

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 1, 2020.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Rosen". The signature is fluid and cursive, with a large initial "S" and "R".

Chief Justice

Dated: July 31, 2020

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

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1:6-3. Filing and Service of Motions and Cross-Motions

(a) Motions Generally. Other than an ex parte motion and except as otherwise provided by R. 4:6-2(e) (dismissal for failure to state a claim), R. 4:46-1 (summary judgment), and R. 5:5-4(c) (post judgment motions), a notice of motion shall be filed and served not later than 16 days before the specified return date unless otherwise provided by court order, which may be applied for ex parte. Thus, for example, if the return date of the motion is a Friday, the motion must be filed and served not later than the Wednesday, 16 days prior. If a motion is supported by affidavit or certification, the affidavit or certification shall be filed and served with the motion. Except as provided by R. 4:49-1(b) (motion for new trial), any opposing affidavits, certifications or objections filed pursuant to R. 1:6-2 shall be filed and served not later than 8 days before the return date unless the court relaxes that time. Thus, for example, if the return date is on a Friday, any response must be filed and served no later than Thursday of the prior week. Reply papers responding to opposing affidavits or certifications shall be filed and served not later than 4 days before the return date unless the court otherwise orders. Thus, for example, such papers must be filed and served on Monday for a return date of the following Friday. No other papers may be filed without leave of court.

(b) ...no change.

(c) ...no change.

Note: Source – R.R. 3:11-1, 4:6-3(a); amended July 24, 1978 to be effective September 11, 1978; amended July 16, 1979 to be effective September 10, 1979; amended July 16, 1981 to be effective September 14, 1981; amended November 1, 1985 to be effective January 2, 1986; amended June 29, 1990 to be effective September 4, 1990; amended July 13, 1994 to be effective September 1, 1994; amended and paragraphs (a), (b) and (c) designated July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; paragraph (b) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 31, 2020 to be effective September 1, 2020.

1:20-6. Hearings

(a) ... no change

(b) Special Ethics Masters.

(1) ... no change

(2) Appointment; Compensation. Special ethics masters shall be appointed by, and shall serve at the pleasure of, the Supreme Court under the administration of the Director of the Office of Attorney Ethics. Attorneys shall be paid the per diem rate in effect for single arbitrators under Rule 4:21A-2(e)(1) [4:21A-2(d)(1)]. The full per diem rate shall be paid for each day of a prehearing conference or hearing, or part thereof, and for each day or part thereof for opinion preparation. The number of days or part thereof that are paid for opinion preparation in a particular matter may not exceed the total number of days that are paid in that matter for prehearing conference and hearing. A reasonable additional amount may be paid for actual typing expenses. Retired judges may serve pro bono or with compensation or, if they are on recall, shall be paid at the rate in effect for judges on recall service.

(3) ... no change

(4) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Adopted January 31, 1995 to be effective March 1, 1995 paragraph (c) amended July 25, 1995, to be effective immediately; paragraph (b)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(1), (a)(2), and (c)(2)(E)(i) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, paragraph (c) caption and text amended, former paragraph (d) deleted, and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (e) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (c)(2)(F) amended August 1, 2006 to be effective September 1, 2006; subparagraphs (b)(1) and (c)(2)(A) amended July 9, 2008 to be effective September 1, 2008; paragraph (b)(3) amended December 8, 2010 to be effective January 1, 2011; subparagraph (b)(2) amended July 28, 2017 to be effective September 1 2017; subparagraph (b)(2) amended July 31, 2020 to be effective September 1, 2020.

1:40-12. Mediators and Arbitrators in Court-Annexed Programs

(a) ...no change.

(b) ...no change.

(c) Arbitrator Qualification and Training. Arbitrators serving in judicial arbitration programs shall have the minimum qualifications prescribed by Rule 4:21A-2 [and must be annually recommended for inclusion on the approved roster by the local arbitrator selection committee and approved by the Assignment Judge or designee]. All arbitrators shall attend initial training of at least three classroom hours and continuing training of at least two hours in courses approved by the Administrative Office of the Courts.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(d) ...no change.

Note: Adopted July 14, 1992 as Rule 1:40-10 to be effective September 1, 1992; caption amended, former text redesignated as paragraphs (a) and (b), paragraphs (a)3.1 and (b)4.1 amended June 28, 1996 to be effective September 1, 1996; redesignated as Rule 1:40-12, caption amended and first sentence deleted, paragraph (a)1.1 amended and redesignated as paragraph (a)(1), paragraph (a)2.1 amended and redesignated as paragraph (a)(2), paragraph (a)2.2 amended and redesignated as paragraph (b)(5), new paragraphs (a)(3) and (a)(4) adopted, paragraph (a)3.1 redesignated as paragraph (a)(5), paragraph (a)3.2 amended and incorporated in

paragraph (b)(1), paragraph (a)4.1 amended and redesignated as paragraph (b)(6), paragraph (b)1.1 amended and redesignated as paragraph (b)(1), paragraphs (b)2.1 and (b)3.1 amended and redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)4.1 redesignated as paragraph (b)(4) with caption amended, paragraph (b)5.1 amended and redesignated as paragraph (b)(7) with caption amended, new section (c) adopted, and paragraph (b)5.1(d) amended and redesignated as new section (d) with caption amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3) and (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b)(1), (b)(3), and (c) amended July 28, 2004 to be effective September 1, 2004; caption amended and paragraph (a)(4) caption and text amended June 15, 2007 to be effective September 1, 2007; new paragraph (a)(6) caption and text adopted, paragraph (b)(1) amended, paragraph (b)(2) deleted, paragraphs (b)(3) and (b)(4) redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)(5) amended and redesignated as paragraph (b)(4), and paragraphs (b)(6) and (b)(7) redesignated as paragraphs (b)(5) and (b)(6) July 16, 2009 to be effective September 1, 2009; subparagraphs (b)(2) and (b)(4) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(3) caption and text amended, subparagraphs (a)(4), (a)(6), (b)(1), (b)(2) and (b)(4) amended, former subparagraph (b)(5) redesignated as subparagraph (b)(6), former subparagraph (b)(6) redesignated as subparagraph (b)(7), new subparagraphs (b)(5) and (b)(8) adopted July 27, 2015 to be effective September 1, 2015; subparagraphs (a)(3) text, (a)(5) caption and text, and (b)(1) text and paragraph (c) amended July 28, 2017 to be effective September 1, 2017; paragraph (a)(3) amended, paragraph (a)(4) caption and text amended, paragraphs (b)(1), (b)(3), and (b)(6) amended July 29, 2019 to be effective September 1, 2019; paragraph (c) amended July 31, 2020 to be effective September 1, 2020.

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) ...no change.

(2) ...no change.

(3) ... no change.

Final judgments of a court, for appeal purposes, shall also include those referred to by R. 3:28[(f)] -6(c) (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 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; paragraph (a) amended July 31, 2020 to be effective September 1, 2020.

2:4-3. Tolling of Time for Appeal and Certification

The running of the time for taking an appeal and for the service and filing of a notice of petition for certification shall be tolled:

(a) ...no change.

(b) ...no change.

(c) In criminal actions on an appeal to the Appellate Division by the timely filing and service of a motion to the trial court for judgment pursuant to *R. 3:18-2*, or for a new trial pursuant to *R. 3:20*, or in arrest of judgment pursuant to *R. 3:21-9*, or for reconsideration of an order granting pretrial detention pursuant to *R. 2:9-13*, or for rehearing or to amend or make additional findings of fact pursuant to *R. 1:7-4*. The remaining time shall again begin to run from the date of the entry of an order denying or disposing of such a motion; or

(d) ...no change.

