



# **Pinal County Justice Courts, Arizona**

**If you want to file a...**

# **CIVIL (Complaint & Summons)**



# Pinal County Justice Courts, Arizona

In situations where a civil dispute arises, the justice court offers grounds for a civil lawsuit within its jurisdictional limit. Jurisdiction means the kinds of cases a court has the authority to hear. In justice court you may file a civil lawsuit claiming an amount **UP TO AND INCLUDING \$10,000**. You may also ask for reimbursement of court costs and/or attorneys fees. Court costs include, but are not limited to filing and service fees.

*If you wish to file a civil lawsuit claiming more than \$10,000.00, you must file your case in the Superior Court.*

## **Please STOP...**

If you are suing for more than \$10,000.

If this case:

- ~ Involves a claim of defamation by libel or slander.
- ~ Is (an eviction). for forcible or unlawful detainer
- ~ Involves a claim for specific performance.
- ~ Is part of a class action suit
- ~ Seeks injunctive relief

## **Please PROCEED...**

If you are suing for \$10,000 or less

If you are filing within the correct venue (either the defendant's residence or where the transaction transpired).

## **Forms NEEDED:**

- 1) Civil Complaint
- 2) Civil Summons
- 3) How to Designate and Serve a Party

## **INSTRUCTIONS:**

- 1) Read the Information for Civil Cases attachment.
- 2) Check the venue for your claim on the court precinct map. You are responsible for filing your case in the correct court.
- 3) Complete the forms and make copies of the Civil Complaint and the Civil Summons. Make 3 copies of each form if you are filing against one person or a company. Make 4 copies if you are filing against two persons (such as a married couple).
- 4) File all forms with the court clerk and pay the filing fee.
- 5) Serve the forms on the defendant(s). You may serve by any method of service available by Arizona Rules of Civil Procedure, Rule 4, including process server.

**IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.**



## Pinal County Justice Courts

### INFORMATION FOR FILING AND DEFENDING A CIVIL CASE IN JUSTICE COURT

**PLAINTIFF:** The person filing a lawsuit.

**DEFENDANT:** The person who the lawsuit is filed against.

**ATTORNEY:** Member of the State Bar of Arizona. Either party may hire an Attorney to act on their behalf.

**NAMED PARTIES JCRCP 104(c):** Every action shall be prosecuted in the name of the real party in interest. The Court will allow parties time to amend names if necessary.

#### **WHO CAN REPRESENT:**

- ~ **INDIVIDUALS:** Can represent oneself or by an Attorney licensed in Arizona.
- ~ **SPOUSES:** An attorney may represent both spouses both spouses must answer and appear. Spouses cannot represent each other. Failure to appear of either or both spouses may cause a default Judgment.
- ~ **CORPORATION RSC 31A(d)3:** An Attorney or Officer or a Managing Member in Justice Court whose primary duty is not representing the Corporation in Court.
- ~ **UNINCORPORATED BUSINESS/PARTNERSHIPS ARS 29-1027A:** Business owner or partner.

**HOW TO DESIGNATE:** Every lawsuit shall be prosecuted in the name of the real party. You must have named the correct party. Refer to the *HOW TO DESIGNATE A PARTY* handout.

- ~ **INDIVIDUALS:** All individuals need to be named in the lawsuit (spelling must be correct in order for you to collect later.)
- ~ **CORPORATIONS:** A corporation is required to maintain a statutory agent upon who process (court papers) may be served. The name and address of the statutory agent may be obtained by calling the Corporation Commission: 602-542-3135, [www.cc.state.az.us/index](http://www.cc.state.az.us/index).
- ~ **UNINCORPORATED BUSINESSES** When filing on behalf of, or against an unincorporated business, the true name or names of the party doing business under that business name be shown as the plaintiff or defendant. Information may be obtained by calling the Secretary of State.
- ~ **PARTNERSHIPS** A partnership may sue, or be sued, in the name that it has assumed or by which it is known. A partner may appear and represent his own partnership interest.

