

**PRACTICE FORM #1**

**Count of Complaint for Fraudulent Inducement to Marry**

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, **COMPLAINT**

vs. :

:

Defendant. :

Plaintiff, residing at

in the Township of , County of

and State of New Jersey, by way of complaint, says:

**COUNT TWO**

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.

2. Defendant induced plaintiff into a marriage based upon the false representation that he would support her for the rest of her life, and that she need not worry about any financial matters.

3. Defendant at all times know that the above representation was untrue, but he knew that the only way he could induce plaintiff to marry him was by making such a promise.

4. Plaintiff, because of her reliance upon defendant's representation gave us benefits of her previous marriage, including alimony, and social security benefits.

5. Defendant knew at the time that he made these representations to plaintiff that he would support her for the rest of her life, that he had no intentions of fulfilling that promise, and did so with the sole purpose to induce the plaintiff to marry him based upon that representation, upon which the plaintiff relief to her detriment.

WHEREFORE, plaintiff demands judgment against the defendant, jointly and severally, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

**>>>Practice Pointer: Remember in any complaint you need not put all specifics of the actions and thus be bound by them at a later date. All you have to do is allege enough facts to substantiate a cause of action.**

**PRACTICE FORM #2**

**Count of Complaint for Fraudulent Inducement to**

**Continue the Marriage Relationship**

**COUNT TWO**

1. Plaintiff repeats all the allegations of the First and Second Counts as if set forth verbatim and at length.
2. The defendant fraudulently induced the plaintiff to the marriage relationship, with the full knowledge that the sole purpose of the marriage was for the plaintiff to be supported by the defendant through his medical school education.
3. Defendant, prior to the knowledge, had no intentions of fulfilling his marriage obligations, and making a life together with the plaintiff, but solely married her so that she would provide support for him during that part of the marriage in which he was going to medical school.
4. The plaintiff, through four years of medical school, two years of internship, and one year of residency, with little contribution from the defendant, fully supported the defendant and allowed him to pursue his career. She provided the means by which the defendant could live in a luxurious house, enjoy a lavish lifestyle, while pursuing his career and his medical degree.
5. At all times, the defendant had few relations with the plaintiff, and induced plaintiff to enter into a sham marriage for the sole purpose for her to provide support for him in order to secure his education and medical degree.
6. As a result, plaintiff has been defrauded out of large sums of money used for the support of the defendant.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;

4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #3

Motion to Set Aside Settlement Agreement

Because of Fraud

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, NOTICE OF MOTION TO VACATE

vs. : JUDGMENT OF DIVORCE ETC.

:

Defendant. :

TO: Attorney for Defendant

SIR:

PLEASE TAKE NOTICE that on Friday,

at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorney for plaintiff, shall appear before the Hon.

or whatever Judge is sitting in matrimonial matters, of the Superior Court, Chancery

Division, Family Part,

County, Court House, , New Jersey for an Order:

- A. To vacate the Judgment or Divorce dated pursuant to Rule 4:50 (a), (b) or (c);
- B. To permit discovery through exchange of interrogatories and the taking of depositions pursuant to Rule 4:79-5;
- C. To compel defendant to submit a case information statement;
- D. To compel defendant to submit to plaintiff personal income tax returns filed jointly for the years as well as his individual income tax return for ;
- E. For defendant to supply copy of his pension plans and to permit plaintiff to have evaluation made of his pension plans and for the defendant to advance moneys for said evaluation;
- F. To permit an independent accountant to make an evaluation of defendant's businesses with defendant advancing the cost of same;
- G. To have the court appoint an appraiser of the defendant's business building in , New Jersey;
- H. To pay plaintiff's attorney counsel fees and costs in prosecution of this matter;
- I. For such other relief as the court may deem equitable and just.

Plaintiff will rely upon the annexed certifications and brief and exhibits in support of this motion, and requests oral argument thereon.

DATED:

Attorney for Plaintiff

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, CERTIFICATION

vs. :

:

Defendant. :

I, , of full age, upon her oath, certifies as follows:

1. I am the plaintiff in the foregoing action and make this certification in support of my motion to vacate the judgment of divorce which included a Property Settlement Agreement placed upon the record because of fraud. Said Judgment of Divorce was entered on the day of , 19 , and contained a Property Settlement Agreement placed upon the record in open court.
2. Said divorce was in fact a sham between the parties, and I was convinced by the defendant to put all of my assets in his name in order to protect myself from bankruptcy. Said bankruptcy did not in fact occur.
3. By placing all of my assets in his name, I was fraudulently deceived by the defendant into believing that after the bankruptcy occurred, he would then transfer all assets of mine back to me. He has not done so and has no intention to do so.
4. I thus ask the court to undo the wrong that has been done to me by defendant's fraudulent representations, and allow me to begin the discovery that is necessary to have a fair share of the assets allocated if in fact a legitimate divorce has taken place. In this distribution, he has received 95% of the assets, including some of my premarital assets.
5. I ask the court to first of all vacate the Judgment of Divorce, entered on the day of , 19 , or in the alternative, to reserve on that decision until full discovery is made through interrogatories, exchange of Case Information Statements, an accounting of all of the assets, and an appraisal of all of the properties.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED:

Plaintiff

PRACTICE FORM #4

Count of Divorce Complaint for Assault and

Battery, "Tevis Complaint".

COUNT TWO

1. Plaintiff repeats the allegations of Count One of the Complaint as if set forth verbatim and at length.
2. On or about , 19 , without provocation, defendant physically struck plaintiff about the head and body with his fists and a large blunt instrument.
3. As a result of the aforementioned occurrence, plaintiff suffered severe physical and emotional trauma necessitating medical intervention.
4. As a further result of the aforementioned incident, plaintiff was caused to file a domestic violence complaint against defendant under Docket No. , which action barred and restrained defendant from returning to the marital residence or from having further contact or communication with plaintiff.
5. As a direct and proximate result of defendant's actions, plaintiff has experienced and will continue to experience physical and emotional pain and suffering and will require additional medical attention in the future.
6. The actions by the defendant in attacking plaintiff at the time and place set forth above were done intentionally with the express and exclusive purpose of causing grievous and severe physical injury to plaintiff and to cause plaintiff to be in fear of further physical injury.
7. As a result of the defendant's intentional, willful, malicious and/or gross negligence and/or wanton disregard of the surrounding circumstances and safety of the plaintiff, the plaintiff sustained serious, permanent and painful injuries, will in the future experience great pain and suffering, was obligated to expend large sums of money for medical care and attention, was caused to lose large sums of money for wages she would have earned but for her injuries, will in the future lose further sums of money for lost wages, was deprived of pursuing her usual activities, and will in the future be so deprived of pursuing her usual activities.
8. At the time of said domestic violence hearing, the plaintiff specifically reserved her right to damages because the extent and duration of the medical treatment, both physical



and mental, had not yet been determined.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #5

Count of Divorce for Marital Rape

COUNT TWO

1. Plaintiff repeats the allegations of Count One of the Complaint as if set forth verbatim and at length.
2. On or about , 19 , defendant woke up plaintiff from a deep sleep, after entering her room, and demanded that plaintiff have sexual relations with him.
3. Plaintiff refused to have said sexual relations, asked defendant to immediately leave the room and the house, and attempted to call the police to have the defendant removed.
4. Defendant ripped the telephone out of plaintiff's hand, overpowered plaintiff and had sexual intercourse with her, penetrating her vagina with his penis.
5. All of the above was without the consent of the plaintiff, and was only accomplished by physical force of the defendant upon the plaintiff.
6. As a result of the defendant's actions, plaintiff was put in fear of her life, suffered physical injury, humiliation and anguish.
7. On the day of , 19 , plaintiff instituted a domestic violence action against the defendant for which he was found guilty of assault, and evicted from the marital home, and a permanent restraining order placed upon his contact with the plaintiff.
8. At the time of said domestic violence hearing, the plaintiff specifically reserved her right to damages because the extent and duration of the medical treatment, both physical and mental, had not yet been determined.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #6

Count of Divorce for Deviant Sexual Intercourse.

