

CIVIL COMPLAINT

1

Instructions and Forms

Law Library Resource Center

CIVIL COMPLAINT in YUMA COUNTY SUPERIOR COURT

CHECKLIST

You may use this packet if the following factors apply to your situation:

- ✓ You are the person (plaintiff) that brings a complaint to court to sue a person or entity (defendant) that you believe has done you wrong; **and**
- ✓ The amount involved to remedy your case, exclusive of interest, costs, and awarded attorney fees when authorized by law, is \$10,000 or more **OR**,
- ✓ You are asking for something other than money in damages, or both; **and**
- ✓ You are starting this case in the Yuma County Superior Court because
 - You or the defendant live in Yuma County, or
 - The subject of the case began or happened in Yuma County, or
 - The land or personal property at issue in the case is in Yuma County.

READ ME: Consulting a lawyer before filing papers with the court may help prevent unexpected results. You may find a list of lawyers to consult or hire on the Self-Service Center website. Also on the Law Library Resource Center website is a list of court-approved mediators

Civil Complaint

This packet contains court forms and instructions to file a Civil Complaint. The forms should appear in order as listed. Items in **BOLD** are forms that you will file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

| Order | Title | # Pages |
|-------|--|---------|
| 1 | Checklist: You may use these forms if . . . | 1 |
| 2 | Table of Contents (this page) | 1 |
| 3 | Instructions: How to Complete the Forms and File a Civil Complaint | 5 |
| 4 | Civil Cover Sheet | 3 |
| 5 | Summons | 2 |
| 6 | Certificate of Compulsory Arbitration | 1 |
| 7 | Civil Complaint | 4 |
| 8 | Plaintiff's Demand for Jury Trial (Optional) | 1 |

The Superior Court of Arizona in Maricopa County copyrights the documents you have received. You have permission to use them for any lawful purpose. Do not use these forms to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only on the day you received them. It is strongly recommended that you regularly confirm you have the most current documents.

INSTRUCTIONS: How to complete forms and File a Civil Complaint

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

- Write in “Yuma” 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 Yuma 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.

Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364

- **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 2nd 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.

In the Superior Court of the State of Arizona

In and for the County of _____

Case Number _____

CIVIL COVER SHEET- NEW FILING ONLY

(Please Type or Print)

Plaintiff's Attorney _____

Attorney Bar Number _____

Is Interpreter Needed? ☐ Yes ☐ No

If yes, what language(s):

Plaintiff's Name(s): (List all)

Plaintiff's Address:

Phone #:

Email Address:

(List additional Plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)

(List additional Defendants on page two and/or attach a separate sheet)

RULE 26.2 DISCOVERY TIER OR MONETARY RELIEF CLAIMED:

IMPORTANT: Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected. State the monetary amount in controversy or place an "X" next to the discovery tier to which the pleadings allege the case would belong under Rule 26.2.

☐ Amount Claimed \$_____

☐ Tier 1

☐ Tier 2

☐ Tier 3

NATURE OF ACTION

Place an "X" next to the **one** case category that most accurately describes your primary case. **Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected as indicated above.**

100 TORT MOTOR VEHICLE:

110 TORT NON-MOTOR VEHICLE:

☐ 101 Non-Death/Personal Injury*

☐ 102 Property Damage*

☐ 103 Wrongful Death*

☐ 111 Negligence*

☐ 112 Product Liability – Asbestos*

☐ 112 Product Liability – Tobacco*

☐ 112 Product Liability – Toxic/Other*

☐ 113 Intentional Tort*

- ☐ 114 Property Damage*
- ☐ 115 Legal Malpractice*
- ☐ 115 Malpractice – Other professional*
- ☐ 117 Premises Liability*
- ☐ 118 Slander/Libel/Defamation*
- ☐ 119 Recovery of Damages under A.R.S. §12-514* (Please provide Plaintiff DOB
____/____/____)
- ☐ 116 Other (Specify) _____*

120 MEDICAL MALPRACTICE:

- ☐ 121 Physician M.D.* ☐ 123 Hospital*
- ☐ 122 Physician D.O.* ☐ 124 Other*

130 & 197 CONTRACTS:

- ☐ 131 Account (Open or Stated)*
- ☐ 132 Promissory Note*
- ☐ 133 Foreclosure*
- ☐ 138 Buyer-Plaintiff*
- ☐ 139 Fraud*
- ☐ 134 Other Contract (e.g., Breach of Contract)*
- ☐ 135 Excess Proceeds-Sale*
- ☐ Construction Defects
(Residential/Commercial)*
 - ☐ 136 Six to Nineteen Structures*
 - ☐ 137 Twenty or More Structures*
- ☐ 197 Credit Card Debt (Yuma County Filings Only)*

145 & 150-199 OTHER CIVIL CASE TYPES:

- ☐ 156 Eminent Domain/Condemnation*
- ☐ 151 Eviction Actions (Forcible and Special Detainers)*
- ☐ 152 Change of Name
- ☐ 153 Transcript of Judgment
- ☐ 154 Foreign Judgment

- ☐ 158 Quiet Title*
- ☐ 160 Forfeiture*
- ☐ 175 Election Challenge
- ☐ 179 NCC-Employer Sanction Action (A.R.S. §23-212)*
- ☐ 180 Injunction against Workplace Harassment
- ☐ 181 Injunction against Harassment
- ☐ 182 Civil Penalty
- ☐ 186 Water Rights (Not General Stream Adjudication)*
- ☐ 187 Real Property *
- ☐ 145 Special Action
- ☐ 194 Immigration Enforcement Challenge (A.R.S. §§1-501, 1-502, 11-1051)
- ☐ 199 Expungement
- ☐ 202 Out of State Restoration of Civil Rights
- ☐ 201 Seal Criminal Case Records (A.R.S. §13-911)

144 & 150-199 UNCLASSIFIED CIVIL:

- ☐ Administrative Review
(See Lower Court Appeals cover sheet in Yuma)
- ☐ 150 Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)
- ☐ 155 Declaratory Judgment
- ☐ 157 Habeas Corpus
- ☐ 184 Landlord Tenant Dispute – Other*
- ☐ 190 Declaration of Factual Innocence (A.R.S. §12-771)
- ☐ 191 Declaration of Factual Improper Party Status
- ☐ 193 Vulnerable Adult (A.R.S. §46-451)*
- ☐ 165 Tribal Judgment
- ☐ 167 Structured Settlement (A.R.S. §12-2901)
- ☐ 169 Attorney Conservatorships (State Bar)
- ☐ 170 Unauthorized Practice of Law (State Bar)
- ☐ 171 Out-of-State Deposition for Foreign Jurisdiction

Case No: _____

- ☐ 172 Secure Attendance of Prisoner
- ☐ 173 Assurance of Discontinuance
- ☐ 174 In-State Deposition for Foreign Jurisdiction
- ☐ 176 Eminent Domain– Light Rail Only*
- ☐ 177 Interpleader– Automobile Only*
- ☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)
- ☐ 183 Employment Dispute – Discrimination*
- ☐ 185 Employment Dispute – Other*
- ☐ 198 Verified Rule 27(a) Petition*

- ☐ 196 Verified Rule 45.2 Petition
- ☐ 195(a) Amendment of Marriage License (Yuma County Filings Only)
- ☐ 195(b) Amendment of Birth Certificate
- ☐ 200 Application/Motion Objecting to Foreign Subpoena
- ☐ 163 Other* _____
(Specify)

EMERGENCY ORDER SOUGHT

- ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC ☐ Election Challenge
- ☐ Employer Sanction ☐ Other (Specify) _____

Additional Plaintiff(s):

Additional Defendant(s):

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Plaintiff OR ☐ Defendant

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Name of Plaintiff

Case No.: _____

And

SUMMONS

Name of Defendant

**WARNING: This is an official document from the court that affects your rights. Read this carefully.
If you do not understand it, contact a lawyer for help.**

FROM THE STATE OF ARIZONA TO: _____
Name of Defendant

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this *"Summons."*
2. If you do not want a judgment or order taken against you without your input, you must file an *"Answer"* or a *"Response"* in writing with the court, and pay the filing fee. If you do not file an *"Answer"* or *"Response"* the other party may be given the relief requested in his/her Petition or Complaint. To file your *"Answer"* or *"Response"* take, or send, the *"Answer"* or *"Response"* to the:
 - Office of the Clerk of the Superior Court, 250 W. 2nd Street, Yuma, Arizona 85364

Mail a copy of your *"Response"* or *"Answer"* to the other party at the address listed on the top of this Summons.