**IF YOU ELECT TO REPRESENT YOURSELF** you have the responsibility to:

- ~ To complete the forms properly, including correct spelling of names and designating parties correctly.
- ~ Assure that you have the correct form.
- ~ Educate yourself and follow the laws and rules that apply to your case.
- ~ Follow the case to conclusion.
- ~ The Laws are called Arizona Revised Statutes (ARS) and you must also follow the (JCRCP). You can review on line: [www.azleg.state.az.us/ArizonaRevisedStatutes/asp](http://www.azleg.state.az.us/ArizonaRevisedStatutes/asp) or at the public library.

#### **JUSTICE CLERK'S ROLE:**

- ~ **The clerks are prohibited to give legal advice.**
- ~ **The clerk will provide forms (most forms are available at the court).**
- ~ **Take filings and filing fees.**
- ~ **Explain court procedures only.**
- ~ **The clerk is NOT to advise you if you have a legal claim.**
- ~ **Not responsible for any errors you make in asserting or defending your case.**
- ~ **The clerk does not take sides or render opinions regarding the case.**

**COURT FEES ARS 22-281A:** Are payable at the time of filing. Fee lists are posted at each Justice Court.

**JURISDICTIONAL LIMIT ARS 22-201:** Is \$10,000.00 not including court costs and attorney fees. A larger claim may be reduced to \$10,000.00 or less and the remaining amount is waived. Court costs include, but not limited to filing and service fees.

**VENUE ARS 22-202 & 12-401 & JCRCP 133C:** Is the Geographical area (precinct) were a lawsuit may be filed. The Plaintiff may file where the Defendant lives/located or where the incident occurred.

**CHANGE OF VENUE ARS 12-401, 404, and 407 & JCRCP 133C:** The defendant may object to the place (venue) where the lawsuit has been filed if the Defendant does not live in that precinct or county.

#### **PROCEDURES:**

- ~ Defendant completes the Motion for Change of Venue (forms available at the Court).
- ~ Defendant serves the Plaintiff with the Motion.
- ~ Plaintiff has 10 working days to Respond.
- ~ The Court may order the case transferred to the Precinct where the Defendant lives.

**PLEADINGS:** is a short and plain statement that:

- ~ Gives the court jurisdiction over the case.

- ~ Informs that the court's venue is proper.
- ~ Showing the party is entitled to relief.
- ~ A demand for judgment for the relief sought.

#### **EXAMPLES:**

*I am claiming damages against the defendant in the amount of \$10,000.00. (Jurisdiction)*  
*The defendant resides in the Eloy Precinct, (or, the lawsuit occurred in the Eloy Precinct). (Venue)*  
*The defendant owes me money because... (Legal entitlement to claim)*  
*Wherefore, the plaintiff requests that the court enter judgment in his favor in the sum of... (Demand)*

**SERVICE OF SUMMONS AND COMPLAINT JCRCP 113:** Service is the delivery of a legal document notifying a person of legal lawsuit taken against defendant (Due Process).

- ~ EACH NAMED DEFENDANT MUST BE SERVED A COPY OF THE COMPLAINT/ SUMMONS.
- ~ Most common service of the summons and complaint is by a private process server.
- ~ The fees of a private process server are regulated by statute.
- ~ You are to make payment arrangements directly with the process server for the services performed.

*YOUR LAWSUIT MAY BE DISMISSED IF THE SUMMONS AND COMPLAINT HAVE NOT BEEN SERVED WITHIN 120 DAYS OF THE FILING OF THE COMPLAINT. JCRCP 113i*

**SERVICE AFTER APPEARANCE OF ALL PARTIES JCRCP 120:** Those parties who have appeared in a lawsuit, unless otherwise ordered by the court, all pleadings AFTER the service of the summons and complaint any notices and orders may be served upon the attorney of record or the appearing parties (the plaintiff or defendant) by regular first class mail.