COUNT TWO

1. Plaintiff repeats the allegations of Count One of the Complaint as set forth verbatim and at length.
2. On or about , 19 , plaintiff and defendant were having sexual intercourse when the defendant told her he had a surprise for her.
3. At the time, he left he bed, and went to the parties' closet, and brought out another female, blond, between 25 and 30 years of age who was completely naked.
4. Before the plaintiff knew what had happened, both this woman and the defendant performed certain sexual acts upon her, and upon each other in her presence. When plaintiff tried to resist, she was overpowered by both parties.
5. As a result of these activities, plaintiff was sexually assaulted, suffered physical injury, was humiliated and suffered great anguish.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #7

Count of Divorce Complaint for Intentional

Infliction of Emotional Injury/Distress

COUNT TWO

1. Plaintiff repeats the allegations of Count One of the Complaint as if set forth verbatim and at length.
2. All during the course of the marriage, the plaintiff had sex with her husband without the benefit of a condom because she had undergone a sterilization process known as a "tubal ligation" which served as a basis for birth control.
3. In , 19 , plaintiff discovered through the use of private detectives that the defendant was having a homosexual relationship with , and had been meeting him at his apartment at regular intervals.
4. On , 19 , the plaintiff confronted the defendant with the private detective's report and the defendant admitted that he had a homosexual lover; and that he had sex with the homosexual partner without the benefit of a condom.
5. As a result of this disclosure, plaintiff demanded that defendant receive an AIDS test, which he cooperated in having and he was proved positive for the virus which causes AIDS.
6. Plaintiff then had herself tested for AIDS and as of the present time, she is negative for the AIDS virus.
7. As a result of the outrageous conduct of the defendant, who engaged in homosexual sex without condom protection and yet continued to have sex with the plaintiff without condom protection, and the subsequent learning of this knowledge by plaintiff, she suffered emotional distress.
8. Those actions of the defendant were so extreme and outrageous conduct, as a result of which he intentionally or recklessly in deliberate disregard of the high degree of probability that emotional distress would follow upon the plaintiff learning of such activities, that such action went beyond all reasonable bounds of decency, as to proximately cause the plaintiff severe emotional distress.
9. As a result of the actions of the defendant, plaintiff has suffered emotional distress and has been treated by various psychiatrists in order to alleviate her anxiety, tension and fear of contracting AIDS.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #8

Count of Divorce Complaint for Negligent

Infliction of Emotional Distress

COUNT TWO

1. Plaintiff repeats the allegations of Count One of the Complaint as if set forth verbatim and at length.
2. All during the course of the marriage, the plaintiff had sex with her husband without the benefit of a condom because she had received a tubal ligation which prohibited conception.
3. In , 19 , plaintiff discovered through the use of private detectives that the defendant was having a homosexual relationship with , and had been meeting him at his apartment at regular intervals.
4. On , 19 , the plaintiff confronted the defendant with the private detective's report and the defendant admitted that he had a homosexual lover; and that he had sex with the homosexual partner without the benefit of a condom.
5. As a result of this disclosure, plaintiff demanded that defendant receive an AIDS test, which he cooperated in having and he was proved positive for the virus which causes AIDS.
6. Plaintiff then had herself tested for AIDS and as of the present time, she is negative for the AIDS virus.
7. As a result of the outrageous conduct of the defendant, who engaged in homosexual sex without condom protection, and yet continued to have sex with the plaintiff without condom protection, and the subsequent learning of this by plaintiff, she suffered severe emotional distress.
8. The conduct of the defendant was so extreme and outrageous, or defendant acted so negligently or recklessly, in deliberate disregard of the high degree of probability of harm that would be incurred by plaintiff after learning of such activities, that such action went beyond all reasonable bounds of decency, as to proximately cause the plaintiff severe emotional distress.
9. As a result of the actions of defendant, plaintiff has suffered emotional distress and has been treated by various psychiatrists in order to alleviate her anxiety, tension and fear.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #9

Count of Divorce for Transmission of Sexual Disease.

COUNT ONE

1. Plaintiff repeats the allegations of Count One of the Complaint as if set forth verbatim and at length.
2. Plaintiff and defendant had sexual intercourse during the course of the marriage without the use of a condom because plaintiff underwent a sterilization procedure known as a "tubal ligation" which provided birth control for the parties.
3. In early , 19 , plaintiff noticed sores and lesions around her genital area, which was diagnosed shortly thereafter as genital herpes.
4. Plaintiff at all times has been monogamous during the course of the marriage, and the only person that she has had sex with of any nature of the last ten years has been the defendant.
5. Upon the discovery of the disease, plaintiff confronted the defendant, who admitted that he was having an affair with  
.
6. As a result of the actions of the defendant, plaintiff suffered injuries, required medical treatment, and in the future will continue to need such medical treatment, lost time from work, and resultant lost wages, and suffered the fear and embarrassment associated with said disease.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.



Attorney for Plaintiff

PRACTICE FORM #10

Complaint for Deceit and Fraudulent Representation

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT

vs. :

:

Defendant. :

Plaintiff, residing at

in the Township of , County of

and State of New Jersey, by way of complaint, says

1. Plaintiff was formerly married to the defendant and said marriage existed for a ten year period of time, ending in divorce on .
2. Prior to the plaintiff divorcing the defendant, she met the defendant who romanced her, paid for lavish meals, and gave her lavish gifts.

3. Defendant asked the plaintiff to come and live with him, with the eventual prospect of marrying the plaintiff, and he promised her that he would "take care of her for the rest of his life."

4. Plaintiff then divorced her former husband, settling for nominal alimony in the expectations that she would marry the defendant and have no need for same.

5. Soon after the divorce, plaintiff asked the defendant to begin living together in preparation for their marriage, and the onset of their life together.

6. Defendant found one excuse after another, not to live together, but visited plaintiff in her new home on a frequent basis, spending nights and weekends, but always maintaining his own residence.

7. The above conduct of the defendant continued for almost a year, when defendant admitted to her that at the same time he was involved with plaintiff, and prior thereto, he was also involved with another woman who he planned on marrying.

8. Defendant never told plaintiff about this other woman, led her to believe at all times that she was the only woman in his life, that he anticipated marrying her soon, and "taking care of her for the rest of his life." Defendant never married plaintiff, and in fact, married the other woman.

9. As a result of the false representations of the defendant, the facts that he knew to be untrue at the time that he made it, made with the intent to deceive the plaintiff, and upon which plaintiff relied, plaintiff sustained damages to the extent that she agreed to an inadequate alimony figure from her first husband, lost social security benefits and was otherwise damaged.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #11

Count of Divorce Complaint for Economic Deceit

and Fraudulent Misrepresentation

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.

2. On or about , defendant with he intent to defraud the plaintiff, made certain material representations to the plaintiff, knowing said representations were false, to wit: (a) that certain real property located at

, was to be purchased by ; (b) that the purchase price for said property was to be \$50,000.00

and was a "good" price to the plaintiff; (c) that a building located on the property was little value and was to be razed. It was the intent of defendant, , that the plaintiff act on said false representations and sign away her interest in said property, and that the plaintiff, in reliance on said false representations, and having a right to do so, did rely, and in fact singed away her rightful interest in said property to

.

3. As a proximate result, the plaintiff was deprived of her interest in said property and was financially damaged thereby.

