



HOW TO USE THIS ONLINE

You may fill in the information required in this packet on your screen, save it to your local drive and print it out on your local printer OR you may print out the packet and complete the forms by hand or typewriter.

The information you enter is NOT
submitted electronically.



How to Request a Judgment or Dismissal Without a Trial (Motion for Summary Judgment) (Superior Court of New Jersey - 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 can use this packet if you want to file a Summary Judgment Motion in the Special Civil Part.

A *Summary Judgment Motion* is a written request in which you ask the court to make a final decision against another party without a trial. A party (you) usually requests a summary judgment when the important facts are not in dispute.

General Requirements:

When you file this motion, you must include all of the following papers contained in this packet:

1. Notice of Motion for Summary Judgment
2. Certification in Support of the Motion
3. Certification of Service
4. Order for Summary Judgment

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.com. However, you are ultimately responsible for the content of your court papers.

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

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. The law, the proofs necessary to present your case, and the procedural rules governing cases in the Law Division, Civil Part are complex. Since valuable claims or potentially heavy judgments may be at stake, most litigants appearing in the Law Division, Civil Part have a lawyer. If you are being sued, please contact your insurance company to see if they might provide a lawyer for you. Most likely your opponent will be represented by a lawyer. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found in your local yellow pages under "Legal Aid" or "Legal Services."

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. That number can also be found in your local yellow pages. Most county bar associations have a Lawyer Referral Service. The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee. There are also organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of lawyer referral services that include these organizations.

If you decide to proceed without an attorney, these materials explain the procedures that must be followed to have your papers properly filed and considered by the court. These materials do not provide information on the law governing your claims or defenses; information on how to conduct pretrial discovery; information on alternative dispute resolution procedures, such as arbitration or mediation, that may be available or required in your case; information on the kinds of evidence you need to prove your claims or defense at trial; or information on other procedural and evidentiary rules governing civil law suits.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

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

Keep Copies of All Papers

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

Definitions of Words Used in This Packet

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 written document in which you briefly tell 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 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 request.

Oral Argument - Personally appearing 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 starts the court action by filing the complaint.

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.

Summary Judgment Motion - A *Summary Judgment Motion* is a written request in which you ask the court to make a final decision against another party without a trial. It is usually used when all parties agree on the important facts.

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 to File a Motion for Summary Judgment 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*. (Page 2 of Form A)

The *Certification of Service* is located on the second page 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** 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 all of the following items in this order:**

- ___ *Notice of Motion* (Form A)
- ___ *Certification of Service* signed and dated (page 2 of Form A)
- ___ *Certification in Support of a Motion* (Form B)
- ___ *Order* (Form C)

STEP 6: Filing Fee

The fee for filing a motion is \$25. Write a check in that amount payable to the **Treasurer, State of New Jersey**. 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 return receipt requested and regular mail. This will provide you with a green receipt card that 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 the 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 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 before the 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).

Checklist:

- ___ 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.
- ___ Attach the proper filing fee.

INSTRUCTIONS FOR COMPLETING FORM A
(NOTICE OF MOTION FOR SUMMARY JUDGMENT)

- A. Print or type the Plaintiff's name, address and telephone number where Form A asks you to do so at the top of the form. If you are the Plaintiff in the case, type or print your name, current address and telephone number. If you are not the Plaintiff, type or print the name, current address and telephone number of the person who is the Plaintiff.
- B. Print or type the Defendant's name, current address and telephone number where Form A asks you to do so on the form. If you are the Defendant in the case, type or print your name, current address and telephone number. If you are not the Defendant, type or print the name, current address and telephone number of the person who is the Defendant.
- B. Where it says "*Docket Number*," fill in the docket number of your case. (You can get this number from the Complaint or Answer you received in the case or you can call the court for this information.)
- D. Check off whether or not you want to request Oral Argument. (See Step 8 on page 4 for more information about this.)
- E. Where it says "*Please Take Notice*," type or print the name of the county where you are filing your motion and print or type the address of the courthouse.
- F. Sign and date the form where it asks you to do so and check whether you are the Plaintiff or Defendant.
- G. **IMPORTANT NOTE: Certification of Service (See Step 4 on page 4):** Fill in the required information being sure to include the certified mail number(s) and the person(s) to whom Forms A, B and C were sent or personally delivered. Sign your name on the line where it says "*Signature*." Type or print your name above the line that says *Type or Print Name*. Fill in the date you are signing the form, remembering that *when you sign and date this form, the date you put down MUST be the same date that you personally gave these papers to the other party or his or her lawyer OR the date that you delivered these papers to the post office.*

Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 7 on page 4). (Keep copies of the completed forms for your records.)

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

_____ County

Docket Number _____

**CIVIL ACTION
Notice of Motion for Summary Judgment**

Plaintiff Name (first, middle, last)

Street Address

Town, State, Zip Code

Telephone Number

vs.