**CHANGE OF ADDRESS JCRCP 102:** It is in the party's best interest to notify the Court of any change of address. A Notice of Change of Address form is provided by the court.

**DEFAULT and Default Judgment JCRCP 140:** Default may apply to both the original claim as well as a counterclaim. It allows any Defendant, in either claim, additional time to file an answer prior to Judgment. In some cases the Judge may set a Default Hearing prior to the entry of Judgment.

- ~ If any Defendant fails to file an answer within the original time allowed, the party seeking default may apply for an Application for Entry of Default.
- ~ If any Defendant fails to file an answer within ten (10) judicial days from the filing of the Application for Entry of Default, the party seeking default may apply for a Request and Affidavit for Entry of Default Judgment.
- ~ If the defaulted party DOES file an answer within ten (10) judicial days from the filing of the Application for Entry of Default, the Default is moot (no longer exists) and Judgment will not be entered.
- ~ If the defaulted party files an answer after the ten (10) judicial days from the filing of the Application for Entry of Default, the acceptance of that answer and subsequent procedures will be left to judicial discretion and court policy.
- ~ Instructions are provided for filing both the Application for Entry of Default and the Request and Affidavit for Entry of Default Judgment .

#### **DISMISSAL JCRCP 144:**

**Voluntary:** The plaintiff may dismiss the claim at any time before the defendant files an answer or other pleading.

**Stipulated:** Once the defendant has filed an answer or other pleading, both parties must sign the agreement of dismissal.

**FILING AN ANSWER** An answer is the defendant's response to the plaintiff's allegations as stated in a complaint.

- ~ The defendant has twenty (20) calendar days from the date of service to file a written answer with the Court and mail copy to plaintiff.
- ~ If the complaint is served out-of-state the party served has thirty (30) calendar days to file an answer.
- ~ If served by publication, or other means approved by the Court, or if service is waived, other time limits apply.
- ~ If the last day falls on a Saturday, a Sunday, or a legal holiday, the answer may be filed on the next judicial day.
- ~ The answer should respond to each element of the complaint. ARS 22-216

**FILING A COUNTERCLAIM** A counterclaim is a claim made by the defendant against the plaintiff within the same lawsuit.

- ~ A counterclaim is filed at the time of filing the answer.
- ~ The plaintiff (counter-defendant) has twenty (20) days from the date of service in which to file a written reply. Note: no fee.
- ~ If the counterclaim exceeds \$10,000, the case will be transferred to the Superior Court and filing fees will be assessed by Superior Court before processing can continue.
- ~ The party causing the transfer shall pay a transmittal fee to the Justice court.

**MOTIONS JCRCP 128:** A motion is a request made by a party asking the court to issue a ruling or an order.

- ~ A party files a motion with the court of either party or on its own, the court may schedule an oral argument before rendering an order.
- ~ The party must serve the opposing party with the Motion.
- ~ The opposing party may file written objections (Response) with the court within ten (10) judicial days from the date motion was served and mailing a copy to the moving party.
- ~ The moving party may file Reply to the Response within five (5) judicial days from receiving the Response.
- ~ The Judge will consider the motion and any objections thereto and enter an order either granting or denying the motion. Or, on request of either party or on its own, the court may schedule an oral argument before rendering an order.

### **HOW TO COMPUTE TIME LIMITS JCRCP 115:**

- ~ If it happened today, today does not count.
- ~ Less than eleven (11) days, weekends and legal holidays are not counted.
- ~ More the eleven (11) days, weekends and legal holidays are counted.
- ~ Mailed or sent electronically.
- ~ If a court document is served by mail or electronic means, five (5) calendar days shall be added.

**DISCLOSURE JCRCP 121:** is the pretrial process requiring each party to inform to the other party(s) the evidence and witness testimony that will be presented at trial. If any evidence or witness is omitted the Court may not allow witness to testify or evidence to be presented. No surprises by either side.