(e) ...no change.

Note: Source - *R.R. 1:3-3(a) (c) (d) (e) (f) (g), 1:10-4(b)*; paragraph (e) amended November 5, 1986 to be effective January 1, 1987; 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 (c) and (e) amended July 27, 2006, to be effective September 1, 2006; paragraph (c) amended July 31, 2020 to be effective September 1, 2020.

2:9-3. Stay Pending Review in Criminal Actions

(a) ...no change.

(b) ...no change.

(c) Stay Following Appeal by the State. Notwithstanding paragraphs (a) and (b) of this rule, execution of sentence shall be stayed pending appeal by the State pursuant to N.J.S.A. 2C:44-1(f)(2) [or N.J.S.A. 2C:35-14(c)]. Whether the sentence is custodial or noncustodial, bail pursuant to *R.* 2:9-4 shall be established as appropriate under the circumstances. A defendant may elect to execute a sentence stayed by the State's appeal, but such election shall constitute a waiver of the right to challenge any sentence on the ground that execution has commenced.

(d) ...no change.

(e) ...no change.

Note: Source – *R.R.* 1:2-8(a) (sixth sentence), 1:4-3(a) (first sentence) (b)(c)(d); paragraph (c) amended and paragraph (d) deleted July 29, 1977 to be effective September 6, 1977; paragraph (c) caption amended July 24, 1978 to be effective September 11, 1978; paragraph (d) adopted September 10, 1979 to be effective immediately; paragraph (d) amended July 16, 1981 to be effective September 14, 1981; paragraph (e) adopted November 1, 1985 to be effective January 2, 1986; paragraphs (c) and (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (e) redesignated as paragraph (f) and new paragraph (e) adopted June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) deleted, former paragraphs (b) and (c) redesignated as paragraphs (a) and (b), former paragraph (d) amended and redesignated as paragraph (c), and former paragraphs (e) and (f) redesignated as paragraphs (d) and (e) July 27, 2018 to be effective September 1, 2018; paragraph (c) amended July 31, 2020 to be effective September 1, 2020.

2:9-10. Effect of Appeal by the State

An appeal by the State pursuant to *N.J.S.A. 2C:44-1(f)(2)* [or *N.J.S.A. 2C:35-14(c)*] shall not stay the entry of final judgment for purposes of an appeal or cross-appeal by the defendant.

Note: Adopted September 10, 1979 to be effective immediately; amended July 28, 2004 to be effective September 1, 2004; amended July 31, 2020 to be effective September 1, 2020.

2:15-2. Appointment and Membership

The Committee shall consist of eleven members. The Court shall designate one member to serve as Chair and another member to serve as Vice Chair. At least three members shall be retired Justices or Judges of the Supreme Court or Superior Court, no fewer than three members shall be members of the Bar, and no more than five members shall be members of the public who do not hold public office of any nature. Members shall be appointed by the Court for a term of three years, and shall be eligible to serve a maximum of four three-year terms or a total of twelve years. [No member who has served four full three-year terms shall be eligible for immediate reappointment.] Membership on the Committee shall terminate if a member is appointed or elected to public office or to any position considered by the Court to be incompatible with such service. All appointments to fill vacancies shall be for the unexpired term.

Note: Adopted July 23, 1974, effective immediately; amended July 2, 1984 effective immediately; amended June 28, 1996 to be effective September 1, 1996; amended February 3, 1997 to be effective March 1, 1997; amended January 22, 2019 to be effective immediately; amended December 2, 2019 to be effective immediately; amended July 31, 2020 to be effective September 1, 2020.

4:6-2. How Presented

Every defense, legal or equitable, in law or fact, to a claim for relief in any complaint, counterclaim, cross-claim, or third-party complaint shall be asserted in the answer thereto, except that the following defenses, unless otherwise provided by R. 4:6-3, may at the option of the pleader be made by motion, with briefs: (a) lack of jurisdiction over the subject matter, (b) lack of jurisdiction over the person, (c) insufficiency of process, (d) insufficiency of service of process, (e) failure to state a claim upon which relief can be granted, (f) failure to join a party without whom the action cannot proceed, as provided by R. 4:28-1. If a motion is made raising any of these defenses, it shall be made before pleading if a further pleading is to be made. No defense or objection is waived by being joined with one or more other defenses in an answer or motion. Special appearances are superseded. A motion to dismiss based on defense (e), and any opposition thereto, shall be filed and served in accordance with the time frames set forth in R. 4:46-1. If, on a motion to dismiss based on [the] defense [numbered] (e), matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided by R. 4:46, and all parties shall be given reasonable notice of the court's intention to treat the motion as one for summary judgment and a reasonable opportunity to present all material pertinent to such a motion.

Note: Source — R.R. 4:12-2 (first, second and fourth sentences); amended July 23, 2010 to be effective September 1, 2010; amended July 27, 2018 to be effective September 1, 2018; amended July 31, 2020 to be effective September 1, 2020.

4:21A-2. Qualification, Selection, Assignment and Compensation of Arbitrators

(a) Inclusion on Roster

(1) Qualifications. An applicant for inclusion on a roster of arbitrators maintained by the Administrative Office of the Courts shall be either: (1) a retired judge of any court of this State who is not on recall; or (2) an attorney admitted to practice in this State having at least ten years of consistent and extensive experience in New Jersey in any of the substantive areas of law subject to arbitration under these rules.

(2) Arbitrator Training Requirements. To be listed on the approved roster of arbitrators, the applicant must have completed the initial training and continuing education required by R. 1:40-12(c).

(3) Certified Civil Trial Attorneys. A Certified Civil Trial Attorney with the requisite experience, who has also completed the training and continuing education required by R. 1:40-12(c), will be entitled to automatic inclusion on the roster.

(4) Local Arbitrator Selection Committee

(A) Generally. The arbitrator selection committee, which shall meet at least once annually, shall be appointed by the county bar association and shall consist of at least: one attorney regularly representing plaintiffs in each of the substantive areas of law subject to arbitration under these rules, one attorney regularly representing

defendants in each of the substantive areas of law subject to arbitration under these rules, and one member of the bar who does not regularly represent either plaintiff or defendant in each of the substantive areas of law subject to arbitration under these rules. The members of the arbitrator selection committee shall be eligible for inclusion in the roster of arbitrators.

(B) Screening Process. The local arbitrator selection committee will submit recommendations for the roster to the Assignment Judge or designee for final approval. The committee shall review the roster of arbitrators annually and, when appropriate, shall make recommendations to the Assignment Judge to remove arbitrators from the roster.

[(a)] (b) Assignment by [By] Stipulation. All parties to the action may stipulate in writing to the number and names of the arbitrators. The stipulation shall be filed with the civil division manager within 14 days after the date of the notice of arbitration. The stipulated arbitrators shall be subject to the approval of the Assignment Judge or designee and may be approved whether or not they met the requirements of paragraph (a) [(b)] of this rule if the Assignment Judge or designee is satisfied that they are otherwise qualified and that their service would not prejudice the interest of any of the parties.

