

e-Filing in New Hampshire Circuit Court

CIVIL COMPLAINT

- Electronic filing is mandatory for the civil process unless you request and receive an exception to e-Filing. Click here for Instructions about the e-Filing Exception process.
- Use caution when filing confidential information. See e-Filing Rules 11 and 12 and the Instructions for the Filing of Confidential Information.

How do I access e-Filing?

If you are working with an attorney, s/he will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Click "E-File Here" to enter the e-filing application.
2. Click Sign up and follow the prompts. Save your password in a safe place.
3. After you sign up and login, click start now, next to *Civil Complaint – Start a New Case*.
4. At Where to File, select the county name and location where you want to file. Click next.
5. Follow the instructions and prompts on the screen to complete the filing.

General information:

- A civil complaint for up to \$25,000.00 may be filed in the District Division of the Circuit Court. Jurisdiction of the Circuit Court District Division is limited to \$25,000.00.
- You must file at a court that has jurisdiction over the town where you or the defendant resides, or in certain instances, the town where the cause of action took place.
- The electronic filing process will take you through the steps to file your civil complaint. The complaint calls for you to list the facts/events in separately numbered paragraphs.
- Refer to RSA 502-A or District Court Rules 3.1 to 3.52 for more information on the civil process.
- You may file a Motion to Attach in a civil case to place a lien on the defendant's property. This may be with or without notice to the defendant. If you choose to file a mechanic's lien you follow the procedure for an ex parte attachment. Refer to RSA 511-A and the Circuit Court District Division Rules (Rules 3.1 through 3.52) for more information on attachments
- If the amount you are seeking is \$10,000 or less, you may consider filing a small claim. The small claims process is somewhat simpler than the civil process. The civil process is usually done with the assistance of an attorney.

Forms listed below are needed to start this action:

- Civil Complaint (NHJB-3070-De)
- Appearance (NHJB-2391-DFPe)
- Motion to Attach with Notice (NHJB-3073-De) *Optional- if seeking attachment.*
- Motion for Ex Parte Attachment (NHJB-3072-De) *Optional- if seeking attachment.*
- Military Service Statement (NHJB-2200-DFPe) *Optional- may be filed at entry or any time prior to entry of judgment. Required when filing against an individual.*

Other items that may be needed:

- Photo identification is required if you want court staff to take your oath on any court filing.

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Information needed to fill out the complaint:

- Mailing addresses for yourself and the defendant.
- Court information: name, address.
- An explanation of the basis for the complaint.
- If seeking an attachment, any real estate information for the defendant.
- If suing a business* the name of a corporate officer or registered agent who can be responsible for accepting court paperwork for the business. This information can be obtained by calling the Secretary of State's Office at 271-3246. When you receive the Summons, you will need to provide this information to the Sheriff for service on the defendant.

How much will this cost?

- The civil complaint filing fee is **\$195.00**.
- If you are requesting an ex parte attachment there is an additional **\$40.00** fee.
- The sheriff will charge for serving the complaint/summons and that fee varies.

What happens next?

- Summons**
This form will be created by court staff and will be emailed to you to print and serve upon the defendant. The title (and form number) of the summons may vary depending upon your situation. For example if you are asking for an attachment the summons may have a different title and different form number.
- The complaint and summons will be served by the Sheriff's Department. They will provide you with a return of service which must be electronically filed with the court within 21 days of the deadline for service found on the summons.
- The defendant must electronically file an answer and appearance with the court within 30 days of being served.
- If the defendant fails to respond to the complaint, and the complaint had been served, it will result in a Notice of Default to the parties.
- If the defendant files an answer and appearance, the case will be scheduled for a case structuring conference at which mediation may occur. Depending on the court, mediation may be held on the same or different day as the hearing on the merits. Mediation is voluntary and will only occur if both parties agree to it. It does not cost anything extra to mediate.
- No witnesses or evidence are required on the day of the case structuring conference but would be necessary when the case is scheduled for a hearing on the merits.
- If you have a hearing on the merits, the judge may advise the parties of his or her decision that day or it may be electronically sent to the parties at a later date.
- Failure of either party to appear at a scheduled court hearing may result in adverse consequences to that party and may include dismissal or default judgment.
- After a default for failure to respond or failure to appear, the plaintiff may motion the court to proceed to final judgment against the defendant, with monetary damages assessed at that time. The plaintiff would file a Motion for Final Judgment along with a Statement of Damages and Taxation of Costs and, if one has not been filed, a Military Service Statement.

If you have questions regarding this process, please contact the Information Center at 1-855-212-1234.

**BE SURE TO NOTIFY THE COURT IF YOUR ADDRESS AND EMAIL ADDRESS CHANGES.
FAILURE TO DO SO COULD RESULT IN THE ISSUANCE OF ORDERS AGAINST YOU OR WITHOUT
YOUR INPUT.**