4. Defendant at all times knew these representations to be false and said them in the intent to deceive the plaintiff, which he did. Plaintiff believed and justifiably relied upon the statement and was induced to enter into the signing away of her interest in said property by defendant's representations.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #12

Complaint for Physical, Emotional and Sexual

Abuse by Child Against Parents

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT

vs. : TORT

:

Defendants.:

Plaintiff, residing at

in the Township of , County of

and State of New Jersey, by way of complaint, says:

1. Plaintiff is the daughter of defendant,

her father, and defendant, , her mother.

2. Plaintiff is presently 19-1/2 years of age, an emancipated adult under New Jersey Law, and no longer living with the defendants.

3. Plaintiff is proceeding in this action under the common law action of tort and child abuse as well as the statutory civil action for civil abuse as codified in N.J.S.A.2A:621, et seq.

4. On many occasions, over many years from the time the plaintiff was 8 until she was 13 years of age, the defendant,

, the father, sexually abused the plaintiff by touching her about the body, forcing her to perform fellatio upon him, and engaging in sexual relations with the plaintiff.

5. When plaintiff complained to the defendant,

her mother, about the sexual abuse that her father was performing upon her, the defendant, , accused her of lying and making up stories, and trying to "start trouble" and "pull the family apart", and did nothing in order to stop the actions of defendant, , or to aid her.

6. As a result of the actions of the defendants, the plaintiff has suffered physical injury, has sought medical and psychological help, is unable to function in a normal sexual manner, and will be compelled to spend money in the future for medical and psychological help.

WHEREFORE, plaintiff seeks damages as follows:

1. Statutory damages as defined in N.J.S.A.2A:61, et seq.
2. For compensatory damages in an amount that is fair and just;
3. For punitive damages in an amount that is fair and just;
4. For costs, including reasonable attorney's fees.
5. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #13

Count of Divorce Complaint for Dissipation of Assets

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. The marriage between the plaintiff and defendant created a fiduciary relationship of trust and confidence between the spouses which required the utmost good faith in dealing with one another.
3. Defendant had a duty to the plaintiff to manage and control their joint property and act as a fiduciary with regard to said property.
4. Defendant was obliged to manage and control the joint property with care and skill as a person of ordinary prudence would exercise in dealing with the property of the parties.
5. Defendant breached that duty by improperly, wrongfully and unreasonably dissipating and/or misappropriating the joint property and funds for his own separate benefit, by means of, but not limited to the following:
  - a. Diverting marital income solely to the defendant.
  - b. "Gifting" marital assets to others.
  - c. Converting marital assets by transferring same to the sole and separate title of the defendant and to others.
  - d. Selling, exchanging, and conveying marital property and marital interests in sole and separate properties to others without adequate consideration.
  - e. Creating numerous trusts, companies and other entities to which marital assets and incomes were transferred.
  - f. Transferring shares of stock, commodities, investment units, and other securities including but not limited to the stock of and to others without adequate consideration.
6. All of the above were done by the defendant in anticipation of the parties' separation and eventual divorce, and in close proximity to those dates.



7. In addition, defendant made large expenditures in the final years of the marriage, said expenditures inuring solely to his benefit. Said expenditures were not typical of those made throughout the course of the marriage and benefitted the defendant only and did not benefit the joint marital enterprise.

8. As a direct and proximate result of the actions of defendant, plaintiff has been damaged as she has been deprived of the use, enjoyment, and income which rightfully belonged to the marital estate. Plaintiff's interest has been dissipated or destroyed, while the defendant has been unjustly enriched thereby.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

>>>Practice Note: If the spouse who has dissipated or transferred assets, has done so to third parties, his mother, his father, his brother, his girlfriend, other business partners, etc., it would be incumbent upon the attorney to join these parties in an additional defendants, or third party defendants, depending upon whether the injured party was the plaintiff or defendant in the original complaint.

PRACTICE FORM #14

Count of Divorce for Invasion of Privacy

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count

as if set forth verbatim and at length.

2. The parties separated on the day of

19 , with plaintiff taking up residence in a separate apartment.

3. Defendant on , and at many times thereafter, at times and places yet unknown to plaintiff, has had plaintiff followed by a private detective in order to know plaintiff's whereabouts, and inquire into plaintiff's private affairs, all of which constituted a violation of plaintiff's right of privacy.

4. As a result of the actions of the defendant and his private detective, plaintiff was harassed, bothered, inconvenienced and intruded upon, and suffered a loss of privacy.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;

2. For punitive damages in an amount that is fair and just;

3. For costs, including reasonable attorney's fees;

4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

>>>Practice Note: It is a good idea to name as a party defendant any person who aids the other spouse in the intrusion into the private affairs of the plaintiff, by means of additional defendants.

PRACTICE FORM #15

Count of Divorce for Wiretapping

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. Defendant knew of plaintiff's anticipated divorce from him three months prior to the parties' separating, when defendant was restrained from returning to the marital residence because of a domestic violence incident which occurred on , 19 3. Plaintiff discovered in the basement of the house soon after the defendant left, a telephone intercepting device attached to a tape cassette.
4. Plaintiff in her conversations with defendant, noticed that the defendant had an unusual familiarity with her personal affairs, her conversations with her attorney, and her personal life.
5. On , 19 , defendant confronted plaintiff with the knowledge that he believed that she was having an affair with . The defendant went into great detail about the affair, places that the plaintiff had gone to, and things that plaintiff supposedly had said to her boyfriend, he had certain evidence which he would let the children "hear".
6. As a result of the actions of the defendant, plaintiff suffered emotional distress.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #16

Count of Divorce for Harassment

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. Plaintiff and defendant have been separated since  
  
, 19 .
3. Defendant constantly and consistently telephones plaintiff as much as 7 or 8 times a day at work, and as much as 4 or 5 times a night. At times he does not talk on the phone, merely waits for plaintiff to answer the phone, and holds on until she hangs up. Plaintiff knows that it is the defendant because she has caller identification attached to her phone, which identifies the telephone number from which the call was made which is the defendant's telephone number and he is the only person who resides at that address.
4. On many separate occasions, plaintiff has noticed that the defendant has been following her at a distance, or is waiting outside her place of employment or business in his automobile, watching the house.
5. On many separate occasions, plaintiff has asked the defendant to cease and desist from said actions, and there have been numerous communications between her attorney and that of the defendant's attorney to the same effect.
6. Despite plaintiff making it abundantly clear that she does not wish defendant to continue this type of behavior, he continues to pursue said harassment.
7. As a result of said harassment, plaintiff feels intimidated by the defendant is extremely worried that his behavior may escalate into more violent and aggressive behavior; is disrupted from her work and from private activities, and has suffered mental anguish, has been treated by a psychologist and shall continue to be treated by a psychologist as a result of the defendant's actions.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;

4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #17

Count of Divorce for False Arrest

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.

2. On or about the day of

19 , the parties who were both living in the marital home, were having a discussion concerning their divorce when the defendant told the plaintiff to leave the house. When he refused, defendant threatened that unless he left the house immediately, she was going to call the police. Plaintiff refused to leave and defendant called the police.

3. Defendant told the police that the plaintiff had attacked her, and that she was in fear for her life. Plaintiff denied these allegations, but nevertheless, the Police Force arrested the plaintiff and took him to police headquarters, where he was held for three hours before being released and told not to return home.

4. Said allegations concerning any harassment or attack by the plaintiff upon the defendant were false, made for the sole purpose to evict the plaintiff from the home giving the defendant a strategic advantage in the divorce.

5. Defendant's action was maliciously motivated with the only intention to harass, intimidate and cause harm to the plaintiff.

6. As a result of the action of the defendant, the plaintiff was falsely imprisoned, suffered mental and emotional stress resulting from the indignity to which he was subjected.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

>>>Practice Note: Remember the police probably are not liable because of their Statutory Immunity.