[(b)] (c) [Appointment] Assignment from [From] Roster. If the parties fail to stipulate to the arbitrators pursuant to paragraph [(a)] (b) of this rule, the arbitrator

shall be designated by the civil division manager from the roster of arbitrators maintained by the Assignment Judge. [on recommendation of the arbitrator selection committee of the county bar association. Inclusion on the roster shall be limited to retired judges of any court of this State who are not on recall and attorneys admitted to practice in this State having at least ten years of consistent and extensive experience in New Jersey in any of the substantive areas of law subject to arbitration under these rules, and who have completed the training and continuing education required by R.1:40-12(c). A Certified Civil Trial Attorney with the requisite experience, who has also completed the training and continuing education required by R.1:40-12(c), will be entitled to automatic inclusion on the roster. The arbitrator selection committee, which shall meet at least once annually, shall be appointed by the county bar association and shall consist of one attorney regularly representing plaintiffs in each of the substantive areas of law subject to arbitration under these rules, one attorney regularly representing defendants in each of the substantive areas of law subject to arbitration under these rules, and one member of the bar who does not regularly represent either plaintiff or defendant in each of the substantive areas of law subject to arbitration under these rules. The arbitrator selection committee shall review the roster of arbitrators annually and, when appropriate, shall make recommendations to the Assignment Judge to remove arbitrators from the roster. The members of the arbitrator selection committee shall be eligible for inclusion in

the roster of arbitrators.] The Assignment Judge shall file the roster with the Administrative Director of the Courts. A motion to disqualify [a designated] an assigned arbitrator shall be made to the Assignment Judge or designee on the date of the hearing.

[(c)] (d) Number of Arbitrators. All arbitration proceedings in each vicinage in which the number and names of the arbitrators are not stipulated by the parties pursuant to paragraph (a) of this rule shall be conducted by either a single arbitrator or by a two arbitrator panel, as determined by the Assignment Judge or designee.

[(d)] (e) Compensation of Arbitrators.

(1) [Designated] Assigned Arbitrators. Except as provided by subparagraph (2) hereof, a single arbitrator designated by the civil division manager, including a retired judge not on recall, shall be paid a per diem fee of \$350. Two-arbitrator panels shall be paid a total per diem fee of \$450, to be divided evenly between the panel members.

(2) ...no change.

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (c) amended, and new paragraph (d) adopted July 5, 2000 to be effective September 5, 2000; paragraphs (b) and (d)(1) amended, and former paragraph (d)(3) deleted July 12, 2002 to be effective September 3, 2002; paragraphs (b), (c), (d)(1), and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) amended

July 28, 2017 to be effective September 1, 2017; paragraph (b) amended July 27, 2018 to be effective September 1, 2018; new paragraph (a) adopted, former paragraph (a) caption and text amended and redesignated as paragraph (b), former paragraph (b) caption and text amended and redesignated as paragraph (c), former paragraph (c) caption and text amended and redesignated as paragraph (d), former paragraph (d) redesignated as paragraph (e), and subparagraph (e)(1) caption amended July 31, 2020 to be effective September 1, 2020.

4:24-2. Motions Required to Be Made During Discovery Period

(a) ...no change.

(b) Disputes Regarding the Credentials of Experts in Medical Malpractice Actions. Any party challenging the credentials of an expert, other than the affiant or other designated medical expert whose credentials have been the subject of a case management conference in accordance with R. 4:5B-4 in a medical malpractice action pursuant to the Patients First Act, *N.J.S.A. 2A:53A-41*, shall file a motion [in accordance with the following requirements:

(1) If the defendant seeks to challenge the credentials of plaintiff's expert who is someone other than the affiant whose credentials have been the subject of a case management conference in accordance with *R. 4:5B-4*, defendant's motion shall be filed] not later than thirty (30) days from the service of that expert's report. The motion shall be accompanied by a certification setting forth the [defendant's] movant's alleged area of specialty and qualifications that form the basis for the challenge of the expert's qualifications under the Patients First Act and a copy of the [defendant's] movant's curriculum vitae.

[(2) If the plaintiff seeks to challenge the credentials of a defendant's expert, the plaintiff's motion shall be filed not later than thirty (30) days from the service of that expert's report. The motion shall be accompanied by a certification setting forth the plaintiff's alleged area of specialty and qualifications that form the

basis for the challenge of the expert's qualifications under the Patients First Act and a copy of the plaintiff's curriculum vitae.]

Note: Source – R.R. 4:28(b); amended June 7, 2005 to be effective immediately; amended December 6, 2005 to be effective immediately; prior text designated as paragraph (a) with new caption added and new paragraph (b) caption and text added July 27, 2018 to be effective September 1, 2018, paragraph (b) amended July 31, 2020 to be effective September, 1, 2020.

4:25-8. Motions in Limine

(a) Definition; Procedures; Timeframes.

(1) Definition. In general terms and subject to particular circumstances of a given claim or defense, a motion in limine is defined as an application returnable at trial for a ruling regarding the conduct of the trial, including admissibility of evidence, which motion, if granted, would not have a dispositive impact on a litigant's case. A dispositive motion falling outside the purview of this rule would include, but not be limited to, an application to bar an expert's testimony in a matter in which such testimony is required as a matter of law to sustain a party's burden of proof. A motion in limine shall be part of the pretrial exchange under R. 4:25-7(b). As a result, the filing of such motions shall not trigger any filing fee.

(2) Motion Deadlines. Unless otherwise ordered or permitted by the court, the parties shall submit, serve, and respond to all motions in limine for which pretrial rulings are sought pursuant to the timeframes found under R. 4:25-7(b) and paragraph 4 of Appendix XXIII ("Pretrial Information Exchange"). Such motions shall be attached as exhibits to the pretrial exchange.

(3) Briefs. To the extent practicable, each motion in limine shall embrace one issue. The respective briefs of the movant and respondent shall comply with the line and type-point requirements of R. 1:6-5, except that the page limitation shall be five pages, exclusive of any tables of contents or authorities. No reply briefs by

movant shall be permitted unless requested by the court. If more than one motion is submitted, the collective page limit for all motions by a single party shall not exceed 50 pages, exclusive of any tables of contents or authorities. A party may apply to the court to submit an over-length brief or seek relief from the collective page limit in the same manner described under R. 1:6-5.

(4) Rulings. The court shall rule on all motions submitted under this rule in a timely manner based on the issue raised in the particular motion. In the event the motion is not decided before opening statements, the court shall direct the litigants on whether or to what extent they may refer to the disputed evidence or other issue raised in the motion in the opening statements or otherwise, until such time as the motion is decided.

(b) Non-compliance. Motions not submitted in accordance with paragraph (a) (2) need not be decided pursuant to paragraph (a)(4), unless good cause is shown for the non-compliance, with an opportunity for any party opposing the late submission to be heard. Good cause may include but not be limited to the circumstance under which a party receives information as part of the pretrial exchange and such information forms a good faith basis regarding the admissibility of evidence.

(c) Preservation of rights. The failure to submit a motion in limine under this rule shall not preclude a party from seeking to admit evidence, or objecting to the admission of evidence, during trial.

(d) Preservation of rulings. A trial court's ruling on a motion in limine shall not preclude the court from reconsidering or modifying that ruling, sua sponte or at the request of a party, based on later developments at trial.

Note: New Rule 4:25-8 adopted July 31, 2020 to be effective September 1, 2020.

4:59-1. Execution

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ... no change.