- ~ Disclosure statements must be sent to all parties within forty (40) days of the filing of the Answer or when the Court orders.
- ~ Failure to comply with disclosure may result in sanctions, dismissal or a default judgment.
- ~ Disclosure includes:
  - P The factual basis for each claim/defense.
  - P A description of the damage(s) and copies of any exhibits substantiating the dollar value of the damages.
  - P The legal theory upon which each claim is based.
  - P The names, addresses and telephone numbers of all witnesses and a brief summary of the expected testimony.
  - P A list of documents or other evidence that supports the claim.

**PRETRIAL CONFERENCE JCRCP 131:** A pretrial conference may be set to clarify the issues for trial,

- ~ To assist the parties in reaching a settlement.
- ~ At the pretrial conference all disclosure must be exchanged, if it hasn't already been exchanged.
- ~ If a settlement agreement cannot be reached, the case may be set for mediation or trial.
- ~ A failure to appear at the scheduled pretrial conference date may result in dismissal or a judgment may be entered in favor of the party that appears.

**THE TRIAL ARS 22-221:** If your lawsuit is set for trial you should educate yourself regarding court procedures and the rules regarding what evidence is admissible. The plaintiff has a responsibility to prove by the greater weight of evidence (preponderance of evidence) that they have a legal right to the claim for damages. Motions to continue a trial date must be in writing and filed with the court at least twenty (20) days prior to the trial.

### **FAILURE TO APPEAR AT THE TRIAL:**

Plaintiff: may result in dismissal and the defendant may be awarded costs and/or attorney fees.

Defendant: may result in judgment and the plaintiff may be awarded his/her costs and/or attorney fees.

**JURY:** Either party can request a jury trial. Both parties will be required to exchange and submit prepared jury instructions to the court before trial. The party requesting a jury will be assessed jury fees, if judgment is not found in favor of the requesting party. If a jury is not requested the Judge will hear the case.

### **TRIAL/ SELF PRESENTED PERSON:**

- ~ A person representing self (acting as their own attorney) will be held to the same standard as an attorney.
- ~ At trial the plaintiff will proceed first and may call witnesses and/or introduce exhibits. The defendant may cross-examine any witnesses or object to the admission of any exhibit. After the plaintiff rests, the defendant will then present his case and may call witnesses and/or introduce exhibits that may prove or defend their position. The plaintiff may cross-examine any witnesses or object to the admission of any exhibit. After all evidence is presented, the judge or jury will decide the case.

**IF YOU ARE AWARDED JUDGMENT** refer to the court's handout *COLLECTING A MONEY JUDGMENT*.

Ask the clerk for information regarding bonds and cost of the appeal.

***When you are paid in full you must file a SATISFACTION OF JUDGMENT with the court. This form is available from the court.***

The following checklist may assist you in processing your case. Check off each lawsuit as it occurs or has been completed.

### PLAINTIFF CHECKLIST

- Date COMPLAINT filed and filing fee paid \_\_\_\_\_
- Date SUMMONS and COMPLAINT given to process server for service on defendant(s) \_\_\_\_\_
- Date COMPLAINT served \_\_\_\_\_
- Date time to ANSWER expires \_\_\_\_\_  
(twenty (20) days after defendant served / thirty (30) days if served out-of-state)

#### IF ANSWER IS RECEIVED:

- Date defendant files an ANSWER \_\_\_\_\_
- Date time to file DISCLOSURE STATEMENT (forty (40) days after filing of Answer) \_\_\_\_\_

#### IF NO ANSWER IS RECEIVED:

- APPLICATION FOR ENTRY OF DEFAULT filed with court and copy mailed to defendant \_\_\_\_\_

#### NOTICE to PARTY filing for Default:

Anytime after ten (10) judicial days have passed since the filing of this Application, it is your responsibility to file a Request for Entry of Default Judgment or request a hearing. Statement of Cost and proof of the claim (receipts, contract, etc.) must also be served upon all the parties in this lawsuit.

