**H14**

**CIVIL COMPLAINT**



1



**FORMS and INSTRUCTIONS**

© Superior Court of Arizona in Graham County ALL RIGHTS RESERVED

CVC1 **5944** 120116

Version 1.13.17

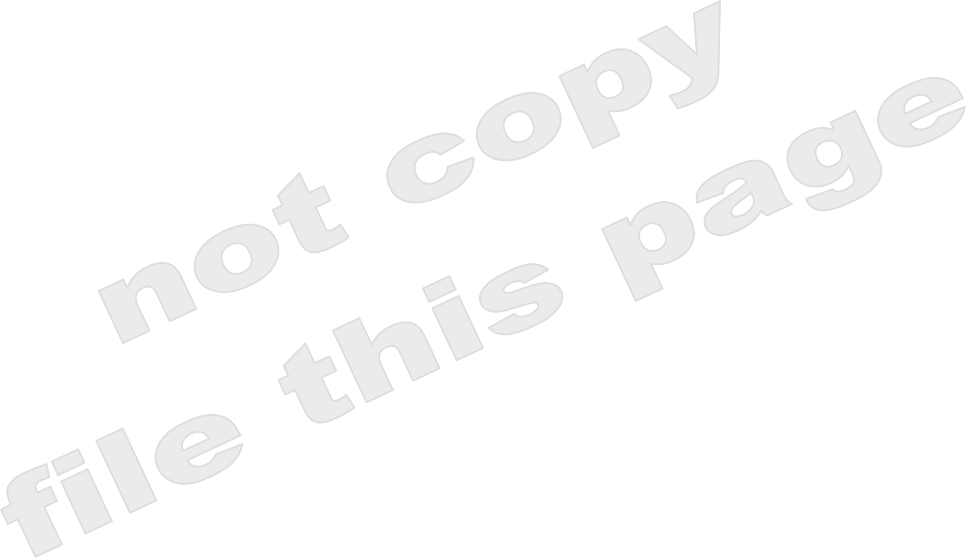
**Self-Service Center**

# CIVIL COMPLAINT in

**GRAHAM 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 Graham County Superior Court because
  + You or the defendant live in Graham County, or
  + The subject of the case began or happened in Graham County, or
  + The land or personal property at issue in the case is in Graham 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 Self Service Center website is a list of court-approved mediators

© Superior Court of Arizona in Graham County CVC1k 120116

ALL RIGHTS RESERVED Page 1 of 1

**LAW LIBRARY RESOURCE CENTER**

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

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

* If you are starting the case, you are the Plaintiff. The Defendant is the party you are suing. Write in “Graham” as the county.
* Leave the case number blank; the Clerk of Court gives you the number when you file. If you have no attorney, leave those lines blank.
* If you have no emergency, complex litigation, or no commercial case per A.R.C.P. 8(h), skip to the section titled “Nature of Action.”
* In the section named “NATURE of ACTION,” study 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.
* If you marked on page 1 that you have a complex case, mark the appropriate box in the last section.

**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 Graham 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 **NOT** asking for monetary relief, your case is **NOT** subject to arbitration.

**STEP 4:** Fill out the “***Civil Complaint”*** form.

* A civil complaint is a form a 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 Graham County Superior Court has authority over your case by marking the box(es) next to the true statements.
* Parties: Identify the plaintiff and defendants 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.
* Breach: Continue the numbered sentences or paragraph, and explain what the defendant did that caused you to file this case against the defendant.
* 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 where you left off. Do NOT repeat the numbers.
* 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.
* Demand for Jury Trial: (Optional) If you do not want a jury trial, skip this part. If you want a jury trial, you should request it at the end of your complaint or within 10 days of filing your complaint. Otherwise, you may be considered to have given up your right to a jury. If you want a jury trial, go back to page one (1) of the Complaint form and write “Jury Trial Requested” under the title “CIVIL COMPLAINT.”
* 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 A,” “Exhibit B,” and so on. You can “label” a document “Exhibit A” by placing a tabbed page that says “Exhibit A” in front of that document. It is best to use tabs so that the court can easily find the exhibits.

### STEP 5: PHOTOCOPY

* Remove the Civil Coversheet from your Original packet.
* Make three (3) photocopies of the completed, original forms in your civil complaint packet.
* 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 6: TAKE the 4 packets and DELIVER them to the Clerk of 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 Court at least two hours before closing.

Graham County Superior Court 800 W Main Street

Safford, AZ 85546

**STEP 7: PAY the FILING FEE** to the Clerk of Court while at the Civil Filing Counter.

* You may find a list of current filing fees at the Clerk of 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 the Court.
* 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 8 to serve the other copy to the Defendant.

### STEP 8: SERVE the DEFENDANT a copy of the CIVIL COMPLAINT packet.

* Please read through **Packet 2** Instructions about how to serve the defendant.

|  |  |
| --- | --- |
| **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:** |

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)

EMERGENCY ORDER SOUGHT: Temporary Restraining Order Provisional Remedy OSC Election Challenge Employer Sanction Other

(Specify)

RULE 8(h) COMPLEX LITIGATION APPLIES. Rule 8(h) of the Rules of Civil Procedure defines a “Complex Case” as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.

(Mark appropriate box on page two as to complexity, **in addition** to the Nature of Action case category.)