PRACTICE FORM #18

Count of Divorce Complaint for Abuse of Process

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as it set forth verbatim and at length.
2. On or about the day of , 19 defendant falsely and maliciously alleged a non-existent act of domestic violence at the parties' marital home, and called the police to have the plaintiff evicted.
3. Plaintiff left the house under police escort and was handed a restraining order which prohibited him from returning to the home until there was a final hearing as to the allegations made by defendant.
4. On the date of the final hearing, the court made a finding of fact that not only was defendant unable to sustain her burden of proof as to any domestic violence; but that the domestic violence in fact did not take place and that defendant's motivations in bringing the action was simply to bar the plaintiff from the house in order to have better leverage in a custody dispute between the parties.
5. Defendant used the legal process and the courts wrongfully for her own betterment, and abused the process of said court.
6. As a result of the defendant's actions, plaintiff had to leave the house, seek lodgings elsewhere until the final date of the hearing, expend monies for said lodging, incur attorney's fees to defend him in this false action; lost time from work and reduction of pay because of said lost time; suffered mental and emotional stress resulting from the indignity of the proceedings in which he was falsely accused of being a "wife batterer".

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff



PRACTICE FORM #19

Count of Divorce for Libel and Slander

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.

2. On or about the day of , 19 ,

defendant entered plaintiff's place of business and began shouting in the presence of plaintiff's boss and three co-workers, that plaintiff "was a thief", that he stole money from her and she "wouldn't be surprised if he was stealing money from his boss." Thereafter and on several different occasions, she repeated these allegations to plaintiff's immediate supervisor, .

3. Plaintiff neither stole from defendant nor stole from his boss, and at the time the defendant made such statements, she knew them to be false, and she knew that these allegations would damage plaintiff at his place of employment.

4. As a result of defendant's utterance of these slanderous remarks, the plaintiff's business accounts were audited by his company as well as his expense accounts.

5. Although there was found to be no irregularities in either one of these accounts, plaintiff was asked to leave his place of employment because the company "didn't want to have any more trouble", or be involved in his marital affairs.

6. As a result, plaintiff had to seek a new job in which the compensation was lower than the job which he had held; was unemployed for a period of time, suffered embarrassment and humiliation, lost damage to his reputation; had his career adversely affected, suffered mental anguish and emotional distress for which he has sought psychological help and will in the future continue to do so; has lost the companionship of his employee who hold him up to contempt and ridicule.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;

2. For punitive damages in an amount that is fair and just;

3. For costs, including reasonable attorney's fees;

4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #20

Count of Divorce Complaint for Interference

Visitation and Custody

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. Plaintiff and defendant separated on the day of \_\_\_\_\_, 19 \_\_\_\_ . When the parties separated, the defendant left the marital home along with their two children, \_\_\_\_\_, age 7, and \_\_\_\_\_, age 10.
3. Shortly after the separation, the defendant took the children to her parents' home in North Carolina, without the consent or knowledge of the plaintiff; and for the sole purpose to deprive him of contact and visitation with his children.
4. Despite demand having been made, defendant refuses to return the children to the State of New Jersey to allow custody/visitation with the plaintiff, and as part of this action, the plaintiff seeks the return of the children.
5. As a result of the actions of the defendant, plaintiff will be forced to expend large sums of money for counsel fees and costs, has incurred expenses to find the whereabouts of the children, shall continue to incur legal fees and costs; has suffered great mental anguish and suffering.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For the return of the children to the State of New Jersey.
2. For compensatory damages in an amount that is fair and just;
3. For punitive damages in an amount that is fair and just;
4. For costs, including reasonable attorney's fees;
5. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #21

Complaint for Interference with Custody and Visitation

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT

vs. : TORT

and :

Defendants.:

Plaintiff, residing at

in the Township of , County of

and State of New Jersey, by way of complaint, says:

COUNT ONE

BACKGROUND AND PARTIES

1. The parties were married on the day of

19 , and divorced on the day of , 19 Two children were born of the marriage, , age 7, and , age 10.

2. Shortly after the divorce, defendant,

took both children without the consent of the plaintiff, nor permission of the court, to the State of North Carolina, to live with defendant, , and her mother, defendant,

3. Defendant, , who is the mother of defendant, , and the grandmother of the children, conspired with the defendant,

to house the children out of the State of New Jersey, and thereby aid in the tortious interference with the visitation rights of the plaintiff.

4. Ever since the defendant left the children to the State of North Carolina, defendant, , and her mother, defendant, , have refused to permit the plaintiff to talk to the children on the phone; visit with the children in North Carolina, or permit the children to come to New Jersey for visitation.

5. The divorce judgment between the parties gave the parties joint custody of the children, with residential custody being with the defendant, . Nowhere in the judgment did it allow the defendant, , to leave the State with the children. Contained in the judgment was a specific visitation schedule for the plaintiff, which anticipated visitation within the State of New Jersey. Said visitation schedule was set forth in paragraph , as follows:

6. Defendants, besides being in violation of the property settlement agreement which is attached to the judgment of divorce of the parties, are also in violation of N.J.S.A. 2C:13-4 et seq. which makes it a crime of the third degree for interference with defendant's visitation. That statute also makes liable for the same crime, anyone who aids or abets a person who deprives a parent of visitation.

7. As a result of the actions of defendants, plaintiff was compelled to bring this action, expend large sums of money for legal fees, transportation expenses, and other costs.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;

2. For punitive damages in an amount that is fair and just;

3. For costs, including reasonable attorney's fees;

4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #22

Federal Complaint for Interference with Custody/

Visitation Under P.K.K.P.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

: CIVIL DIVISION

Plaintiffs :

JURY TRIAL DEMANDED

v. :

:

NO.

:

:

:

Defendants :

COMPLAINT IN CIVIL ACTION PURSUANT TO P.K.K.P.

U.S.C.A. PAR. 1738A, et seq.

JURISDICTION

1. Plaintiff, , is a resident of the State of New Jersey, and at all times pertinent hereto, resided and currently resides in the State of New Jersey at the above address.
2. The infant child, , who is the subject matter of this suit, prior to the day of , 19 and at all times except for the last two months, has been a resident of the State of New Jersey all of her life and resided therein. The child is presently 12 years of age.
3. Defendant, , who is the ex-husband of the plaintiff, and the father of the infant child, has until two months ago, at all times, been a resident of the State of New Jersey until he left to live in Florida. Defendants,  
  
and , are the grandparents of the infant child, and the father and mother of the defendant,  
  
and are residents of the State of Florida.
4. On the day of , 19 , plaintiff and defendant, , were awarded a divorce from each other, by the Honorable , and contained therein, plaintiff received residential custody of the infant child, subject to the visitation rights of the defendant,  
  
.
5. The State of New Jersey was the home state of the plaintiff and the infant child, immediately preceding the time in which the defendant, , took the infant child from the State of New Jersey, to the State of Florida, and for more than six consecutive months prior thereto, said child was such a resident.
6. On or about the day of , 19 , plaintiff sent the infant child to defendant, for visitation for Christmas week which ended on January 1, 19 . The infant child was supposed to be returned by defendant,  
  
on that date, but he has refused to do so and has refused to return the child until the present date, despite demand having been made.
7. Jurisdiction is founded under 28 U.S.C., Par. 1738, et seq, the Parental Kidnapping Prevention Act of 1980, upon diversity of citizenship, since plaintiffs are citizens of the State of New Jersey and defendants are all citizens of the State of Florida.
8. A prior custody determination having been made in favor of the plaintiff, the State of New Jersey having been the infant child's home state for the six months prior to the two months that the child has been in the Stae of Florida.
9. Plaintiffs request that this court give full faith and credit to the degree of the State of New Jersey, giving the plaintiff custody of the infant child.



