

## INSTRUCTIONS: How to complete forms and File a Civil Complaint

### STEP 1: USING BLACK INK ONLY, Fill out the “*Civil Cover Sheet*.”

- Write in “Maricopa” as the county.
- Leave the case number blank; the Clerk of Superior Court gives you the number when you file.
- If you have no attorney, leave those lines blank.
- If you are starting the case, you are the Plaintiff. List your name, address, telephone number, and email address. If there is more than one Plaintiff, list the additional Plaintiff’s information at the end of the form.
- The Defendant is the party you are suing. List all Defendant(s)’ names. If there is more than one Defendant, list the additional Defendant’s information at the end of the form.
- If you require an interpreter, please check the “Yes” checkbox next to “Is Interpreter Needed?” and include the language in the lines provided.
- In the section named “NATURE of ACTION,” review the titles of the numbered boxes. These titles represent the various kinds of civil lawsuits. If you need more information, you may research the kinds of civil lawsuits in the books *Civil Trial Practice* and *Black’s Law Dictionary*, which you may find at the Law Library Resource Center. Decide what kind of lawsuit applies to the disagreement between you and the other party. When you find the ONE title that most accurately describes your lawsuit, place a mark in the box next to the numbered title.
- Select the Rule 26.2 Discovery Tier or amount pleaded. Read more about Discovery Tiers under Step 4 below.
- If an emergency is sought, select the appropriate box. If you have no emergency, skip this section.
- If your case is eligible for the commercial Court and you wish your case to be assigned to this Court, check the box.

### STEP 2: Fill out the “*Summons*” form.

- The “Summons” is a notice to the Defendant that an action against him or her is filed in the Court issuing the summons. The “Summons” also tells the Defendant that a judgment will be taken against him or her if the Defendant does not answer the Complaint within a certain time.

- Make sure you write in Defendant's name both above and below the "warning" box.
- One (1) summons per Defendant. If you have more than one Defendant, you must prepare a separate summons for each Defendant.

**STEP 3:** Complete the "***Certificate of Compulsory Arbitration***" form.

- This required form asks whether the dollar amount involved in your case is above or below the \$50,000 limit.
- If the largest amount you are seeking is **\$50,000 or less**, (excluding interest, attorneys' fees, and costs) your case **is** subject to compulsory arbitration per Maricopa County Superior Court Local Rule 3.10.
- If you (as Plaintiff) are seeking an award above \$50,000, your case **is not** subject to Compulsory Arbitration.
- If you are asking for anything other than monetary relief, your case is **NOT** subject to arbitration.

**STEP 4:** Fill out the "***Civil Complaint***" form.

- A civil Complaint is a form the Plaintiff files with the court clerk to begin a lawsuit.
- A Complaint contains a clear statement of the important information about the Plaintiff's claims, what the Plaintiff wants the court to order, and identifies each Defendant.
- Be sure to check the statute of limitations for your type of case. Ask a reference librarian at the Law Library Resource Center for the Arizona Statute of Limitations book.
- Jurisdiction and Venue: Explain why the Maricopa County Superior Court has authority over your case by marking the box(es) next to the true statements.
- Discovery Tier: Please read Arizona Rules of Civil Procedure, Rule 26.2 about Discovery Tiers. This rule explains how much discovery a party may take in their case. The amount of discovery a party may take is limited by the tier to which their case is assigned. One way the Court assigns the Tier is by the total amount of the relief sought in the Complaint. Mark the box that best describes the amount or type of damages (relief) you will claim in your Complaint.
- Parties: Identify the Plaintiff(s) and Defendant(s) in the case. One way to identify parties is to write their full name and address and other information so that the judge can understand each party's relationship to your claims.

- Statement of Facts: Explain the relevant facts of your case in sequential order from the beginning. In this section, you will write a summary of the facts relevant to your lawsuit. Be sure to include all of the relevant facts so that the reader will understand what happened, when (date), and how those incidents were a violation of a law or legal obligation. Stating a conclusion, such as “The Defendant violated my rights,” is not enough. You must explain what the Defendant did that violated your legal rights. It is important for you to be familiar with the elements of each cause of action or legal claim you are raising in your Complaint because you must include facts that satisfy those elements.
- If you refer to a document in your statement of facts, be sure to label the document as an Exhibit (Exhibit 1, Exhibit 2, etc.) and attach that document at the end of your Complaint.
  - Continue numbering Exhibits where you left off. Do NOT repeat the numbers.
- Breach: Continue the numbered sentences or paragraph, and explain what the Defendant did that caused you to file this case against the Defendant.
- Applicable Law Supporting Claims: List your allegations. This is the section in which you state laws or legal obligations violated by the Defendant. You must identify the source of that law or legal obligation. For example, if the Defendant violated a statute, cite the statute. If the Defendant violated a contract, explain how there was a violation of a contract. If you have several claims, separate them under different sections, and title them, “Claim I,” “Claim II,” “Claim III” and so on.
- Use the Arizona Statutes at the Law Library Resource Center to find the laws you think were broken.
- Injuries: In numbered sentence form, explain how you were damaged, including damages to you, your property, business, trade, profession, or occupation.
- Demand for Relief: The term “relief” refers to solutions or remedies that the Court is able to order. In this section, you may write what you would like the Court to do about your situation. List each request in a separately numbered sentence or paragraph. Explain in the sentence what you would like the Court to do. If you ask for monetary relief, read A.R.S. § 44-1201 about interest rates.
- Date and Sign: At the bottom of the page, write the date you finish the form, and then sign the form. If your attorney is filing the form for you, your attorney must sign the form.

