



New Jersey Judiciary - Appellate Division Instructions for Completing the Notice of Motion Form

Please print legibly or type the information on the form.

Box# Instruction

1. Enter your name, address and daytime telephone number.
2. Enter the Appellate Division Docket Number of the appeal. If you do not yet have an Appellate Division Docket Number, leave the line blank, and in the space below enter the number assigned the case by the trial court or agency from which you are appealing.
3. Enter the complete caption or title of the case exactly as it appears on the papers from the trial court or agency (for example, the complaint). Do not use “*et al.*”
4. Enter the specific relief (or reliefs) that you are seeking from the Appellate Division, in just a few words. For example, “Fee Waiver” or “Stay Pending Appeal.”
5. Enter your adversary's name, and if represented by an attorney, his or her attorney's name. List your adversary's address, unless represented, then list the attorney's address.
6. Select whether you are supporting your motion with a brief and appendix or a certification.
7. Copies: Note that you must file the original and 4 copies of your motion with the Appellate Division Clerk's Office, 25 Market St., P.O. Box 006, Trenton, NJ 08625-0006. At the same time you must serve 2 copies of your motion on all the parties to your case* and attach a Certification of Service (CN 12227). Remember to keep a copy for your records.

*NOTE: Some motions must also be served on the trial judge or agency from which you are appealing; these include a Motion for Leave to Appeal, a Motion to Extend Time to file Notice of Appeal and any motion that is filed with your appeal.
8. Enter the date on the line marked *Date*.
9. Sign your name on the line marked *Signature*.
10. Type or print your name on the line marked *Print Name*.

General Information About Motions

1. A motion is a formal, written request for a particular relief (or reliefs) made to the court.
2. **When filing a motion, you should fulfill the following requirements:**
 - a. Complete a *Notice of Motion* (CN10503) that lists the specific relief(s) you are seeking from the court. You can list multiple reliefs in one Notice of Motion.
 - b. Support your motion with either a brief and appendix or a certification** that explains the relief(s) you are seeking and why the court should grant your motion.
 - c. Complete and submit a *Certification of Service* (CN 12227). You do **NOT** need to include a proposed order or a return date with your motion.

** *Rule 2:8-1(a)* requires motions to be supported by a brief (no longer than 25 pages); however, certain procedural motions (such as a *Motion to Extend Time* or a *Motion for Fee Waiver*) may be supported by a certification. Motions that **must** be supported by a brief include, but are not limited to: *Motion for Stay* of any judgment or order; *Motion for Summary Disposition*; and *Motion for Leave to Appeal*.

3. Motions That Must be Filed in Trial Court or Agency First.

Motion for Stay: Before filing a Motion for Stay in the Appellate Division, you must first move for, and be denied, a stay in the trial court or agency. *R. 2:9-5.*

Fee Waiver: In trial court appeals, you must first move for, and be denied, a fee waiver by the trial court before seeking a waiver in the Appellate Division; however, in agency appeals, you file your fee waiver motion directly with the Appellate Division. *R. 2:7-1.*

4. **Motion for Extension of Time to File Brief:** After a scheduling order setting the due dates for briefs has been issued, you will need to file a motion to obtain additional time to submit your brief (unless you meet the one-time exception below). If you submit a motion, it should state the date by which the brief can be filed. You should also begin preparation of the brief so that, if the motion is denied, the requested date modified, or the motion is granted with little time left, the brief will be available for filing.

One-Time Exception: In a non-accelerated appeal, you may request **one** 30-day extension of time to file your brief without a motion, provided your adversary consents to the extension. To do so, send a letter to your case manager confirming that your adversary consents to a 30-day extension to file your brief and listing your new due date. You must copy your adversary on the letter. All of the due dates will be adjusted accordingly.

5. **Non-Moving Parties:** If you received a motion, you may either oppose it or do nothing. If you decide to oppose it, your opposition should generally be filed within 10 days of receiving the motion. *R. 2:8-1(b).* You can answer by way of brief (no longer than 25 pages) or certification. You must also submit a *Certification of Service* (CN 12227) indicating that you served a copy of your motion answer on your adversary.

6. There are no motion reply briefs in the Appellate Division. *R. 2:8-1(b)*. If you filed a motion and want to respond to your adversary's motion answer, you must file a "motion to submit a reply brief on a motion." Alert your case manager as this will delay sending the original motion to court. Your adversary will be permitted to answer the new motion.
7. **Timing:** If there are no deficiencies, a motion will generally be decided within four weeks. If the relief you are seeking is of an urgent nature because the threatened harm is **truly imminent**, you may consider seeking emergent relief. To do so, call the Appellate Division's Emergent Clerk between the hours of 8:30 A.M. and 4:30 P.M. at (609) 815-2950 ext. 52614, for further instruction.
8. Motions are considered on the papers, without oral argument unless the Appellate Division judges direct oral argument.
9. **Fee:** There is no motion filing fee in an already open appeal or if you are submitting your motion at the same time as your Notice of Appeal. In a closed appeal, a *Motion for Leave to Appeal* or a *Motion to Extend Time to file Notice of Appeal*, there is a \$50 filing fee.

(1) _____
Your Name

Address

City, State, Zip Code

Telephone Number

E-mail Address

(3) Superior Court of New Jersey
Appellate Division
Docket Number: A _____

OR

Number assigned by trial/tax court or agency
(if no Appellate Division Docket Number):

Notice of Motion for

(4) _____

(3) _____ _____ v. _____ _____

(5) To: _____
(Name of adversary and attorney, if represented)

(Address – use attorney's address if represented)

City, State, Zip Code

(6) PLEASE TAKE NOTICE that the undersigned hereby moves before the Superior Court of New Jersey, Appellate Division, for an Order granting the above-listed relief(s). In support of this motion, I shall rely on the attached:

- brief and appendix
- certification (procedural motions only)

(7) I am filing the original and 4 copies of my motion with the Clerk of the Appellate Division, and serving 2 copies of my motion on all of the parties to the above-captioned matter. Attached is a copy of my Certification of Service. **RESPONDING PARTIES:** Per Rule 2:8-1, answers to this motion should be filed with the Clerk of the Appellate Division within 10 days of your receipt of this motion unless otherwise directed by the Clerk.

Date

Your Signature

Print Name