WHEREFORE, plaintiff demands judgment:

1. Compelling the defendants to return the child immediately to the State of New Jersey;
2. Directing any federal or state court in Florida to give full faith and credit to the New Jersey decree and aid in the return of the child to the State of New Jersey;
3. Award to the plaintiff from the defendants all necessary travel expenses, attorneys' fees, and costs associated with the finding, and transporting of the child back to the State of New Jersey.
4. Such other relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #23

Count of Divorce Complaint for Breach of Fiduciary

Duty, Fraudulent Conveyance and Conversion

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.

2. On or about , defendant with the intent to defraud the plaintiff, made certain material representations to the plaintiff knowing said representations were false, to wit: (a) that certain real property located at

was to be purchased by ;

(b) that the purchase price for said property was to be \$50,000.00 and was a "good" price to the plaintiff; (c) that a building located on the property was of little value and was to be razed. It was the intent of the defendant, , that the plaintiff act on said false representations and sign away her interest in said property, and the plaintiff, in reliance on said false representations, and having a right to so rely, did in fact sign away her rightful interest in said property to

As a proximate result, the plaintiff was deprived of her interest in said property and was financially damaged thereby.

3. On or about , defendant with the intent to defraud the plaintiff, made certain material representations to the plaintiff, knowing said representations were false, to wit: (a) that the plaintiff had no interest in certain real properties located in , (b) that plaintiff was required to sign deeds, quit claiming away her interest in said properties in order to clear title to those properties. It was the intent of the defendant,

that plaintiff act on said false representations and sign away her interest in said property, and the plaintiff in reliance on said representations, and having a right to so rely, signed away her rightful interest in said properties. As a proximate result, the plaintiff was deprived of her interest in said properties and was financially damaged thereby.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;

3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

### COUNT THREE

1. Plaintiff repeats the allegations of Counts One and Two of the Complaint as if set forth verbatim and at length.
2. The marriage between plaintiff and defendant,  
  
created a fiduciary relationship of trust and confidence between the spouses which required utmost good faith in dealing with one another.
3. Defendant, , had a duty to the plaintiff to manage and control their joint property and act as a fiduciary with regard to said property.
4. Defendant, , was obliged to manage and control their joint property with care and skill as a person of ordinary prudence would exercise in dealing with the property of the parties.
5. Defendant, , breached that duty by improperly, wrongfully and unreasonably dissipating and/or misappropriating their joint property and funds for his own separate benefit.
6. As a direct result of the defendant, 's  
  
conduct, plaintiff suffered financial loss.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

## COUNT FOUR

1. Plaintiff repeats the allegations contained in Counts One, Two and Three of the Complaint as if set forth verbatim and at length.
2. During the course of the marriage, at least some of the defendants, along with others, acted in concert to deprive plaintiff of marital income and assets by means of, but not limited to, the following:
  - a. Diverted marital income solely to the defendant.
  - b. "Gifted" marital assets to the other named defendants.
  - c. Converted marital assets by transferring same to the sole and separate title of the other named defendants.
  - d. Sold, exchanged and conveyed marital property and marital interests in sole and separate properties to the other named defendants, without adequate consideration.
  - e. Created numerous trusts, companies, and other entities to which marital assets and income were transferred.
  - f. Transferred shares of stock, commodities, investment units, and other securities including, but not limited to, the stock of , and , to the other named defendants without adequate consideration.
3. As a direct and proximate result of the actions of defendants, plaintiff has been damaged as she has been deprived of the use, enjoyment, and income which rightfully belonged to the marital estate. Plaintiff's interest has been dissipated or destroyed, while the defendants have been unjustly enriched thereby.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

## COUNT FIVE

1. Plaintiff repeats the allegations contained in Counts One, Two, Three and Four of the Complaint as if set forth verbatim and at length.

2. Upon information and belief, defendant,

and another defendant or defendants agreed to deprive plaintiff of her lawful marital assets and interest through a conspiracy to defraud, dissipate marital assets, through the commission of the acts previously alleged.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #24

Amended Count of Divorce Complaint for

Spoilation of Evidence

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. Defendant has willfully and/or negligently destroyed and/or concealed evidence with the express intent of disrupting the plaintiff's case, which act has resulted in damages to the plaintiff.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #25

Motion to Allow Amended or Supplemental Pleading  
with Certification.

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, NOTICE OF MOTION TO ALLOW : AMENDED OR SUPPLEMENTAL  
PLEADING WITH CERTIFICATION

vs. :

:

Defendant .:

TO:

Attorney for Plaintiff

SIR:

PLEASE TAKE NOTICE that on Friday,

19 , in the forenoon or as soon thereafter as counsel may be

heard, the attorney for the plaintiff shall apply to the Hon.

J.S.C. at the County Court House,

, New Jersey, for an Order for the following:

1. Supplementing the plaintiff's complaint for divorce to include a count for "Spoilation of Evidence".
2. For such other relief as the court deems equitable and just.

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the annexed certification of

Esq. in support of the within motion.

PLEASE TAKE FURTHER NOTICE that the undersigned hereby waives oral argument.

DATED:

Attorney for Plaintiff

#### CERTIFICATION OF MAILING

I hereby certify that the original of the within Notice of

Motion has been filed with the Clerk of the Court at

, and copies have been forwarded to the Matrimonial Motions Clerk and to my adversary,

Esq., attorney for the defendant, this day of

19 .

Attorney for Plaintiff



SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION, FAMILY PART COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, ATTORNEY'S CERTIFICATION : TO AMEND OR SUPPLEMENT  
PLEADING.

vs. :

:

Defendant :

I, , of full age, hereby certify as follows:

1. I am the attorney for the plaintiff in the above captioned matter and make this certification in support of my notice of motion for leave of court to supplement the plaintiff's complaint and add a count for "spoilation of evidence".
2. A cause of action now exists as a separate tort for the intentional destruction of evidence which has been dubbed "spoilation of evidence". Black's Law Dictionary 1257 (5th Ed. 1979) defined "spoilation" as follows:

"The destruction of evidence...The destruction, or the  
significant and meaningful alteration of a document or instrument." (citation omitted)

3. The California case of *County of Solano v. Delancy*, 215 Cal.App.3d. 1232, 264 Cal.Rptr. 721, 724-731 (Ct.App. 1989) and also Annotation, *Intentional Spoilation of Evidence: Interfering with Prospective Civil Action. As Actionable*, 70 A.L.R.4th 984 (1989) states that the elements of the tort are:

- (1) Pending or probably litigation involving the plaintiff;
- (2) Knowledge on the part of the defendant that litigation exists or is probable;
- (3) Willful, possible, negligent destruction of evidence by the defendant designed to disrupt the plaintiff's case;
- (4) Disruption of plaintiff's case; and
- (5) Damages probably caused by the defendant's acts.

4. In a non-matrimonial case, the court in *Viviano v. CBS, Inc.*, 251 N.J.Super 113, 597 A2d. 552 (App.Div. 1991) cert denied 127 N.J. 565, 606 A2d. 375 (1992), the New Jersey Court adapted the principals above and also extended the spoilation doctrine from destruction of evidence to "concealment of evidence".

5. The concept of spoilation of evidence as an independent tort was reaffirmed by the New Jersey Court in *Hirsch v. General Motors Corp.* 266 N.J.Super 222 (Law.Div. 1993).

6. In the immediate case, it is the plaintiff's position that the defendant has willfully destroyed and concealed evidence in regard to the books and records of his businesses in order to minimize both his equitable distribution and support obligations.

7. The Court is respectfully reminded hat the plaintiff need not prove her cause of action at this time. The possibility of the defendant having destroyed the books and records hat he does not wish the plaintiff to see certainly exists. Until there is an accounting of the businesses and until a trained accountant has reviewed these records, it will not be possible to tell.