(e) Wage Executions; Notice, Order, Hearing. Proceedings for the issuance of an execution against the wages, debts, earnings, salary, income from trust funds or profits of a judgment-debtor shall comply with the requirements of paragraph (a) of this rule and shall be on notice to the debtor. The notice of application for wage execution shall state (1) that the application will be made for an order directing a wage execution to be served on the defendant's named employer, (2) the limitations prescribed by 15 U.S.C. §§ 1671-1677, inclusive and N.J.S.A. [N.J.S.] 2A:17-50 et seq. and N.J.S.A. [N.J.S.] 2A:17-57 et seq. on the amount of defendant's salary that [which] may be levied upon, (3) that defendant may notify the court and the plaintiff in writing within ten days after service of the notice of reasons why the order should not be entered, (4) if defendant so notifies the clerk, the application will be set down for hearing of which the parties will receive notice as to time and place, and if defendant fails to give such notice, the order will be entered as of course, and (5) that defendant may object to the wage execution or apply for a reduction in the amount withheld at any time after the order is issued by

filing a written statement of the objection or reasons for a reduction with the clerk and sending a copy to the creditor's attorney or directly to the creditor if there is no attorney, and that a hearing will be held within seven days after filing the objection or application for a reduction. The judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers. The notice of application for wage execution shall be served on the judgment-debtor in accordance with R. 1:5-2. A copy of the notice of application for wage execution [, together with proof of service in accordance with R. 1:5-3,] shall be filed with the clerk at the time the form of order for wage execution is submitted, except that in the Special Civil Part no order is required to be submitted. In the Special Civil Part, the copy of the notice of application for wage execution along with the certification of amount due in accordance with R. 6:7-1(a) shall be filed with the clerk. No wage execution order shall be [entered] issued unless the [form of order] notice of application was filed within 45 days of service of the notice on the judgment debtor or 30 days of the date of the hearing. The [writ] wage execution order shall include a provision directing the employer immediately to give the judgment-debtor a copy of the wage execution order; [thereof and] it shall also include a provision that the judgment-debtor may, at any time, notify the clerk and the judgment-creditor in writing of reasons why the levy should be reduced or discontinued. If an objection from the judgment-debtor is received by the clerk after a wage execution order has issued, all

moneys remitted by the employer shall be held until further order of the court and the matter shall be set down for a hearing to be held within seven days of receipt of the objection.

(f) ...no change.

(g) ...no change.

(h) ...no change.

(i) ...no change.

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; paragraph (i) amended July 22, 2014 to be effective September 1, 2014; paragraph (c) amended July 27, 2015 to be effective September 1, 2015; paragraph (e) amended July 31, 2020 to be effective September 1, 2020.

4:74-7. Civil Commitment – Adults

(a) ...no change.

(b) ...no change.

(c) Temporary Commitment. The court may enter an order of temporary commitment to treatment authorizing the assignment of a person to an outpatient treatment provider or the admission to or retention of custody by a facility pending final hearing if it finds probable cause, based on the documents filed in accordance with paragraph (b) of this rule, to believe that the person is in need of involuntary commitment to treatment. The order of temporary commitment shall include the following terms:

(1) A place and day certain for the commitment hearing, which shall be within 20 days from the initial commitment to treatment. The date shall not be subject to adjournment, except that in exceptional circumstances [and for good cause] shown in open court and on the record the hearing may be adjourned for a period of not more than 14 days.

(2) Assignment of counsel to present the case for involuntary commitment as required by statute.

(3) Assignment of counsel to represent an unrepresented patient, whose fees shall be fixed by the court after hearing and paid pursuant to paragraph (i) of this rule.

(4) The persons to be notified by the county adjuster of the admitting county of the time and place of hearing, the mode of service of the notice, and the time within which notice must be served. Notice shall be served not less than 10 days prior to the date of the hearing, nor shall any mode of service of the notice on the patient be permitted other than personal service. In addition to the patient, the patient's counsel, and the patient's guardian or guardian ad litem, if any, notice shall also be given to the county counsel, the nearest relatives of the patient, the county adjuster of the county in which the patient has legal settlement, and the director or chief executive officer of the inpatient facility or hospital or outpatient treatment provider. Additionally, the [The] court may order notice to be served on any other person. The form of notice served on [upon] the patient and the patient's counsel or guardian ad litem shall include a copy of the temporary court order, a statement of the patient's rights at the hearing, and the screening or clinical certificates and supporting documents.

- (d) ...no change.
- (e) ...no change.
- (f) ...no change.
- (g) ...no change.
- (h) ...no change.
- (i) ...no change.

(j) ...no change.

Note: Source – paragraphs (a) (b) (c) (d) (e) (f) and (g), captions and text deleted and new text adopted July 17, 1975 to be effective September 8, 1975; paragraphs (a), (b), (c), (e), (f) amended and (j) caption and text deleted and new caption and text adopted September 13, 1976, to be effective September 13, 1976; paragraphs (b), (d), and (f) amended July 24, 1978, to be effective September 11, 1978; paragraph (f) amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended July 22, 1983 to be effective September 12, 1983; paragraphs (e) and (f) amended and paragraphs (g) and (h) caption and text amended November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (b) amended, subparagraphs (b)(1) and (2) adopted, paragraphs (c), (d) and (e) amended, caption and text of paragraph (f) amended, and caption and text of subparagraphs (g)(1) and (2) amended November 7, 1988 to be effective immediately; November 7, 1988 amendments rescinded February 21, 1989 retroactive to November 7, 1988; November 7, 1988 amendments reinstated June 6, 1989 to be effective June 7, 1989; subparagraph (c)(2) amended June 6, 1989 to be effective June 7, 1989; paragraph (g) recaptioned and text adopted and paragraphs (g) (h) (i) and (j) redesignated (h) (i) (j) and (k) June 29, 1990 to be effective September 4, 1990; paragraphs (c), (e) and (g) amended July 14, 1992 to be effective September 1, 1992; paragraphs (b)(2), (c)(1) and (4), (e), (f), (h)(2), (i)(1) and (2) and (k) amended July 13, 1994 to be effective September 1, 1994; amended January 22, 1997 to be effective March 1, 1997; paragraph (f)(2) amended July 27, 2006 to be effective September 1, 2006; paragraph (f)(2) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a), (b), (c), (e), and (h) amended, paragraph (f) caption and text amended, new subparagraphs (f)(3) and (f)(4) adopted, and paragraph (i) caption and text amended July 10, 2012 to be effective August 1, 2012; paragraph (c) amended July 31, 2020 to be effective September 1, 2002.

4:80-1. Application; Voluntary Discharge

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) Voluntary Discharge. A personal representative for an estate who is unwilling or unable to perform the duties and powers of the office may file for voluntary discharge with the Surrogate's Court of the county that granted the personal representative's letters.

(1) A voluntary discharge filing shall include the following:

(A) A Request for Voluntary Discharge of Personal Representative form, in such form as promulgated by the Administrative Director of the Courts, containing the following information:

(i) The name of the personal representative seeking to be discharged, and the representative's address where future pleadings involving the estate can be served;

(ii) The name and address of every party in interest to the estate, and a description of that party's interest;

(iii) A statement by the personal representative that every party in interest to the estate as listed pursuant to subparagraph (ii) above, or the guardian or other

legal representative of any minor or incapacitated party in interest, has consented to the voluntary discharge of the personal representative, as well as to a waiver of the additional requirement that the personal representative file a verified final account with the Chancery Division, Probate Part for adjudication, showing the true condition of the estate, in order to release any sureties on the personal representative's bond; and

(iv) A statement that the personal representative's voluntary discharge is not intended to impair the rights of any party in interest or any creditor of the estate.

(B) The written, notarized consent of every party in interest as listed pursuant to subparagraph (A)(ii) above, or that of any minor or incapacitated party's guardian or other legal representative, to the voluntary discharge of the personal representative and to the waiver of the filing of a verified final account with the Chancery Division, Probate Part for adjudication, showing the true condition of the estate, in order to release any sureties on the personal representative's bond.