Defendant Name (first, middle, last)

Street Address

Town, State, Zip Code

Telephone Number

I DO NOT request Oral Argument

I request Oral Argument

If you requested Oral Argument do you wish to request:

An interpreter: yes no

Language: _____

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 _____, NJ, _____
(County) (Address of Courthouse) (Zip Code)

in the above entitled matter for an Order for Summary Judgment.

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.

We are asking the court to make a final decision against you without a trial or an opportunity for you to present your case to the judge. We are requesting that a decision be entered against you because we say that the important facts are not in dispute and the law entitles us to a judgment. If you object to the motion, you must file a written response stating what facts are disputed and why a decision should not be entered against you.

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 the entry of the order sought, the court in its discretion may enter the order against you without a trial.

Dated: _____

Signature: _____

(Check One) Plaintiff Defendant

CERTIFICATION OF SERVICE

I certify that I served a copy of this motion (check one) _____ personally on the person(s) or attorney(s) listed below _____ by mailing it on this date to the person(s) or attorney(s) listed below by regular and certified mail. 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.

(Name)

(Name)

(Certified Mail Number)

(Certified Mail Number)

(Address)

(Address)

(City, State & Zip Code)

(City, State & Zip Code)

(Name)

(Name)

(Certified Mail Number)

(Certified Mail Number)

(Address)

(Address)

(City, State & Zip Code)

(City, State & Zip Code)

Dated: _____

Signature: _____

(Check One) Plaintiff Defendant

INSTRUCTIONS FOR COMPLETING FORM B
(CERTIFICATION IN SUPPORT OF A MOTION)

- A. Type or print the Plaintiff's name, current address and telephone number where Form B asks you to do so at the top of the form. If you are the Plaintiff in the case, type or print your name, current address and telephone number. If you are not the Plaintiff, type or print the name, current address and telephone number of the person who is the Plaintiff.

- B. Type or print the Defendant's name, current address and telephone number where Form B asks you to do so on the form. If you are the Defendant in the case, type or print your name, current address and telephone number. If you are not the Defendant, type or print the name, current address and telephone number of the person who is the Defendant.

- C. Where it says *Docket Number*, fill in the docket number for your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)

- D. In the blank spaces, type or print the reasons why you think your motion should be granted.

- E. If you need additional pages to complete your motion, you may attach additional pages of 8 ½ " x 11" white paper.

If you do attach additional sheets, you must also copy at the bottom of those sheets the language: *"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."*

You must sign, date, and type or print your name below the language above which you must put at the bottom of any additional pages you use. Also type or print whether you are the plaintiff or defendant.

- F. Sign and date the form where it asks you to do so and check whether you are the Plaintiff or Defendant.

Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 7 on page 4). (Keep copies of the completed forms for your records.)

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

_____ County

Docket Number _____

**CIVIL ACTION
Certification in Support of a Motion
for Summary Judgment**

Plaintiff Name (first, middle, last)

Street Address

Town, State, Zip Code

Telephone Number

vs.

Defendant Name (first, middle, last)

Street Address

Town, State, Zip Code

Telephone Number

_____, of full age, being the (check one) Plaintiff

Defendant in this 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.

Dated: _____

Signature: _____

(Check One) Plaintiff Defendant

INSTRUCTIONS FOR COMPLETING FORM C

(ORDER)

- A. Type or print the Plaintiff's name, address and telephone number where Form C asks you to do so at the top of the form. If you are the Plaintiff in the case, type or print your name, current address and telephone number. If you are not the Plaintiff, type or print the name, current address and telephone number of the person who is the Plaintiff.

- B. Type or print the Defendant's name, current address and telephone number where Form C asks you to do so on the form. If you are the Defendant in the case, type or print your name, current address and telephone number. If you are not the Defendant, type or print the name, current address and telephone number of the person who is the Defendant.

- C. Where it says *Docket Number*, fill in the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)

- D. Complete the rest of the top of the form.

- E. Leave the bottom of Form C blank where it says, "***Do not write below this line-for court use only.***" The judge will complete this section.

Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 7 on page 4). (Keep copies of the completed forms for your records.)

Superior Court Of New Jersey
Law Division, Special Civil Part

_____ County

Docket Number _____

Plaintiff Name (first, middle, last)

Street Address

Town, State, Zip Code

Telephone Number

VS.

Defendant Name (first, middle, last)

Street Address

Town, State, Zip Code

Telephone Number

CIVIL ACTION

Order for Summary Judgment

This matter being opened to the Court by _____, the
(Your Name)

(check one) Plaintiff Defendant in the matter, by way of motion seeking an order for Summary Judgment 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 hereof.

The motion was: ___ **Opposed** ___ **Unopposed**

J.S.C.