- Date time to REPLY TO COUNTERCLAIM expires \_\_\_\_\_  
If the defendant files a counterclaim YOU must file a reply to the counterclaim within twenty (20) calendar days. If you fail to file a reply, the defendant may obtain a default judgment against you.

### DEFENDANT CHECKLIST

- If you object to the venue (*the precinct in which the complaint was filed*) you must file a Motion for Change of Venue for Improper Venue before the answer is filed.
- Date answer filed and filing fee paid \_\_\_\_\_  
(Within twenty (20) calendar days of the date you were served / thirty (30) days if served out-of-state)

***If you fail to file an answer, the plaintiff may obtain a default judgment against you.***

- Date time to file DISCLOSURE STATEMENT (forty (40) days after filing of Answer) \_\_\_\_\_
- Date COUNTERCLAIM filed and copy mailed to plaintiff \_\_\_\_\_

If you intend to file a counterclaim you must do so at the same time the Answer is filed. You must use the proper form and mail a copy to the plaintiff.

- Date time to REPLY expires \_\_\_\_\_
- Date plaintiff files a REPLY \_\_\_\_\_

#### IF NO REPLY TO COUNTERCLAIM IS RECEIVED:

- APPLICATION FOR ENTRY OF DEFAULT filed with court and copy mailed to plaintiff \_\_\_\_\_

#### NOTICE to PARTY filing for Default:

Anytime after ten (10) judicial days have passed since the filing of this Application, it is your responsibility to file a Request for Entry of Default Judgment or request a hearing. Statement of Cost and proof of the claim (receipts, contract, etc.) must also be served upon all the parties in this lawsuit.

### NOTICE TO ALL PARTIES

**Default** If the time to answer passes and the defendant fails to answer the complaint, or if the time to reply to a counterclaim passes and the plaintiff fails to reply to the counterclaim, you may get information and forms from the court for obtaining a default judgment.

It is required that a **VOLUNTARY DISMISSAL** be filed if the case is settled out of court.

**Pretrial Conference scheduled for** \_\_\_\_\_ You are required to exchange with the opposing party ALL INFORMATION (copies of exhibits, list of witnesses, law supporting your claim, etc.) known or available concerning this matter.

**TRIAL scheduled for** \_\_\_\_\_ Bring all evidence, documents and witnesses you need to present your case or establish your defense.

**Notice of Address Change** All parties are responsible for informing the court of a current address to ensure that the party can receive all notices mailed from the court.

**Collecting the Judgment award** If you are not able to make arrangements with the losing party to collect your judgment, you may seek a Writ of Execution, a Writ of Garnishment, or an Order for Supplemental Proceedings (JDE). You may ask the court clerk for the necessary form. Please refer to your instructions.



**Pinal County Justice Courts**  
**HOW TO DESIGNATE And SERVE A PARTY**  
Refer to JCRCP 113 service of process

AN INDIVIDUAL

John Jones  
1234 S. Main Street  
Phoenix, AZ 85040

*SERVE: The party must be served with a copy of the summons and complaint.*

HUSBAND AND WIFE

John and Mary Jones, husband and wife  
1234 S. Main Street  
Phoenix, AZ 85040

*SERVE: Each spouse must be served a copy of the summons and complaint. One spouse may be served with the other spouse's copies if they reside at the same residence.*

TWO OR MORE DEFENDANTS

JOHN SMITH  
1234 S. Main Street  
Phoenix, AZ 85040

MARY JONES  
1000 E. First Street  
Phoenix, AZ 85040

*SERVE: Each named defendant must be served a copy of the summons and complaint.*

WHEN THE NAME OF THE DEFENDANT IS UNKNOWN

Matilda DOE  
JOHN DOE Taylor  
XYZ Corporation

*Upon service, when the defendant's true name is discovered, the pleadings may be amended to reflect the true name.*

SOLE OWNERSHIP

John Jones, Dba  
Jones' Delicious Candy Shoppe  
1234 S. Main Street  
Phoenix, AZ 85040