THIS CASE IS ELIGIBLE FOR THE COMMERCIAL COURT UNDER EXPERIMENTAL RULE 8.1. (Maricopa County

only.) Rule 8.1 defines a commercial case and establishes eligibility criteria for the commercial court. Generally, a commercial case primarily involves issues arising from a business contract or business transaction. However, consumer transactions are not eligible. A consumer transaction is one that is primarily for personal, family or household purposes. **Please review Rule 8.1 for a complete list of the criteria**. See [http://www.superiorcourt.maricopa.gov/commercial-court/.](http://www.superiorcourt.maricopa.gov/commercial-court/) You must check this box if this is an eligible commercial case. **In addition, mark the appropriate box below in the "Nature of Action" case category**. The words "commercial court assignment requested" must appear in the caption of the original complaint.

**NATURE OF ACTION**

#### (Place an **“X”** next to the **one** case category that most accurately describes your primary case.)

##### 100 TORT MOTOR VEHICLE:

1. Non-Death/Personal Injury
2. Property Damage
3. Wrongful Death

##### 110 TORT NON-MOTOR VEHICLE:

1. Negligence
2. Product Liability – Asbestos 112 Product Liability – Tobacco 112 Product Liability – Toxic/Other 113 Intentional Tort
3. Property Damage
4. Legal Malpractice

115 Malpractice – Other professional 117 Premises Liability

118 Slander/Libel/Defamation

116 Other (Specify)

##### 120 MEDICAL MALPRACTICE:

1. Physician M.D. 123 Hospital
2. Physician D.O 124 Other

**Case No.**

##### 130 CONTRACTS:

131 Account (Open or Stated) 132 Promissory Note

133 Foreclosure

1. Buyer-Plaintiff
2. Fraud

134 Other Contract (i.e. Breach of Contract) 135 Excess Proceeds-Sale

Construction Defects (Residential/Commercial) 136 Six to Nineteen Structures

137 Twenty or More Structures

##### 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

1. NCC-Employer Sanction Action (A.R.S. §23-212)
2. Injunction against Workplace Harassment 181 Injunction against Harassment

182 Civil Penalty

186 Water Rights (Not General Stream Adjudication) 187 Real Property

Special Action against Lower Courts

(See lower court appeal cover sheet in Maricopa)

194 Immigration Enforcement Challenge (§§1-501, 1-502, 11-1051)

##### 150-199 UNCLASSIFIED CIVIL:

Administrative Review

(See lower court appeal cover sheet in Maricopa) 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 172 Secure Attendance of Prisoner

1. Assurance of Discontinuance
2. In-State Deposition for Foreign Jurisdiction 176 Eminent Domain– Light Rail Only
3. Interpleader– Automobile Only
4. Delayed Birth Certificate (A.R.S. §36-333.03) 183 Employment Dispute- Discrimination

185 Employment Dispute-Other

195(a) Amendment of Marriage License 195(b) Amendment of Birth Certificate

163 Other (Specify)

##### COMPLEXITY OF THE CASE

If you marked the box on page one indicating that Complex Litigation applies, place an “X” in the box of no less than one of the following:

Antitrust/Trade Regulation

Construction Defect with many parties or structures Mass Tort

Securities Litigation with many parties Environmental Toxic Tort with many parties Class Action Claims

Insurance Coverage Claims arising from the above-listed case types A Complex Case as defined by Rule 8(h) ARCP

###### 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 Petitioner OR Respondent**

# SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

Name of Petitioner And

**Case No.:**

**SUMMONS**

Name of Respondent

**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 Respondent

|  |  |
| --- | --- |
| **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:**  Graham County Superior Court 800 W. Main Street Safford, Az 85546  **Mail a copy of your *“Response”* or *“Answer”* to the other party at the address listed on the top of this Summons.** |

Case Number:

|  |  |
| --- | --- |
| **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:**  Graham County Superior Court 800 W. Main Street |
| **5.** | Safford, Az 85546  **Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.** |

###### 6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

**SIGNED AND SEALED this date**

###### HEIDI TORRIO, CLERK OF 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 Petitioner OR**

**Respondent**

FOR CLERK’S USE ONLY

# SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

PLAINTIFF,

**Case Number:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CERTIFICATE OF**

vs. **COMPULSORY**

## ARBITRATION

DEFENDANT.

The undersigned certifies that the largest award sought by the complainant, including punitive damages, but excluding interest, attorneys' fees, and costs **does / does not** exceed limits set by Local Rule for compulsory arbitration. This case **is / is not** subject to the Uniform Rules of Procedure for Arbitration.

SUBMITTED this day of , 20 .

BY

**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 GRAHAM COUNTY

|  |  |
| --- | --- |
| Case Number: | |
| Name of Plaintiff |  |
| Title: | **CIVIL COMPLAINT** |
|  |  |
| Name of Defendant |  |

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

**JURISDICTION and VENUE**

1. Graham 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 Graham County. The Plaintiff resides in Graham County.

#### The Defendant resides in Graham County.

The Defendant does business in GrahamCounty.

#### The events, actions, or debts subject of this Complaint occurred in Graham County. Other reason:

\_ \_

### PARTIES

#### The Plaintiff in this case is \_ \_\_

\_ \_ \_

#### The Defendant in this case is \_ \_

\_ \_ \_

### STATEMENT OF FACTS AND BREACH

4. \_ \_ \_ \_\_

\_ \_ \_\_

5. \_ \_ \_ \_\_

\_ \_ \_\_

6. \_ \_ \_ \_\_

\_ \_ \_\_

7. \_ \_ \_ \_\_

\_ \_ \_\_

8. \_ \_ \_ \_\_

\_ \_ \_\_

9. \_ \_ \_ \_\_

\_ \_ \_

(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.)

**DEMAND FOR JURY TRIAL** (Optional)

I request a jury trial, and wrote this in the “Title” below the words “Civil Complaint.”

Dated this .

*(Date of signature)*

(Signature of Plaintiff or Plaintiff’s Attorney)