(2) A voluntary discharge filing shall be accompanied by an application completed by another person to be appointed as a successor or substitute personal representative for the estate.

(3) If all parties in interest to the estate do not consent to waiving the additional requirement that the personal representative file a verified final account showing the true condition of the estate pursuant to paragraph (1) above, a verified

final account shall be filed with the Chancery Division, Probate Part for adjudication.
Any sureties on the bond of the personal representative shall not be released until a
final judgment has been rendered on the verified final account of the estate.

(4) Notwithstanding any consent by every party in interest to waive the
requirement of a verified final account of an estate, a creditor of that estate whose
interest has not been satisfied may petition the Superior Court for an accounting of
the estate.

(5) A personal representative shall be discharged from the further
performance of the duties and powers of the office, and the personal representative's
letters revoked, upon the approval by the Surrogate's Court of the personal
representative's voluntary discharge filing. The personal representative shall
account for and pay over the money and assets with which the personal
representative is chargeable by virtue of the office to the successor or substitute
personal representative.

(6) A personal representative who is voluntarily discharged from the office
pursuant to an approved voluntary discharge filing shall not be entitled to any
statutory commissions relating to the performance of the duties and powers of that
office.

Note: Source – *R.R.* 4:99-1, 5:3-2; caption of rule, and text of paragraphs (a) and (b) amended, new paragraph (c) adopted, and former paragraph (c) redesignated as

paragraph (d) and amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; caption amended and new paragraph (e) adopted July 31, 2020 to be effective September 1, 2020.

4:86-6. Hearing; Judgment

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) Duties of Surrogate.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) The Surrogate shall record receipt of all inventories, reports of financial accounting, and reports of well-being filed pursuant to paragraphs (e)(3) [thru] through (e)(5) above.

(5) The Surrogate shall notify the court, and shall issue notices to the guardian in such form as promulgated by the Administrative Director of the Courts, in the event that:

(A) ...no change.

(B) the guardian fails to timely file inventories, reports of financial accounting, and/or reports of well-being filed in accordance with paragraphs (e)(3) [thru] through (e)(5) above.

(6) ...no change.

(7) ... no change.

Note: Source — R.R. 4:102-6(a) (b) (c), 4:103-3 (second sentence). Paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (c) of former R. 4:83-6 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended, text of paragraph (c) redesignated as paragraphs (c) and (d) and amended, paragraph (c) caption amended, and paragraph (d) caption adopted July 9, 2008 to be effective September 1, 2008; paragraphs (a) and (c) amended, new paragraph (d) added, former paragraph (d) amended and redesignated as paragraph (e), and new paragraph (f) added August 1, 2016 to be effective September 1, 2016; by order dated August 25, 2016 effective date of paragraph (f)(5) extended to March 1, 2017; subparagraphs (f)(4) and (f)(5)(B) amended July 31, 2020 to be effective September 1, 2020.

4:102-4. Admittance to or Removal from the CBLP

(a) ...no change.

(b) Review of Cases in CBLP. The Assignment Judge or the CBLP judge may conduct an initial review of a case to determine if it is appropriate for the CBLP. The judge may, sua sponte, assign it to the CBLP or remove it from the CBLP. If the case is removed from the CBLP, it will be reassigned to the appropriate track for case management based on the case type designated on the Civil Case Information Statement.

Note: Adopted July 27, 2018 to be effective September 1, 2018; paragraph (b) amended July 31, 2020 to be effective September 1, 2020.

4:102-5. General Principles

The CBLP is designed to streamline and expedite service to litigants in complex business litigation. Cases are generally assigned either to the complex commercial case type or to the complex construction case type [,] and are individually managed by a CBLP judge with specialized training on business issues. The Supreme Court established the Program, which became effective on January 1, 2015, to resolve complex business, commercial, and construction cases.

Note: Adopted July 27, 2018 to be effective September 1, 2018; amended July 31, 2020 to be effective September 1, 2020.

4:103-2. Initial Conference of the Parties

(a) Conference Timing. Except in a proceeding exempted from initial disclosure under R. [4:103-1(a)(1)(B)] 4:103-1(b)(1) or when the court orders otherwise, the parties must confer as soon as practicable – and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under R. 4:103-3(a). Such conference shall take place notwithstanding any dispositive motion that may be pending.

(b) ...no change.

(c) ...no change.

Note: Adopted July 27, 2018 to be effective September 1, 2018; paragraph (a) amended July 31, 2020 to be effective September 1, 2020.

4:105-5. Process Applicable to Summary Judgment Motions

This rule applies to any motion brought pursuant to R. 4:46, which shall continue to apply to the extent not inconsistent with this rule.

(a) ...no change.

(b) ...no change.

(c) An original of all opposition papers are then to be filed with the clerk in accordance with the agreed-upon schedule of the parties. [Two copies of all] All opposition papers are to be served on the movant and all other parties.

(d) An original of all reply papers are then to be filed with the clerk in accordance with the agreed-upon schedule of the parties. [Copies of all] All reply papers are to be served on all other parties.

(e) ...no change.

(f) ...no change.

Note: Adopted July 27, 2018 to be effective September 1, 2018; paragraphs (c) and (d) amended July 31, 2020 to be effective September 1, 2020.

6:1-2. Cognizability

(a) Matters Cognizable in the Special Civil Part. The following matters shall be cognizable in the Special Civil Part, except as otherwise specifically provided in R. 4:3-1(a)(4):

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

(2) ... no change.

(3) ... no change.

(4) ... no change.

(5) ... no change.

(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; paragraph (a) amended July 27, 2018 to be effective September 1, 2018; subparagraph (a)(1) amended July 31, 2020 to be effective September 1, 2020.

6:4-1. Transfer of Actions

(a) ... no change.

(b) ... no change.

(c) ... no change.

(d) ... no change.

(e) Remand to Special Civil Part. Upon the settlement or dismissal of a Law Division, Civil Part action with which a Special Civil Part action has been consolidated, the Law Division, Civil Part on its own motion or the motion of a party may remand the action for trial in the Special Civil Part, provided, however, that no such action shall be remanded to a county other than that in which the consolidated Law Division, Civil Part action would have been tried. If the plaintiff in a Special Civil Part action so transferred or consolidated is the prevailing party, the Law Division, Civil Part on plaintiff's or its own motion may remand the action to the Special Civil Part for the county in which it was instituted for the entry of judgment and taxation of costs.

(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; paragraph (f) amended August 1, 2016 to be effective September 1, 2016; paragraphs (d) and (g) amended March 7, 2017 to be effective immediately; paragraphs (b), (c), (d) and (g) amended July 27, 2018 to be effective September 1, 2018; paragraph (e) amended July 31, 2020 to be effective September 1, 2020.

6:6-4. Consent Judgments for Possession and Stipulations of Settlement

Notwithstanding any consent by a tenant, no warrant of removal may be issued or executed unless in compliance with all provisions of law.

(a) Entry by the Court. A stipulation of settlement or an agreement that provides for entry of a judgment for possession must be written, signed by the parties, and reviewed, approved and signed by [presented to] a judge [for approval] on the day of the court proceeding; [trial or as the judge otherwise directs,] but if it requires the tenant to both pay rent and vacate the premises, the judge shall also review it in open court. It must also be accompanied by the affidavit of the landlord and the certification of the landlord's attorney required by *R. 6:6-3(b)*.

(b) ...no change.

Note: Adopted July 18, 2001 to be effective November 1, 2001; paragraph (a) amended July 31, 2020 to be effective September 1, 2020.