- **Exhibits:** (Optional) If you refer to any photos, letters, or other documents in your Complaint, you must attach them at the end of your Complaint and label them “Exhibit 1,” “Exhibit 2,” and so on. You can “label” a document “Exhibit 1” by placing a page that says “Exhibit 1” in front of that document.
  - Continue numbering Exhibits where you left off. Do NOT repeat the numbers.

**STEP 5:** Fill out the **“Plaintiff’s Demand for Jury Trial” form.** *(This form is optional.)*

- If you do not want a Jury Trial, skip this part. If you want a Jury Trial, write in your name, address and other information at the top of the page. Identify yourself as the Plaintiff, and write in the Defendant’s name. Then write your name again on the line that begins with the word “Plaintiff.”
- **Date and Sign:** At the bottom of the page, write the date you finish the form, and then sign the form. If your attorney is filing the form for you, your attorney must sign the form.

**STEP 6: PHOTOCOPY**

- Remove the completed Civil Coversheet from your Original packet.
- Make three (3) photocopies of the completed, original forms in your Civil Complaint packet:
  - Complaint form
  - Compulsory Arbitration form
  - Summons
  - Plaintiff’s Demand for Jury Trial form (if you want a Jury Trial).
- Place the Civil Coversheet back on top of the Original Civil Complaint form packet.
- When finished, you will have three (3) photocopied packets, plus one (1) original = Four (4) separate Civil Complaint packets.

**STEP 7: TAKE the 4 packets and DELIVER them to the Clerk of Superior Court.** The Clerk will give you a case number and stamp all four of your Complaint packets.

- The Court is open from 8 a.m. to 5 p.m. Monday through Friday.
- Go to the Clerk of Superior Court at least two hours before closing.
- Choose one of the following Superior Court locations:

**Downtown Phoenix**  
201 West Jefferson St., 1<sup>st</sup> Floor  
Phoenix, Arizona 85003

**Northeast Court Facility**  
18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032

**Northwest Court Facility\***  
14264 West Tierra Buena Lane  
Surprise, Arizona 85374

**Southeast Court Facility**  
222 East Javelina Avenue, 1<sup>st</sup> Floor  
Mesa, Arizona 85210-6201

- **Please Note:** You may be assigned a **DIFFERENT HEARING LOCATION** from where you file your 4 sets of forms at any of the above Court locations. The location of the Court hearing on your case is based on the Court closest to your zip code (except for the Northwest Court Facility).
- **\*Civil cases are not heard** in the Northwest Court. If you file your papers at the Northwest Court facility, the court hearing will be assigned to a different Court location. Be prepared to travel to the assigned location for your hearing.

**STEP 8: PAY the FILING FEE** to the Clerk of Superior Court while at the Civil Filing Counter.

- You may find a list of current filing fees at the Law Library Resource Center and from the Clerk of Superior Court's website.
- If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver or deferral (payment plan) when you file your papers with the Clerk of Superior Court. If the fee deferral is granted, the Court will issue a judgment against you until the fee is paid in full.
- Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.
- **WAIT** for the Clerk to "**date stamp**" **all four** of your civil Complaint packets and **RETURN** three (3) of the copies to you.
- Keep one copy for yourself.
- Take one copy to Civil Administration for the judge.
- See Step 9 to serve the other copy to the Defendant.

**STEP 9: SERVE the DEFENDANT a copy of the CIVIL COMPLAINT packet.**

- Please read through **Packet 1** Instructions about how to serve the Defendant.
- If your "Fee Deferral or Waiver" request included Service by the Sheriff, and was approved, the Clerk will instruct you to take one Civil Complaint packet to the 2<sup>nd</sup> Floor of the West Court building Sheriff's Office for service by the Sheriff.
- You must have the Defendant's correct address listed on the Fee Deferral form when you give your papers to the Sheriff's Office.
- If you pay the filing fee with no Waiver or Deferral, you must find a process server, as instructed in Service Packet 1.