

## Overview – Filing a Civil Complaint

### **General Information:**

Filing a Civil Complaint (formerly called a Civil Writ or Civil Writ of Summons) is not difficult. Electronic filing has made the process much simpler for the filer. However, while the process for *filing* a Civil Complaint is not complicated, managing the case through the court process can be difficult and is more difficult than the small claims process. While the small claims process is designed for self-represented litigants who are not attorneys, the civil complaint process is not. Though an attorney is not required to file or prosecute a civil case in the Circuit Courts of New Hampshire, because of the complexities of the process, many people find it helpful to enlist the services of an attorney licensed to practice in the State of New Hampshire.

When filing your Civil Complaint, you will be required to set forth the basis for your claim in separately numbered paragraphs. You must allege the facts that support your complaint that the other party owes you money. You must be clear in setting forth your facts so that both the other party and the Court understand the basis for your claim for damages. In the Answer, the other party will be required to respond to each separate paragraph.

A few important things to remember:

- The case cannot be for more than \$25,000,
- The case must be about the recovery of money damages,
- The filer must have a physical address and mailing address for the other party so that the court may provide the other party with notices and so that the Sheriff's Department may serve the other party with the initial paperwork,
- There is a filing fee which must be paid unless that fee is waived by the court based upon the filer's financial hardship (which is determined by the Court after reviewing a Motion to Waive Filing Fee with attached Statement of Assets and Liabilities),
- Filing a complaint against a business will require the filer to obtain additional information about the business,
- Filing a claim against someone who is outside of New Hampshire will result in a more complicated process for service to ensure that the other party receives proper notice that complies with New Hampshire law.

Once the Civil Complaint and Appearance form are filed, along with the filing fee or a motion to waive the filing fee, the court will create a Summons to be served upon the other party. The Summons will be returned to you so that you can follow the instructions to have the other party served. The Summons may also include a hearing date if you have asked for preliminary relief. The Summons will include court-ordered deadline for service. This is the date by which you must have the other party served with both the Summons and a copy of the Complaint that you have filed. Once the other party has been served by the sheriff, you must electronically file proof of that service. This usually is a return of service document given to you by the Sheriff's Department. This must be filed within **21 days of the court-ordered deadline for service**. If the other party is not served by the court-ordered deadline for service, the Complaint shall be dismissed. The other party has 30 days from the date of service to file an Appearance and Answer or other responsive pleading.

Thereafter, within 20 days of the date that the other party's Answer is due, you may confer with the other party about the case. The court will set the case for a case structuring/mediation conference which will provide you and the other party with the opportunity to discuss the case in court. You will also have access to a court mediator to assist with resolving the case if you choose to do so. If you are not able to resolve the case the court will hold a hearing and issue an order setting forth how the case will proceed through the court process.

### **For Further Information:**

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