

What Forms Do I need?

Unfortunately, this is a surprisingly complex question. In many cases, there is more than one correct answer. This sheet is designed to point out some of the more common forms for different tasks. Keep in mind, that your situation may be unique, and the forms you need might not be listed here. Begin by answering the question, "What do I want to do?"

I am being sued. I was given a "Summons" and a "Complaint- Contract," and I want to answer this lawsuit.

The most common forms used to answer a contract complaint are:

- PLD-C-010 Answer- Contract
- POS-030 Proof of Service by First-Class Mail- Civil

I am being sued. I was given a "Summons" and a "Complaint- Personal Injury, Property Damage, Wrongful Death," and I want to answer this lawsuit.

The most common forms used to answer a Personal Injury lawsuit are:

- PLD-PI-003 Answer- Personal Injury, Property Damage, Wrongful Death
- POS-030 Proof of Service by First-Class Mail- Civil

I am being sued. I received a "Summons" and a complaint, but it is not for personal injury or contract, and is not on a form.

IF the complaint is "verified" (it has a page called "Verification" where a person states under penalty of perjury that the allegations in the lawsuit are true), the most common forms are:

- Pleading Paper (may be created in Microsoft Word, or most other modern word processors)
- POS-030 Proof of Service by First-Class Mail- Civil

IF the complaint is not "verified," a simpler form can often be used. Most commonly you would need:

- PLD-50 General Denial
- POS-030 Proof of Service by First-Class Mail- Civil

Disclaimer:

The Sacramento Superior Court Self-Help Center is a project of the Voluntary Legal Services Program of Northern California. This handout is intended to be used for general information and educational purposes only and is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. The information contained in this handout is not a substitute for legal advice from an attorney.



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I am being sued and also wish to sue the person who is suing me or sue someone else in the same case.

IN GENERAL, if your lawsuit arises from the same transaction, occurrence, or series of transactions or occurrences as the plaintiff's lawsuit, you must file a cross-complaint with the court or you will not be able to sue the for it later on. Your cross-complaint is filed when you file your answer.

IF you are counter-suing for a **breach of contract**, the most common forms (in addition to the papers used to answer the original lawsuit) are:

- PLD-C-001 Complaint Contract
- PLD-C-001(1) Cause of Action– Breach of Contract (if applicable)
- PLD-C-001(2) Cause of Action– Common Counts (if applicable)
- PLD-C-001(3) Cause of Action– Fraud (if applicable)
- SUM-100 Summons (if you are suing someone other than the plaintiff)
- POS-030 Proof of Service by First-Class Mail– Civil (if suing the plaintiff in the original suit)
- POS-010 Proof of Service of Summons (if you are suing someone other than the original plaintiff)
- Local Alternative Dispute Resolution packet (if suing someone other than the plaintiff)

IF you are counter-suing for a **personal injury, property damage, or wrongful death**, the most common forms (in addition to the papers used to answer the original lawsuit) are:

- PLD-PI-001 Complaint– Personal Injury, Property Damage, Wrongful Death
- PLD-PI-001(1) Cause of Action– Motor Vehicle (if applicable)
- PLD-PI-001(2) Cause of Action– General Negligence (if applicable)
- PLD-PI-001(3) Cause of Action– Intentional Tort (if applicable)
- PLD-PI-001(4) Cause of Action– Premises Liability (if applicable)
- PLD-PI-001(5) Cause of Action– Products Liability (if applicable)
- PLD-PI-001 (6) Exemplary Damages Attachment (if alleging additional damages based on malice, fraud, or oppression)
- SUM-100 Summons (if you are suing someone other than the plaintiff)
- POS-030 Proof of Service by First-Class Mail– Civil (if suing the plaintiff in the original suit)
- POS-010 Proof of Service of Summons (if you are suing someone other than the original plaintiff)
- Local Alternative Dispute Resolution packet (if suing someone other than the plaintiff)

IF you are counter-suing for **something other than contract or personal injury, property damage or wrongful death**, the most common forms (in addition to the papers used to answer the original lawsuit) are:

- Pleading Paper (may be created in Microsoft Word, or most other modern word processors)
- SUM-100 Summons (if you are suing someone other than the plaintiff)
- POS-030 Proof of Service by First-Class Mail– Civil (if suing the plaintiff in the original suit)
- POS-010 Proof of Service of Summons (if you are suing someone other than the original plaintiff)
- Local Alternative Dispute Resolution packet (if suing someone other than the plaintiff)

I want to sue someone for a breach of contract or to collect money they owe.