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) Requests for Issuance; Intention to Return. All requests for issuance of writs of execution and other process for the enforcement of judgments shall be made in writing to the clerk at the principal location of the court. A request for the issuance of a writ of execution against goods and chattels shall be accompanied by a statement of the amount due and shall be issued by the clerk in the form set forth in Appendix XI-H. A request for the issuance of a wage execution shall be accompanied by a certification of the amount due and shall be issued by the clerk, who may affix the designated judge's electronic signature thereon for uncontested wages using [on] the form set forth in Appendix XI-J. The statement or certification of the amount due shall include the amount of the judgment, subsequent costs that have accrued, any credits for partial payments since entry of the judgment, and a detailed explanation of the method by which interest accrued subsequent to the judgment has been calculated, taking into account all partial payments made by the judgment-debtor. The court officer shall give to the judgment-creditor or judgment-creditor's attorney at least 30 days' notice of an intention to return a wage execution or an unexpired writ of execution, marked unsatisfied or partially satisfied and may so return the writ unless further instructions are furnished within that time period.

(b) ... no change.

(c) ... no change.

(d) Warrant of Removal; Issuance, Execution. No warrant of removal shall issue until the expiration of three business days after entry of a judgment for possession, except that a warrant shall be issued within two days from the date of the judgment in the case of a seasonal tenancy subject to N.J.S.A. 2A:42-10.17. A warrant of removal shall not be executed earlier than the third business day after service on a residential tenant. If a judgment for possession is entered in a summary action for the recovery of premises and the landlord fails to apply in writing for a warrant of removal within 30 days after the entry of the judgment, or if the warrant is not executed within 30 days of its issuance, such warrant shall not thereafter be issued or executed, as the case may be, except on application to the court and written notice to the tenant served at least seven days prior thereto by simultaneously mailing such notice [same] by both certified and ordinary mail to the tenant or by ordinary mail to the tenant's attorney, if any [or in the manner prescribed for service of process in landlord/tenant actions by R. 6:2-3(b)]; provided, however, that either 30 day period may be tolled for the duration of any order for orderly removal or any other court initiated stay, extended by court order or written agreement executed by the parties [subsequent to the entry of the judgment] and filed with the clerk. For purposes of this rule, entry of judgment shall be defined as the date upon which the right to request a warrant for removal accrues.

(e) ... no change.

(f) ... no change.

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; paragraph (d) amended July 22, 2014 to be effective September 1, 2014; paragraph (a) amended August 1, 2016 to be effective September 1, 2016; paragraphs (a) and (d) amended July 31, 2020 to be effective September 1, 2020.

6:7-3. Wage Executions; Notice, Order, Hearing; Accrual of Interest, Costs, and Credits

(a) ... no change.

(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 file an affidavit or certification with the [clerk of the court] Office of the Special Civil Part setting forth the amount of accrued interest. A copy of the affidavit or certification shall be served personally or by certified mail on [upon] the judgment debtor's employer by the judgment creditor or judgment creditor's attorney. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address and to the court officer who served the execution on [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 that rule [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] Office of the Special Civil Part 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] Office of the Special Civil Part to

the judgment creditor or judgment creditor's attorney with a notation or notice that the wage execution has been returned [fully satisfied].

(c) Accrual of Credits and Costs. The judgment creditor or judgment creditor's attorney who seeks to amend an active wage execution to adjust for credits received or to recover taxed costs set forth in R. 1:43 that may have accrued subsequent to issuance of the wage execution must file an affidavit or certification with the Office of the Special Civil Part setting forth the amount of credits received or costs accrued. A copy of the affidavit or certification shall be served personally or by certified mail on the judgment debtor's employer by the judgment creditor or judgment creditor's attorney. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address and to the court officer who served the wage execution on the judgment debtor's employer. An affidavit or certification filed subsequent to the return of the wage execution shall be returned by the Office of the Special Civil Part to the judgment creditor or judgment creditor's attorney with a notation that their request to amend is denied because the wage execution is no longer active.

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; paragraph (a) amended March 7, 2017 to be effective immediately; paragraph (a) amended July 27, 2018 to be effective September 1, 2018; caption amended, paragraph (b) amended, and new paragraph (c) adopted July 31, 2020 to be effective September 1, 2020.

6:7-4. Chattel Executions; Time at Which Levy Can be Made; Accrual of Interest, Credits and Costs

(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 file an affidavit or certification with the Office of the Special Civil Part [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 judgment creditor's attorney to the judgment debtor at the judgment 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 that rule [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] Office of the Special Civil Part 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] Office of the Special Civil

Part to the judgment creditor or judgment creditor's attorney with a notation or notice that the execution has been returned [fully satisfied].

(d) Accrual of Credits and Costs. The judgment creditor or judgment creditor's attorney who seeks to amend an active chattel execution to adjust for credits received or to recover taxed costs set forth in R. 1:43 that may have accrued subsequent to issuance of the chattel execution must file an affidavit or certification with the Office of the Special Civil Part setting forth the amount of credits received or costs accrued. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address. The affidavit or certification shall be filed with the Office of the Special Civil Part prior to return of the execution by the court officer and prior to the execution's expiration date. An affidavit or certification filed subsequent to the return of the execution or subsequent to the execution's expiration date shall be returned by the Office of the Special Civil Part to the judgment creditor or judgment creditor's attorney with a notation that their request to amend the chattel execution is denied because the execution is no longer active.

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; caption amended, paragraph (c) amended, and new paragraph (d) adopted July 31, 2020 to be effective September 1, 2020.

6:12-1. Recording and Transcript of Proceedings

(a) ... no change.

(b) ... no change.

(c) ... no change.

(d) When No Record Is Made. In the absence of a stenographic or sound record of any proceeding, in the event of an appeal, a statement of proceedings shall be prepared as provided for by R. 2:5-3(f) [(e)].

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; paragraph (d) amended July 31, 2020 to be effective September 1, 2020.

6:12-3. Supporting Personnel

(a) ... no change.

(b) Substitution for Officer Deceased or Otherwise Unable to Act. When an officer who serves post-judgment process dies or becomes incapacitated or for any other reason that officer's appointment order is rescinded [is unable to act], the court shall use in that officer's stead his or her predesignated and appointed special assistant officer, as provided for by Administrative Directive, [by order appoint another officer on the approved list of the court] to proceed with and complete [the execution of all writs which] all work that had been assigned to the officer. In such instance, the special assistant officer shall have as to such matters the same powers and authority that the officer had as to those matters. [delivered to the deceased or incapacitated officer for execution with the same power in all things yet to be done as the officer would have had, had the executions been delivered to the officer originally and had the officer done what was done by the officer's predecessor, except that the officer shall not be liable for any error or default of the officer to whom the executions were originally delivered.]

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; paragraph (a) amended August 1, 2016 effective September 1, 2016; paragraph (b) amended July 31, 2020 to be effective September 1, 2020.

8:3-3. General Form of Pleading; Appearances in Court

In addition to the special pleading requirements prescribed by these rules, all pleadings shall generally accord as to form with the rules governing pleadings in the Superior Court. A pleading shall be signed by the attorney of record or, if not represented by an attorney, by the party. If a party is not represented by an attorney, the pleading shall include the name, residence address, and telephone number of the party. Except as provided by R. 1:21-1(c), an entity, however formed and for whatever purpose, other than a sole proprietorship shall neither appear nor file any paper in any action in the Tax Court except through an attorney authorized to practice in this State.

Note: Adopted June 20, 1979 to be effective July 1, 1979. Amended July 22, 1983 to be effective September 12, 1983; amended July 13, 1994 to be effective September 1, 1994; caption and text amended July 31, 2020 to be effective September 1, 2020.