8. The court is respectfully reminded that Rule 4:9-1 states that leave of court to file a supplemental pleading "shall be freely given in the interest of justice."

9. IN *Berrie v. Berrie* 252 N.J.Super 635, 648 (App.Div. 1991) the Court stated:

"Even if some theory of equitable distribution is not

viable, we see no reason why plaintiff should not be precluded from presenting her various alternative theories of recovery. R.4:9-1 requires that an amendment to pleading

'be freely given in the interest of justice'."

The court continued, Id. at 648:

"The amended complaint should now be filed so that discovery as it progresses can focus on the basis for such theories."

10. New Jersey Case Law is very clear that permission to supplement pleading "shall be freely given." Jersey City v. Hague 18 N.J. 584 (1955); Samuel Braen's Sons v. Fondo 52 N.J.Super 188 (App.Div. 1958); Cimiluca v. Cimiluca 245 N.J.Super 149 (App.Div. 1990); Blair v. Blairstown Township (App. Div. 1967); Eskon v. Four Star Realty Company 71 N.J.Super 202 (Law.Div. 1962); Smith v. Thermo-Fax Corporation 53 N.J.Super 102 (Law Div. 1959); Gibson v. 1013 North Broad Associates (App.Div. 1980).

11. It is respectfully suggested to the court that the New Jersey Court Rules and New Jersey Case Law clearly shows that leave to supplement pleadings should be freely given. There is no prejudice or delay to the defendant as two of defendant's three businesses have yet to be inspected by the accountant.

12. For all of the above reasons, I respectfully request that the court grant the plaintiff's notice of motion and allow the plaintiff to file a supplemental complaint in this matter. As per Rule 4:9-1, the supplemental complaint is attached as Exhibit "A".

I hereby certify that the foregoing statements made by me are true. If any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED:

Attorney for Plaintiff

PRACTICE FORM #26 AND #27

Count of Divorce Complaint for Intentional Tortious

Interference, and With Prospective Business Relationship

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. Plaintiff is an independent factory representative for various lines of women's clothing including Donna Karan, and Nicole Miller. As such, he depends upon the good will of these companies and their trust in him to represent their company, portray a positive image and to produce sales.
3. Plaintiff being an independent contractor, also has the right to represent other lines of clothing for sale, as long as these lines do not interfere with his present customers.
4. Defendant and plaintiff have been separated since the day of , 19 , and a complaint for divorce has previously been filed in this matter on the day of ,19 .
5. On , and on and at other times yet unknown to the plaintiff, defendant has called the companies plaintiff currently represents, namely Donna Karan and Nicole Miller, as well as three other companies which he is soliciting to represent, and talked to personnel there, telling them that he is an "adulterer", a "man of no character", "someone who could not be trusted", and that they should not do business with him.
6. As a result of defendant's actions, plaintiff has lost the account of Donna Karan, may soon lose the account of Nicole Miller although he still represents them at this time, and has yet to secure the three other accounts which the defendant knew of and contacted.
7. Plaintiff had a reasonable expectation to continue to represent the two accounts which he had represented, as well as being able because of his reputation in the field and the production for various other companies, securing these three additional accounts.
8. Defendant had knowledge of the companies which he has dealt with, as well as the three companies to which he was soliciting representation.
9. The defendant wrongfully and without justification interfered with plaintiff's

expectancy of economic advantage and benefit, as well as his prospective business relationship with the three firms.

10. As a result of the defendant's act, plaintiff did not secure the three new accounts, and has lost one of the accounts and is in jeopardy of losing another, and but for defendant's actions, he would have maintained his two existing accounts and secured some of the three accounts that he solicited.

11. As a result of the defendant's actions, plaintiff has suffered severe financial losses, including loss of earnings and profits which he will continue to lose in the future.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #26 AND #27

Count of Divorce Complaint for Intentional Tortious

Interference, and With Prospective Business Relationship

COUNT TWO

1. Plaintiff repeats all the allegations of the First Count as if set forth verbatim and at length.
2. Plaintiff is an independent factory representative for various lines of women's clothing including Donna Karan, and Nicole Miller. As such, he depends upon the good will of these companies and their trust in him to represent their company, portray a positive image and to produce sales.
3. Plaintiff being an independent contractor, also has the right to represent other lines of clothing for sale, as long as these lines do not interfere with his present customers.
4. Defendant and plaintiff have been separated since the day of , 19 , and a complaint for divorce has previously been filed in this matter on the day of ,19 .
5. On , and on and at other times yet unknown to the plaintiff, defendant has called the companies plaintiff currently represents, namely Donna Karan and Nicole Miller, as well as three other companies which he is soliciting to represent, and talked to personnel there, telling them that he is an "adulterer", a "man of no character", "someone who could not be trusted", and that they should not do business with him.
6. As a result of defendant's actions, plaintiff has lost the account of Donna Karan, may soon lose the account of Nicole Miller although he still represents them at this time, and has yet to secure the three other accounts which the defendant knew of and contacted.
7. Plaintiff had a reasonable expectation to continue to represent the two accounts which he had represented, as well as being able because of his reputation in the field and the production for various other companies, securing these three additional accounts.
8. Defendant had knowledge of the companies which he has dealt with, as well as the three companies to which he was soliciting representation.
9. The defendant wrongfully and without justification interfered with plaintiff's

expectancy of economic advantage and benefit, as well as his prospective business relationship with the three firms.

10. As a result of the defendant's act, plaintiff did not secure the three new accounts, and has lost one of the accounts and is in jeopardy of losing another, and but for defendant's actions, he would have maintained his two existing accounts and secured some of the three accounts that he solicited.

11. As a result of the defendant's actions, plaintiff has suffered severe financial losses, including loss of earnings and profits which he will continue to lose in the future.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

PRACTICE FORM #29

Complaint by Child Against Parent for Incest

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT - TORT

vs. :

, and

:

Defendants :

Plaintiffs, , residing at

, in the Township of

County of , and State of New Jersey, by way of complaint, says:

1. Plaintiff is 24 years of age and is and has at all times been the daughter of , her father, and

, her mother.

2. At the age of 21 years, because of the plaintiff's abuse of drugs and alcohol, she



underwent a psychological counselling session with Belle Mead Center, Dr. Julius Brathbart, a psychiatrist.

3. As a result of her counselling, plaintiff was for the first time on day of , 19 , three months ago from the date of the filing of this pleading, able to remember the acts of sexual abuse described below which were committed by the defendant, , and either known to or should have been known to defendant, .

4. The Statute of Limitations for bringing this action by plaintiff, have been tolled by N.J.S.A.2A:14-21 and N.J.S.A.2A:61-(b)(1) which allows an action for sexual abuse to be tolled within two years of reasonable discovery of the sexual abuse.

5. Said acts of sexual abuse took place by the defendant,

from the time the plaintiff was seven years of age, to eleven years of age. Such abuse included but is not limited to the following:

- a. Performing indecent, immoral acts upon the plaintiff;
- b. Performing indecent, immoral or unlawful acts in the presence of the plaintiff such as will tend to debauch or endanger the plaintiff's morals;
- c. Inflicting unnecessary severe corporal punishment upon the plaintiff;
- d. Threatening the plaintiff that if she revealed the sexual acts of molestation, she would be punished and sent away;
- e. Inflicting upon the plaintiff unnecessary suffering of pain, both mental and physical;
- f. Performing sexual acts upon the plaintiff and forcing her to perform sexual acts upon the defendant,

and thus exposing the plaintiff to unnecessary hardship, mental and physical strains, that injured the health and physical and moral well-being of the plaintiff.

6. Defendant, , the mother of the plaintiff, knew or should have known of these sexual acts performed by defendant, , upon the plaintiff, and therefore permitted or acquiesced in this sexual abuse and other acts specified by defendant, , upon the plaintiff.