*SERVE: The Owner*

PARTNERSHIP

JOHN SMITH and JOE JONES, Partners  
Dba JJ's Cafe  
1000 E. First Street  
Phoenix, AZ 85040

*SERVE either:*

1. A Partner
2. A Managing or general agent
3. An Agent authorized by appointment

CORPORATION LLC COMPANY  
UNINCORPORATED ASSOCIATION

ABC Candy Store, Inc.  
1234 S. Main Street  
Phoenix, AZ 85040

*SERVE: Statutory Agent, as follows:*

John Jones, Statutory Agent  
5678 N. Eezee St.  
Phoenix, AZ 85040

If serving a statutory agent, must also mail a copy to the party on whose behalf the agent received service.

Service may also be effected upon:

1. An Officer of the corporation - President, Vice-President, Secretary, Treasurer
2. A Managing or general agent
3. An Agent authorized by appointment or law

PARENTS OF A MINOR

If the minor is under 16 years of age,  
*SERVE: The Minor and the parent or guardian*

John and Mary Jones, husband and wife  
Parents of Johnny Jones, a minor  
1234 S. Main Street  
Phoenix, AZ 85040

If the minor is 16 years of age or more,  
*SERVE: The Minor*

SERVING THE DIRECTOR OF INSURANCE

*SERVE: The Statutory Agent*

If the statutory agent is the DIRECTOR OF INSURANCE

*SERVE: The DIRECTOR OF INSURANCE*

2910 N 44th St., Suite 210  
Phoenix, AZ 85018

SERVING THE REGISTRAR OF CONTRACTORS

*SERVE: Registrar's Legal Officer and the Bonding company must be named as a defendant and served.*



# Pinal County Justice Courts, Arizona

( ) -  
Plaintiff(s) Name / Address / Phone

( ) -  
Defendant(s) Name / Address / Phone

( ) -  
Attorney for Plaintiff(s) Name / Address / Phone

( ) -  
Attorney for Defendant(s) Name / Address / Phone

## COMPLAINT

JCRCP Rule 110

I allege that:

- This court has jurisdiction over this matter
- This court has venue because
  - Defendant resides within the precinct boundaries of this court.
  - The debt or obligation that gives rise to this action occurred within this court's precinct, at the following location:  
\_\_\_\_\_
  - Other, pursuant to ARS 12-401.1-19: \_\_\_\_\_

I also allege that (state the factual basis for each claim):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

I am asking the court to award me judgment against the defendant(s) in the sum of \$ \_\_\_\_\_  
(state claimed damages)

I am also asking for reimbursement of my court costs and interest at the legal rate from the date of judgment.

I state under penalty of perjury that the foregoing is true and correct.

Date \_\_\_\_\_  
Plaintiff \_\_\_\_\_

You are required to keep the court advised of your current address and telephone number.  
The clerk can provide you with a Notice of Change of Address form.





# Pinal County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

( ) -  
Plaintiff(s) Name / Address / Phone

( ) -  
Defendant(s) Name / Address / Phone

Serve on:  
Statutory Agent \_\_\_\_\_  
Address \_\_\_\_\_

( ) -

### CIVIL SUMMONS

Replacement Summons

JCRCP Rule 112

Be in court at least 15 minutes before the scheduled hearing.  
**YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.**

*(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)*  
*(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)*

**REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.**

*(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)*

If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

*(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)*

### THE STATE OF ARIZONA TO THE ABOVE-NAMED DEFENDANT(S):

- 1. YOU ARE SUMMONED** to respond to this complaint by filing a written ANSWER with this Court and by paying the required fee. If you cannot afford to pay the required fee, you may request that the Court either waive or defer the fee.
- If you were served with this summons in the State of Arizona, the Court must receive your answer within twenty (20) calendar days from the date you were served. If you were served outside the State of Arizona, the Court must receive your answer within thirty (30) calendar days from the date you were served. If the last day is a Saturday, Sunday, or legal holiday, you will have until the next working day to file your answer. When calculating time, do not count the day you were served with the summons.
- Your answer must be in writing.
  - (a) You may obtain an answer form from this Court.
  - (b) You may also obtain an answer form from the Form section of the Pinal County Justice Courts website at <http://www.pinalcountyaz.gov/>
- Provide a copy of your answer to the Plaintiff(s) or to the Plaintiff's attorney in accordance with JCRCP Rule 120.
- IF YOU FAIL TO FILE A WRITTEN ANSWER WITH THIS COURT WITHIN THE TIME INDICATED ABOVE, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU.**

Date \_\_\_\_\_  
Justice of the Peace

You are required to keep the court advised of your current address and telephone number.  
The clerk can provide you with a Notice of Change of Address form.



## Pinal County Justice Courts

### NOTICE TO THE DEFENDANT: A LAWSUIT HAS BEEN FILED AGAINST YOU IN JUSTICE COURTS

**You have rights and responsibilities in this lawsuit. Read this notice carefully.**

1. In a justice court lawsuit, individuals have a right to represent themselves, or they may hire an attorney to represent them. A family member or a friend may not represent someone in justice court unless the family member or friend is an attorney. A corporation has a right to be represented by an officer of the corporation, and a limited liability company ("LLC") may be represented by a managing member. A corporation or an LLC may also be represented by an attorney.

If you represent yourself, you have the responsibility to properly complete your court papers and to file them when they are due. The clerks and staff at the court are not allowed to give you legal advice. If you would like legal advice, you may ask the court for the name and phone number of a local lawyer referral service, the local bar association, or a legal aid organization.

2. You have a responsibility to follow the Justice Court Rules of Civil Procedure ("JCRCP") that apply in your lawsuit. The rules are available in many public libraries, at the courthouse, and online at the Court Rules page of the Arizona Judicial Branch website, at <http://www.azcourts.gov/>, under the "AZ Supreme Court" tab.
3. A "plaintiff" is someone who files a lawsuit against a "defendant." You must file an answer or other response to the plaintiff's complaint in writing and within twenty (20) days from the date you were served with the summons and complaint (or thirty (30) days if you were served out-of-state.) If you do not file an answer within this time, the plaintiff may ask the court to enter a "default" and a "default judgment" against you. Your answer must state your defenses to the lawsuit. Answer forms are available at the courthouse, on the Pinal County Justice Court website at <http://www.pinalcountyaz.gov/>, and on the Self-Service Center of the Arizona Judicial Branch website at <http://www.azcourts.gov/> under the "Public Services" tab. You may also prepare your answer on a plain sheet of paper, but your answer must include the court location, the case number and the names of the parties. You must provide to the plaintiff a copy of any document that you file with the court, including your answer.
4. You may bring a claim against the plaintiff if you have one. When you file your answer or written response with the court, you may also file your "counterclaim" against the plaintiff.
5. You must pay a filing fee to the court when you file your answer. If you cannot afford to pay a filing fee, you may apply to the court for a fee waiver or deferral, but you must still file your answer on time.
6. You may contact the plaintiff or the plaintiff's attorney and try to reach an agreement to settle the lawsuit. However, until an agreement is reached you must still file your answer and participate in the lawsuit. During the lawsuit, the court may require the parties to discuss settlement.
7. Within forty (40) days after your answer has been filed, you and the plaintiff are required to provide a disclosure statement to each other. The disclosure statement provides information about witnesses and exhibits that will be used in the lawsuit. A party may also learn more about the other side's case through discovery. Read the Justice Court Rules of Civil Procedure for more information about disclosure statements and discovery.
8. The court will notify you of all hearing dates and trial dates. You must appear at the time and place specified in each notice. If you fail to appear at a trial or a hearing, the court may enter a judgment against you. To assure that you receive these notices, you must keep the court informed, in writing, of your current address and telephone number until the lawsuit is over.