8:3-8 Amended and Supplemental Pleadings; Deletion of Documents and Correction of Data

(a) . . .no change

(b) . . .no change

(c) . . .no change

(d) . . . no change

(e) Deletion of Documents and Correction of Data. An order for deletion

of a document or for correction of data in eCourts or an associated database shall be submitted either by motion on notice to the other parties in the case or by consent order. Such orders may also be issued sua sponte by the court.

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a) amended July 8, 1980 to be effective July 15, 1980; paragraph (b) amended and paragraph (c) adopted July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; new paragraph (c) adopted and former paragraph (c) redesignated as paragraph (d) July 22, 2014 to be effective September 1, 2014; caption amended and new paragraph (e) adopted July 31, 2020 to be effective September 1, 2020.

8:4-3. Time for Filing Responsive Pleadings

The time for filing all pleadings other than the complaint, including answers to complaints filed under the Correction of Errors Law, N.J.S.A. 54:51A-7, shall be as prescribed by R. 4:6-1 and subject to R. 1:3-3 provided that:

(a) . . . no change.

(b) In a state tax matter (other than small claims cases) an answer to a complaint, counterclaim or crossclaim shall be served within 60 days after service of the complaint, counterclaim or crossclaim, as the case may be.

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; initial paragraph amended August 1, 2016 to be effective September 1, 2016; initial paragraph amended and paragraph (a) amended July 27, 2018 to be effective September 1, 2018; paragraph (b) amended July 31, 2020 to be effective September 1, 2020.

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) . . .no change

(6) . . .no change

(7) . . .no change

(8) . . .no change

(9) A complaint that names the County Board of Taxation as a party

shall be served on the Attorney General of the State of New Jersey.

(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; 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; paragraph (a)(8) amended August 1, 2016 to be effective September 1, 2016; subparagraph (a)(9) adopted July 31, 2020 to be effective September 1, 2020.

8:6-1. Discovery; Exchange of Appraisals and Comparable Sales and Rentals

(a) Discovery. Discovery may be taken in accordance with the provisions of R. 4:10-1 through R. 4:18-2 and R. 4:22 through R. 4:25 insofar as applicable except as follows:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) In local property tax cases assigned to the Small Claims Track under the provisions of R. 8:11, discovery shall be limited to the property record card for the subject premises, inspection of the subject premises, a closing statement if there has been a sale of the subject premises within three (3) years of the assessing date, the costs of improvements within three (3) years of the assessing date, income, expense and lease information for income-producing property, and information relating to a claim of damage to the property occurring between October 1 of the pretax year and January 1 of the tax year pursuant to N.J.S.A. 54:4-35.1. The court in its discretion may grant additional discovery for good cause shown. In small claims cases, discovery shall not be served or answered on eCourts Tax.

(5) . . . no change

(6) . . . no change

(b) . . . no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Amended July 8, 1980 to be effective July 15, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and caption amended July 15, 1982 to be effective September 13, 1982; paragraph (b)(1)(iii) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(4) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a)(5) adopted July 13, 1994 to be effective September 1, 1994; paragraphs (b)(1)(i) and (b)(1)(ii) amended July 10, 1998 to be effective September 1, 1998; new paragraph (a)(1) added, former paragraphs (a)(1), (a)(2), and (a)(3) amended and redesignated as paragraphs (a)(2), (a)(3), and (a)(4), and former paragraphs (a)(4) and (a)(5) redesignated as paragraphs (a)(5) and (a)(6) July 12, 2002 to be effective September 3, 2002; Rule 8:6 caption amended, paragraphs (a) and (b) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a)(2) and (a)(4) amended July 22, 2014 to be effective September 1, 2014; subparagraphs (a)(2) and (a)(5) amended July 27, 2018 to be effective September 1, 2018; subparagraph (a)(4) amended July 31, 2020 to be effective September 1, 2020.

8:6-6. Local Property Tax Cases; Case Management Notice

[Upon] After the filing of a complaint, the Tax Court Management Office shall forward to the parties a case management [notice] plan in the form specified by the Tax Court. [Forthwith upon the making of the track assignment, the Tax Court Management Office shall send written notice thereof to all parties in the action.] If the case has been assigned to the standard, small claims, or farmland and exemption track, the [notice] case management plan shall state the date by which discovery is required to be completed pursuant to R. 8:6-1(a), the anticipated month and year of trial, the name of the case manager, and the requirements for case management and settlement conferences. The [notice] case management plan shall also advise that each party, including subsequently added parties, may apply for track reassignment pursuant to R. 8:6-7.

Note: Adopted July 9, 2008 to be effective September 1, 2008; amended paragraph July 31, 2020 to be effective September 1, 2020.

RULE 8:12. FILING FEES

(a) . . . no change

(b) Small Claims. A fee of \$50 payable to the Treasurer, State of New Jersey shall be collected by the Tax Court on the filing of a complaint or counterclaim when the case is alleged to be within the small claims jurisdiction pursuant to Rule 8:11. No fee shall be payable on the filing of any motion in a case within the small claims jurisdiction pursuant to Rule 8:11. The small claims fee shall promptly be supplemented[,] whenever notice is given by the court that the matter is not within the small claims jurisdiction, so that the total fee paid is as set forth in paragraph (a) of this rule.

(c) . . . no change

(d) . . . no change

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 22, 1983 to be effective September 12, 1983; paragraph (d) redesignated (d)(1) and paragraph (d)(2) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (a), (b) and (c) amended July 9, 1991 to be effective July 10, 1991; paragraphs (a), (b) and (c) amended, paragraph (c)(2) redesignated (c)(2)(i) and paragraph (c)(2)(ii) adopted July 10, 1997, to be effective September 1, 1997; paragraph (b) and (c)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (c)(1), (c)(2)(i), (c)(2)(ii) and (c)(3) amended July 1, 2002 to be effective immediately; paragraphs (a) and (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (d)(1) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a), (b), and (c) amended and paragraph (d)(2) deleted October 31, 2014 to be effective November 17, 2014; paragraph (d)

amended August 1, 2016 to be effective September 1, 2016; subparagraph (c)(1) amended, text of paragraph (d) designated as subparagraph (d)(1), and new subparagraph (d)(2) added July 27, 2018 to be effective September 1, 2018; paragraph (b) amended July 31, 2020 to be effective September 1, 2020.

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). Information provided in response to these interrogatories shall not be used for any improper purpose. Use of such information shall be in accordance with the Rules of Court, including but not limited to R. 1:38, and the Rules of Professional Conduct.

(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. ...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.

TO BE ANSWERED ONLY IN AUTOMOBILE ACCIDENT CASES

25. ...no change.
26. ...no change.
27. ...no change.
28. ...no change.
29. ...no change.
30. ...no change.

31. ...no change.
32. ...no change.
33. ...no change.
34. ...no change.
35. ...no change.
36. ...no change.
37. ...no change.

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

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

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added Effective 09/01/2016, 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; former number 25 renumbered as 37, and new numbers 25 through 36 added August 1, 2016 to become effective September 1, 2016; introductory paragraph amended July 31, 2020 to be effective September 1, 2020.

**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). Information provided in response to these interrogatories shall not be used for any improper purpose. Use of such information shall be in accordance with the Rules of Court, including but not limited to R. 1:38, and the Rules of Professional Conduct.

(Caption)

1. State your full name, address, date [and place] of birth, and Social Security number.
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.