7. As a result of this abuse, and the discovery of it by the plaintiff, she has suffered severe mental distress which affects every aspect of her life, including her sexuality, her relations with other people, her relationships with men, the quality of her life, her ability to function in society, her ability to work, etc.; requiring extensive psychological treatment now and into the future.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally,

as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

PRACTICE FORM #30

Complaint by Parents for Emotional Distress

Because of Injury to Child\*

\* This action is usually an additional count of the complaint in an action brought by the parents for physical injury or death to an infant child. For clarity, it is treated here as a separate complaint.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

and :

Civil Action

:

Plaintiffs, COMPLAINT AND JURY DEMAND

TORT

vs. :

Dr. and :

Hospital,

Defendants. :

Plaintiffs, and , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

\* 1. Plaintiffs are the parents of the infant child,

.

2. On or about the day of , 19 , the infant child, , was taken by the plaintiffs to the emergency room of the Hospital, in , New Jersey, after the child tripped and

fell down a flight of stairs. The child was unconscious at the time they brought him into the hospital.

3. The medical doctor on duty, Dr. , examined the child and told the plaintiffs that the test that he gave him, electroencephalograph, commonly known as an E.E.G., showed that he was brain dead, and that he would not recover from these injuries, and it was only a matter of time before his life functions would fail. The doctor suggested that the plaintiffs call in a priest to issue last rites.

4. Plaintiffs, and , then called their local priest, Father , and then both plaintiffs went into the emergency room setting to be with their child. They observed the child not moving.

5. Plaintiffs both became severely emotionally distressed, began sobbing uncontrollably and plaintiff,

fainted.

6. Shortly thereafter, both plaintiffs' crying was interrupted by hearing the voice of their child calling to them, "Mommy and Daddy". Inasmuch as the plaintiffs were surprised and relieved, they were equally shocked.

7. At a later date, the plaintiffs found out that the electroencephalogram machine was out of order and was giving false readings, and that Dr. , did not check the machine or make a second "running" of the test to confirm his misdiagnosis.

8. As a result of the above, both plaintiffs suffered severe emotional distress as a result of the defendants' malpractice.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

**DEMAND FOR JURY**

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #31

Complaint for Intentional Infliction of Emotional Distress

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT AND DEMAND FOR JURY

TORT

vs. :

:

Defendant. :

Plaintiff, , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

1. Plaintiff and defendant reside in abutting houses located at , in the Township of in the County of , and State of New Jersey.
2. Plaintiff wished to put an expansion of his rear deck, and as such, applied for a building permit and a variance with the Township of . Defendant opposed the application and asked the Zoning Board to deny the variance, in that it was not a "hardship variance", infringed upon his right of enjoyment of his property, and fell within ten feet of his property line, wherein the zoning ordinance requires a twenty foot "setback".
3. Upon first reading of the application for a variance, the Township gave the variance

and building permit temporary passage pending the second hearing.

4. Thereafter, upon information and belief, defendant approached all of the other neighbors within a two hundred yard radius of the plaintiff's house, asking them to join in his application to oppose the building permit and the variance based upon the fact that the plaintiff, who is of German heritage, was a "Nazi". Defendant alleged that the plaintiff, and/or members of his family, were active members in the American Nazi Party, espoused the Nazi hate philosophy, and in fact, had sent to him postcards depicting the Nazi concentration horrors, with a warning for him to desist in his opposition to his plans.

5. Defendant's actions, were done with the intentional aim of inflicting emotional distress upon the plaintiff, so as to have him withdraw his application for said variance.

6. Defendant's conduct was so outrageous as to cause the plaintiff to suffer extreme emotional distress.

7. As a result of the actions of the defendant, plaintiff suffered severe headaches, prolonged stress, periods of upset stomach and nausea, rapid heartbeat, severe mental anguish and other emotional injuries.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

\* Of course, besides this action, an action can be brought for defamation, libel and slander. See Form #33.



PRACTICE FORM #32

Complaint for Negligent Infliction of Emotional Injury/Distress

(This complaint would usually be an additional count in a complaint by the parents for the death of their child.)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

and :

Civil Action

:

Plaintiffs, COMPLAINT AND DEMAND FOR JURY : TRIAL TORT

:

vs.

:

Defendants :

COUNT TWO

1. Plaintiffs repeat the allegations of the First Count as if set forth verbatim and at length.
2. Plaintiff, and plaintiff,  
, were at all times the parents of the infant child, .
3. On , 19 , plaintiffs and the infant child visited defendant, Park, owned and operated by defendants, .

4. At the time the infant child, , fell into the alligator pit because of the faulty railing which gave way under his weight. Plaintiff, and plaintiff, , were present and within ten feet of him.

5. Plaintiffs observed their child tumble over the railing, dropped twenty feet into the alligator moat, and saw to their horror and shock, their son being attacked by alligators and devoured by them.

5. As a result of the negligence of defendant, plaintiffs suffered severe emotional distress, have sought medical and psychological treatment in order to cure same, and will in the future need psychological and medical treatment.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and reasonable;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

#### DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #33

Complaint for Libel and Slander

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT AND DEMAND FOR JURY

TORT

vs. :

:

Defendant. :

Plaintiff, , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

1. Plaintiff and defendant reside in abutting houses located at , in the Township of in the County of , and State of New Jersey.
2. Plaintiff wished to put an expansion of his rear deck, and as such, applied for a building permit and a variance with the Township of . Defendant opposed the application and asked the Zoning Board to deny the variance, in that it was not a "hardship variance", infringed upon his right of enjoyment of his property, and fell within ten feet of his property line, wherein the zoning ordinance requires a twenty foot "setback".
3. Upon first reading of the application for a variance, the Township gave the variance

and building permit temporary passage pending the second hearing.

4. Thereafter, upon information and belief, defendant approached all of the other neighbors within a two hundred yard radius of the plaintiff's house, asking them to join in his application to oppose the building permit and the variance based upon the fact that the plaintiff, who is of German heritage, was a "Nazi". Defendant alleged that the plaintiff, and/or members of his family, were active members in the American Nazi Party, espoused the Nazi hate philosophy, and in fact, had sent to him postcards depicting the Nazi concentration horrors, with a warning for him to desist in his opposition to his plans.

5. Defendant by his actions held the plaintiff up to hatred, contempt and ridicule. His libelous, defamatory statements injured the plaintiff's good reputation, diminished his esteem, and respect in the community.

6. Plaintiff at no time has been a "Nazi", nor espoused their theories or philosophies.

7. The defendant in his communication of these statements to other people, knew at the time that he made them that the statements were false, or made such statements with such reckless disregard of its truth, acted so grossly negligent in failing to ascertain the truth of the statements he made.

8. As a result of these statements by the defendant about the plaintiff, plaintiff's business in the Township as a baker and maintaining a bakery, has suffered financially as a result of the proximate cause of the defendant's libelous and slanderous statements about the plaintiff.

9. As a result of the defendant's statements about the plaintiff, the plaintiff's reputation itself has been ruined, and he is subject to being shunned by neighbors, friends and the general community.

WHEREFORE, plaintiff demands judgment against the defendants, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and reasonable;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #34

Complaint for Invasion of Privacy-Third Party

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT AND DEMAND FOR JURY

TORT

vs. :

:

Defendants :

Plaintiff, , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

1. Plaintiff was in the midst of a divorce with her now ex-husband, , who left the house on the day of , 19 . On the day of

19 , plaintiff while looking for some luggage in her basement happened upon a cassette machine which seemed to be hooked up to some kind of telephone apparatus. On the machine was a tape, which revealed telephone conversations that the plaintiff had had with her attorney, as well as some personal phone calls that she had with friends of hers.