3. If this ***“Summons”*** and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your ***“Response”*** or ***“Answer”*** must be filed within **TWENTY (20) CALENDAR DAYS** from the date you were served, not counting the day you were served. If this ***“Summons”*** and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within **THIRTY (30) CALENDAR DAYS** from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:
 - 250 W. 2nd Street, Yuma, Arizona 85364
5. Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.
6. Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.
7. **Eviction Actions/Forcible Detainers:** If you want to request a telephonic hearing, please contact the judge assigned to your case.

SIGNED AND SEALED this date

CLERK OF SUPERIOR COURT

By _____
Deputy Clerk

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Plaintiff OR ☐ Defendant

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

PLAINTIFF,

VS.

DEFENDANT.

Case Number: _____

CERTIFICATE OF COMPULSORY ARBITRATION

***Notice to Defendant: If you agree with the Plaintiff's Certificate of Compulsory Arbitration, you DO NOT need to file this form.**

☐ The undersigned certifies that this case is (Please check **ONLY** one option below):
Subject to Arbitration – The amount of money in controversy **DOES NOT** exceed \$50,000,
AND no other affirmative relief is sought.

☐ **Not Subject to Arbitration** – The amount of money in controversy **DOES** exceed \$50,000,
OR other affirmative relief is sought.

***Defendant – If you DISAGREE with the Plaintiff's Certificate of Compulsory Arbitration, please explain why you disagree below:**

SUBMITTED this _____ day of _____, 20_____.

SIGNATURE _____

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Name of Plaintiff

Case Number: _____

CIVIL COMPLAINT

Name of Defendant

Plaintiff hereby submits this complaint against Defendant(s) and alleges the following:

JURISDICTION and VENUE

1. Yuma County Superior Court has the legal authority to hear and decide this case because: *(Check all boxes that are true.)*

- ☐ The value of this case exceeds \$10,000 dollars.
- ☐ Replevin or other nonmonetary remedy will take place in Yuma County.
- ☐ The Plaintiff resides in Yuma County.
- ☐ The Defendant resides in Yuma County.
- ☐ The Defendant does business in Yuma County.
- ☐ The events, actions, or debts subject of this Complaint occurred in Yuma County.
- ☐ Other reason: _____

DISCOVERY TIER

2. Pursuant to Arizona Rules of Civil Procedure, Rule 26.2 (c) (3), the Court should assign my case to the following tier based on the amount of damages I request.

☐ Tier 1 = Actions claiming \$50,000 or less in damages.

☐ Tier 2 = Actions claiming more than \$50,000 and less than \$300,000 in damages,

OR Actions claiming nonmonetary relief.

☐ Tier 3 = Actions claiming \$300,000 or more in damages.

PARTIES

3. The Plaintiff in this case is _____

4. The Defendant in this case is _____

STATEMENT OF FACTS AND BREACH

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

(If you need more space, add an attachment labeled "Statement of Facts and Breach," and continue consecutive numbering.)

APPLICABLE LAW SUPPORTING CLAIMS

() _____

() _____

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Applicable Laws Supporting Claims," and continue consecutive numbering.)

INJURIES

() _____

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Injuries," and continue consecutive numbering.)

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands judgment against defendant(s), and each of them (if applicable) for the following dollars, interest, costs and expenses incurred herein, **or** non-monetary remedy, including reasonable attorneys' fees, and for such other and further relief as the Court may deem just and proper.

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Demand for Relief," and continue consecutive numbering.)

Dated this _____.
(Date of signature)

(Signature of Plaintiff or Plaintiff's Attorney)

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Plaintiff OR ☐ Defendant

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Name of Plaintiff

Case Number: _____

Title: **PLAINTIFF'S DEMAND for
JURY TRIAL**

Name of Defendant

Plaintiff, _____, demands a trial by jury in this case. If this
(Name of Plaintiff)

case is sent to compulsory arbitration, Plaintiff demands a trial by jury if there is an appeal
from that compulsory arbitration.

Dated this _____
(Date of signature)

(Signature of Plaintiff or Plaintiff's Attorney)