CERTIFICATION

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

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

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 added July 23, 2010 to be effective September 1, 2010; interrogatory 10 amended July 19, 2012 to be effective September 4, 2012; introductory paragraph and interrogatory 1 amended July 31, 2020 to be effective September 1, 2020.

**Appendix XI-J
Wage Execution**

Superior Court of New Jersey
Law Division, Special Civil Part

Order and Execution Against Earnings
Pursuant to 15 U.S.C. 1673 and N.J.S.A. 2A:17-56

_____ County
Telephone Number _____
Docket Number _____

Judgment Number _____
Writ Number _____ Issued _____
Name and Address of Employer Ordered to Make Deductions

Plaintiff

vs

Designated Defendant
(Address)

Unless the designated defendant is currently subject to withholding under another wage execution, the employer is ordered to deduct from the earnings which the designated defendant receives and to pay over to the court officer named below, the lesser of the following: (a) 10% of the gross weekly pay; or (b) 25% of disposable earnings for that week; or (c) the amount, if any, by which the designated defendant's disposable weekly earnings exceed \$217.50 per week, until the total amount due has been deducted or the complete termination of employment. Upon either of these events, an immediate accounting is to be made to the court officer. Disposable earnings are defined as that portion of the earnings remaining after the deduction from gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, if paid weekly, or \$435.00 or less, if paid every two weeks, or \$471.25 or less, if paid twice per month, or \$942.50, or less, if paid monthly then no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against the wages of the designated defendant shall be satisfied at a time. Please refer to the section of this form titled "How to Calculate Proper Garnishment Amount".

The employer shall immediately give the designated defendant a copy of this order. The designated defendant may object to the wage execution or apply for a reduction in the amount withheld at any time. To object or apply for a reduction, a written statement of the objection or reasons for a reduction must be filed with the Clerk of the Court and a copy must be sent to the creditor's attorney or directly to the creditor if there is no attorney. A hearing will be held within 7 days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

Judgment Date		
Judgment Award.	\$	_____
Court Costs & Stat Atty. Fees	\$	_____
Total Judgment Amount	\$	_____
Interest From Prior Writs	\$	_____
Costs From Prior Writs	\$	_____
Subtotal A	\$	_____
Credits from Prior Writs	\$	_____
Subtotal B	\$	_____
New Miscellaneous Costs	\$	_____
New Interest on this Writ	\$	_____
New Credits on this Writ	\$	_____
Execution Fees & Mileage	\$	_____
Subtotal C	\$	_____
Court Officer Fee	\$	_____
Total due this date	\$	_____

Date _____

Judge

Michelle M. Smith
Clerk of the Superior Court

Make payments at least monthly to Court Officer as set forth:

Court Officer

Plaintiff's Attorney and Address:

I RETURN this execution to the Court
 Unsatisfied Satisfied Partly Satisfied
 Amount Collected \$ _____
 Fee Deducted \$ _____
 Amount Due to Attorney \$ _____
 Date _____

Court Officer

How to Calculate Proper Garnishment Amount

1. Gross Salary pay per pay period	\$
2. Less amounts legally required [by law] to be deducted [withheld] :	
a. [U.S.] Federal Income Tax	\$
b. Social Security (FICA or OASDI) [(social security)]	\$
c. Medicare	\$
d. State Income Tax [, ETT, etc.]	\$
e. Unemployment Insurance [N.J.] (SUI)	\$
f. Temporary Disability Insurance (TDI)	\$
g. Family Leave Insurance (FLI)	\$
h. Workforce Development Fund/Supplement Workforce (WFD/SWF) [Other State or Municipal Withholding]	\$
i. Other [TOTAL]	\$
3. Total allowable deductions [Equals "disposable earnings"]	
4. Net pay (Subtract line 3 from line 1) (Follow steps 5-9)	\$
5. If salary is paid: Exemption Amount:	\$
• weekly, then subtract \$217.50	
• every two weeks, then subtract \$435.00	
• twice per month, then subtract \$471.25	
• monthly, then subtract \$942.50	
(Federal law prohibits any garnishment when "total allowable deductions" [disposable earnings] are smaller than the exemption amount on line 5 [4])	-
6. Equals the amount potentially subject to garnishment (subtract line 5 from line 4 and if less than zero, enter zero)	=
7. Take "total allowable deductions [disposable earnings]" (Line 3) and multiply by .25	\$ _____ x .25 =
8. Take gross pay [salary] (Line 1) and multiply by .10	\$ _____ x .10 =
9. Compare lines [5] , 6, [and] 7 and 8 - the amount which may lawfully be deducted is the smallest amount on [line 5,] line 6, [or] line 7 or line 8.	\$

Source: 15 U.S.C. 1671 *et seq.*; 29 C.F.R. 870; *N.J.S.A.* 2A:17- 50 *et seq.*

[Note: Former Appendix XI-I adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; redesignated as Appendix XI-J and amended July 13, 1994, effective September 1, 1994; amended September 27, 1996, effective October 1, 1996; amended July 30, 1997, effective September 1, 1997; amended July 28, 2004 to be effective September 1, 2004; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2009 to be effective July 24, 2009; amended November 6, 2013 to be effective November 25, 2013; amended July 22, 2014 to be effective September 1, 2014; amended August 1, 2016 to be effective September 1, 2016; amended September 14, 2018, effective retroactive to September 1, 2018; **amended July 31, 2020 to be effective September 1, 2020.**]

Appendix XI-V
Consent to Enter Judgment (Tenant Remains)

Plaintiff

v.

Defendant

Superior Court of New Jersey
Law Division, Special Civil Part

County
Landlord-Tenant Division
Docket Number LT-

Consent to Enter Judgment
(Tenant to Stay in Premises)

The Tenant and Landlord hereby agree that:

1. The Tenant shall pay to the Landlord \$ _____, which the Tenant admits is now due and owing and **agrees to the immediate entry of a judgment for possession.**
2. The Tenant shall pay the amount shown in paragraph 1 as follows:
 - a. \$ _____, immediately, which the Landlord admits receiving.
 - b. The Tenant shall pay the rest of the amount shown in paragraph 1 as follows:
3. The Tenant also agrees to pay \$ _____ each month as required by the rental agreement, in addition to the payment required in paragraph 1, until this settlement agreement is over.
4. All payments made during the term of this agreement shall be applied first to the rents that become due after today, and then they shall be applied to pay the balance of the arrears stated in paragraph 1. If the Tenant makes all payments required in paragraph 2b of this agreement, the Landlord agrees not to request a warrant of removal. If the Tenant does not make all payments required in paragraph 2b of this agreement, the Tenant agrees that the Landlord, with notice to the tenant, may file a certification stating when and what the breach was and that a warrant of removal may then be issued by the clerk. **This means that if the tenant fails to make any payment that is required in paragraph 2b of this agreement, the tenant may be evicted as permitted by law after the service of the Warrant of Removal.**
5. This agreement shall end when the Tenant has paid the full amount of rent stated in paragraph 1 and then the judgment shall be vacated and the complaint shall be dismissed.

Date: _____

Landlord's Attorney

Tenant's Attorney

Landlord

Tenant

Judge, J.S.C.

Note: The Certification by Landlord and the Certification of Landlord's Attorney (if the Landlord has an attorney) are attached hereto.

[Note: Appendix XI-V adopted July 18, 2001 to be effective November 1, 2001; revised April 1, 2004: amended July 31, 2020 to be effective September 1, 2020.]

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 Number 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:
 - The Tenant shall pay no money, or
 - 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, the 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

_____, J.S.C.

Judge

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 effective September 4, 2012; amended July 31, 2020 to be effective September 1, 2020.]