2. Upon further investigation, at the time of her divorce trial, the plaintiff found out that the defendant had hired a private detective, defendant , of

Detective Agency, in order to intercept and to tape her telephone conversations.

3. Neither the ex-husband nor the defendant,

or Detective Agency, were parties to conversations on said tape.

4. Defendant, , illegally attempted to intercept by means of telephonic communication, conversations of the plaintiff with third parties, for use by either itself or other parties.

5. Defendants are in violation of N.J.S.A.2A:156-A(2) and (3), which makes it a crime to wiretap, and which also imposes penalties upon the perpetrator, or anyone who aids or abets in wiretapping.

WHEREFORE, plaintiff seeks damages as follows:

1. Statutory damages as defined in N.J.S.A.2A:156-A(2) and (3).

2. For compensatory damages in an amount that is fair and just;

3. For punitive damages in an amount that is fair and just.

4. For costs, including reasonable attorney's fees;

5. For such other and further relief as the court deems equitable and just.

Attorney for Plaintiff

DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #35

Complaint for Stalking and Visual Prying

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT AND DEMAND FOR JURY

TORT

vs. :

:

Defendant. :

Plaintiff, , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

1. Plaintiff resides as aforesaid at

in the Township of , New Jersey, and defendant lives at , in the Township of , New Jersey so that the parties' two backyards abut each other.

2. On or about the day of , 19 , plaintiff while beginning to undress in her bedroom, went to pull the shades down on her window, when she noticed that somebody in defendant's house, had trained binoculars upon her.



3. On the following day, the day of 19 , around the same time, plaintiff in the accompaniment of police officer , from the Township of

Police Department, stationed themselves in the dark outside the plaintiff's home, and thereupon observed the defendant, looking out of his rear view window with a pair of binoculars aimed at the rear of plaintiff's house.

4. As a result of the defendant's actions, plaintiff's right of privacy was invaded, plaintiff was put in fear of her safety, and plaintiff suffered severe emotional distress.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

#### DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #36

Complaint for Harassment

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT AND DEMAND FOR JURY

TORT

vs. :

:

Defendant. :

Plaintiff, , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

1. Plaintiff and defendant were dating for a period of three months, when plaintiff decided that she no longer wished to date the defendant.
2. Despite her request that he cease and desist from communicating with her, or in any other way having any contact with her.
3. Despite her repeated requests, defendant continued to harass the plaintiff in the following ways:
  - (a) Defendant would call plaintiff's phone at odd hours, 2:00 a.m., 3:00 a.m. or as late as 4:00 a.m., wait for plaintiff to pick up the phone, and then hang up. Plaintiff knew that it

was the defendant who was calling, because she has Bell Telephone's "Caller I.D.", which identified his telephone number at his apartment, as well as pushing "\* Recall" on her telephone. Defendant is the only one who resides at his apartment and has access to said telephone.

(b) Defendant calls plaintiff at work, usually alias names to get to talk to her, and engages in conversation using offensive and coarse language. When plaintiff hangs up, defendant calls back under another alias and once more talks to the plaintiff in offensive and coarse language.

(c) Defendant has at various times come to plaintiff's house and office, asking to see her and go out for date, all unannounced and without the invitation of the plaintiff.

4. As a result of the actions of the defendant, plaintiff's privacy has been invaded, she has been at various times seriously alarmed and seriously annoyed by the actions of the defendant, and suffered severe emotional distress.

WHEREFORE, plaintiff demands judgment against the defendant, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

#### DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #37

Complaint for Failure to Report Disease

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, COUNTY

DOCKET NO.

:

Civil Action

:

Plaintiff, COMPLAINT AND DEMAND FOR JURY

TORT

vs. :

and :

Hospital

:

Defendants.

:

Plaintiff, , residing at , in the Township of , County of and State of New Jersey, by way of complaint, says:

1. On or about the day ,19 , plaintiff in anticipation of marrying , went to the office of

defendant, Dr. , in order to have a blood test in order to secure a marriage license and to have an AIDS test.

2. Shortly thereafter, defendant, Dr. , submitted the blood samples to defendant, Hospital, which has a testing agency on blood samples to determine the test.

3. The defendant, Hospital's testing agency reported to defendant, Dr. , and defendant, Dr. reported to the plaintiff that both parties were clear of any infectious diseases, specifically the virus for the AIDS disease.

4. As a result of the actions of the defendant, Dr. and defendant, Hospital, a certificate was issued which allowed the plaintiff and to be married, and on the day of , 19 , they in fact were married.

5. On the day of , 19 , seven months later on, in order to receive and be issued life insurance, underwent another medical examination. It was determined at that time that he in fact had the AIDS virus, and had it for over one year. The insurance company issued a report and denied him life insurance.

6. Had the plaintiff known that had the AIDS virus, she would not have married . Both defendants were negligent in their taking the blood sample, transmitting the blood sample, making and interpreting the blood test, as a result of which they failed to diagnose the disease in .

7. As a result of the defendants' negligence, plaintiff is in constant fear of contracting the AIDS virus, suffers emotional distress and will in the future continue to do so.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally, as follows:

1. For compensatory damages in an amount that is fair and just;
2. For punitive damages in an amount that is fair and just ;
3. For costs, including reasonable attorney's fees;
4. For such other and further relief as the court deems just and proper in the premises.

Attorney for Plaintiff

DEMAND FOR JURY

Plaintiffs demand a jury of twelve persons on all issues in this case.

Attorney for Plaintiff

PRACTICE FORM #38

Affirmative Defense - Heart Balm Act

Plaintiff's cause of action is barred by the "Heart Balm Act", N.J.S.A.2A:23-1.

PRACTICE FORM #39

Affirmative Defense - Single/Entire Controversy Doctrine

Plaintiff is barred from proceeding in this action because of  
single/entire controversy doctrine.



PRACTICE FORM #40

Affirmative Defense - Res Judicata

The plaintiff is barred in this action by the doctrine of res  
judicata in that the same parties and the same issues have already  
been decided in the case of vs. ,  
docket no. , Superior Court of New Jersey,  
County, on day of , 19 .

PRACTICE FORM #41

Affirmative Defense - Statute of Limitations

The plaintiff is barred from this action because of the Statute of Limitations, specifically N.J.S 2A:14-2 which prohibits any action at law or equity for an injury to a person caused by the wrongful act, neglect or default of any person two years after the cause of action occurred.

PRACTICE FORM #42

Affirmative Defense - Lack of Personal/Subject Matter Jurisdiction

Plaintiff is barred from this action in that the defendant is not nor has at any time been a resident of this State, or conducted any business either directly or indirectly in this State.

PRACTICE FORM #43

Affirmative Defense - Forum Non Conveniens

Plaintiff is barred from this action by the doctrine of forum non conveniens in that at the occurrence of the event, all parties and all witnesses except that of the plaintiff, are located in the State of ; is a more convenient forum for litigation and would cause a real hardship on all parties except the plaintiff to litigate the matter in the State of New Jersey.

PRACTICE FORM #44

Affirmative Defense - Arbitration and Award

The plaintiff is barred from this litigation in that the same parties and the same subject matter is subject to binding arbitration at , on , in which a binding decision was made as to all matters.

PRACTICE FORM #45

Release

Plaintiff is barred from any action in this litigation  
because the plaintiff has received the full release of all said  
claims in a Property Settlement Agreement executed by the parties  
dated day of , 20\_\_ .

PRACTICE FORM #46

Affirmative Defense - Comparative Negligence

Plaintiff is barred from any recovery in this matter because their negligence exceeded any negligence of the defendant.

PRACTICE FORM #46

Affirmative Defense - Comparative Negligence

Plaintiff is barred from any recovery in this matter because their negligence exceeded any negligence of the defendant.