend Complaint
- Vacate Default/Vacate Default Judgment  
(must include answer, any cross-claims or counterclaims, and the application fee; see step 6 on page 4)
- Amend Answer
- Other (Specify) \_\_\_\_\_

\_\_\_\_\_, (your name) of full age, being the (check one)  Plaintiff  Defendant  
in the above case states:

(You may attach more sheets if you need to, but you must copy the certification language below onto any additional sheets you use, and you must sign and date each additional sheet.)

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

Check one:  Plaintiff  Defendant



\_\_\_\_\_  
Plaintiff's Name (first, middle, last)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

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

**vs.**

\_\_\_\_\_  
Defendant's Name (first, middle, last)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

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

Superior Court of New Jersey

Law Division

Special Civil Part

\_\_\_\_\_ County

Docket Number \_\_\_\_\_

**Civil Action  
Order**

This matter being opened to the court by (your name) \_\_\_\_\_, the  
(check one)  Plaintiff  Defendant in the case by way of motion seeking an order to:

- |   |   |
|---|---|
| <input type="checkbox"/> Permit Discovery                     | <input type="checkbox"/> Amend Judgment                         |
| <input type="checkbox"/> Vacate Dismissal/Reinstate Complaint | <input type="checkbox"/> Enter Judgment Out of Time             |
| <input type="checkbox"/> Amend Complaint                      | <input type="checkbox"/> Vacate Default/Vacate Default Judgment |
| <input type="checkbox"/> Amend Answer                         | <input type="checkbox"/> Other (Specify)                        |

\_\_\_\_\_ and the court having considered the motion, pleadings on file and/or argument of the moving party and for good cause appearing;

**(Do not write below this line, for court use only)**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is **ORDERED** that:

It is **FURTHER ORDERED** that a copy of this Order be served by the moving party upon all other parties or their attorneys, if any, within \_\_\_\_ days of the date listed above.

**This motion was:**

- Opposed**       **Unopposed**

\_\_\_\_\_  
J.S.C.