

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT
www.courts.state.nh.us

WHAT TO EXPECT AFTER YOU FILE
A CIVIL COMPLAINT

You will receive an e-mail from the court (no-reply@efilingmail.tylertech.cloud) when your Civil Complaint has been accepted.

IMPORTANT: For the rest of your case, you will receive important case related emails from either NHCourtsNo-Reply@turbocourt.com or no-reply@efilingmail.tylertech.cloud so be sure to add BOTH to your address book and to your approved email list. Failure to do so may result in you missing court orders and important information about your case.

Ex Parte Filings

If you have filed an Ex Parte Motion to Attach with your Civil Complaint, you will be required to go to the court where your complaint was filed before the court will take any action. You will receive further documents from the court at that time. Those documents would include the Summons and copy of any Order issued for service upon the other party.

Regular Filings (not ex parte)

If you did not file an Ex Parte Motion to Attach, you will receive documents from the court electronically so that service upon the other party (also referred to as the Defendant) can be made. Those documents will include the Summons and all other attachments which then must be served upon the other party. You will be required to print those documents and deliver them to the Sheriff's Department in the county in which the Defendant resides. If the Defendant resides out of state, you will be required to follow the procedure for service upon an out of state defendant found in NH RSA 510:4. Detailed instructions for service will be included with the documents you receive from the court.

The Summons will include a court-ordered deadline for service. This is the date by which service upon the other party must take place. You must then file proof of service within 21 days of the court-ordered deadline for service. The Sheriff's Department will provide you with a return of service if the other party resides in NH and was served by the Sheriff. If the other party resides out of state, you must follow the process outlined in NH RSA 510:4 to show proof of service.

If the other party is not served by the court-ordered deadline for service, the Court may dismiss the case. If you learn that the other party resides at another address, you may file a pleading with the court asking for a new summons.

If you have filed an Ex Parte Motion for Attachment with your complaint, a hearing may have been scheduled as well. The Notice of Hearing will be sent to the email address you provided.

Next Steps – Defendant Files No Answer

If the Defendant does not file an Appearance/Answer within 30 days of the date that the party was served, that party is in default. You may then file a motion for entry of a judgment in your favor along with an Affidavit of Damages setting forth the amount that you claim to be owed and the reason(s) you are owed that amount. In addition, you must file a Military Service Statement. A hearing may be scheduled but the court may also act on your motion without a hearing.

If the other party files a motion to strike the default, you may file an objection to that motion but must do so within 10 days of the date the other party filed the motion. The court may hold a hearing on that motion or make its decision based upon the written filings.

If the other party does not file an Answer or move to strike the default and you have obtained a judgment, the next step in the process is collection. The court does not collect the judgment for you. Further information about collecting judgments may be found on the court's website at <https://www.courts.state.nh.us/district/eclaims/process.htm>.

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Next Steps – Defendant Files Answer

If the other party files an Answer to the Complaint, the court may schedule the case for a case structuring conference. You will receive a notice from the court of the date and time of this hearing if one is scheduled. This notice will come to the email address you provide. The case structuring conference may require you to attend a court hearing or it may be done telephonically. However, court rules encourage the parties to confer after the filing of the Answer to discuss the claims, defenses, etc. in an attempt to reach agreement on certain items. (See Circuit Court Civil Rule 3.5) The parties may file an agreement on those items if one is reached and avoid a court hearing.

If the Defendant's Answer includes a counterclaim, you must file an Answer to that counterclaim within 30 days of the date that it is served upon you. If the Defendant files a Motion to Dismiss, you should file an answer to that Motion within 10 days of the date that it is filed with the court.

Next Steps – Defendant Files Answer and Request for Transfer to Superior Court for Jury Trial

If the Defendant files an Answer and requests that the case be transferred to the Superior Court for a jury trial, the court WILL do so if your claim is for more than \$1,500.00 or if the Defendant files a counterclaim for more than \$1,500.00. The Circuit Court has no authority to do otherwise. Once this happens, the Superior Court will determine future actions in your case.

Next Steps – Following Case Structuring Conference

After the case structuring conference, the Court will issue an order that will act as a "road map" for the case and will include dates for certain tasks to be accomplished. These tasks will involve a process referred to as "discovery" which is the process by which parties make inquiries to one another regarding their respective cases. Discovery may involve interrogatories (written questions answered under oath) or depositions (where a party or witness testifies under oath but out of court), requests to produce documents, etc.

After the parties have had time to complete the discovery process, the court will set a date for a hearing on the merits (trial) in the case.

Next Steps – Plaintiff Obtains Judgment

If you obtain a judgment against the other party, either by default or after a trial, you will move to the process of collection. As noted earlier, the court does not assist you with the collection of your judgment. There are several means by which a judgment may be collected; however it can be difficult to collect a judgment and may be impossible if the other party declares bankruptcy or if the other party has income derived from an exempt source, such as social security. The manner in which you should seek to collect your judgment is up to you and may be based upon the situation of your case or of the parties. Further information about collecting judgments may be found on the court's website at <https://www.courts.state.nh.us/district/eclaims/process.htm>.

Next Steps – Plaintiff Does NOT Obtain Judgment

If you do not obtain judgment, the case is over in the trial court and, if you are not satisfied and if you believe the Circuit Court made a legal error in deciding your case, you could appeal the trial court's decision to the New Hampshire Supreme Court.

Viewing Your Case Online

At any time you may access your electronically filed documents through our Case Access Portal by going to the court's website at www.courts.state.nh.us and selecting the Electronic Services icon on the upper right hand side of the page. Next, select e-File /Resource/Case Access Information HERE or use <https://odypa.nhecourt.us/portal> and follow the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

Further information –

Frequently Asked Questions and Answers may be found online throughout the guided interview process when you are logged into your case.

Additional information and forms may be found on the court's website at www.courts.state.nh.us or by calling the court at 1-855-212-1234.