The most common forms used to file a breach of contract case are:

- PLD-C-001 Complaint Contract
- PLD-C-001(1) Cause of Action– Breach of Contract (if applicable)
- PLD-C-001(2) Cause of Action– Common Counts (if applicable)
- PLD-C-001(3) Cause of Action– Fraud (if applicable)
- SUM-100 Summons
- CM-10 Civil Case Cover Sheet
- POS-010 Proof of Service of Summons
- Local Alternative Dispute Resolution packet
- DISC-010 Case Questionnaire– For Limited Civil Cases (Under \$25,000) (if your case claims less than \$25,000, this optional form may be useful)

I want to sue someone for personal injury, property damage, or wrongful death.

The most common forms used to file a personal injury case are:

- PLD-PI-001 Complaint– Personal Injury, Property Damage, Wrongful Death
- PLD-PI-001(1) Cause of Action– Motor Vehicle (if applicable)
- PLD-PI-001(2) Cause of Action– General Negligence (if applicable)
- PLD-PI-001(3) Cause of Action– Intentional Tort (if applicable)
- PLD-PI-001(4) Cause of Action– Premises Liability (if applicable)
- PLD-PI-001(5) Cause of Action– Products Liability (if applicable)
- PLD-PI-001 (6) Exemplary Damages Attachment (if alleging additional damages based on malice, fraud, or oppression)
- SUM-100 Summons
- CM-10 Civil Case Cover Sheet
- POS-010 Proof of Service of Summons
- Local Alternative Dispute Resolution packet
- DISC-010 Case Questionnaire– For Limited Civil Cases (Under \$25,000) (if your case claims less than \$25,000, this optional form may be useful)

I want to sue someone for something other than contract or personal injury, property damage, or wrongful death.

The most commonly used forms for filing a lawsuit for something other than contract, personal injury, property damage, or wrongful death:

- Pleading Paper (may be created in Microsoft Word, or most other modern word processors)
- SUM-100 Summons
- CM-10 Civil Case Cover Sheet
- POS-010 Proof of Service of Summons
- Local Alternative Dispute Resolution packet
- DISC-010 Case Questionnaire– For Limited Civil Cases (Under \$25,000) (if your case claims less than \$25,000, this optional form may be useful)

I want to change my name.

IF you **have completed a divorce, and are trying to change your name from your married name to any name you had prior to marriage**, you can do so quickly, easily, and inexpensively by filing the following form at the family relations courthouse where the divorce was completed:

- FL-395 Ex Parte Application for Restoration of Name

IN OTHER CASES, the forms that are necessary to change your name in Sacramento can be requested in a single packet at the forms counter in Room 102 of the downtown courthouse by simply requesting a "Name Change Packet." This packet is helpful because it also provides useful information about the name change process. The most likely forms you will use to change your own name are:

- NC-100 Petition for Change of Name
- NC-110 Attachment to Petition for Change of Name
- NC-120 Order to Show Cause for Change of Name
- NC-130 Decree Changing Name
- CM-010 Civil Case Cover Sheet

Because the name change procedure is rather detailed, and has a requirement that the Order to Show Cause for Change of Name be published in a newspaper, picking up the form packet with instructions is preferable if you are not already familiar with the name change procedure.

I have been ordered to file a Case Management Statement.

A Case Management Statement can be filed jointly by the parties, or can be filed individually by each party. It is a standard mandatory form, and you will wish to have a copy served to the opposing side if you are not filing the statement jointly with them. The forms you would use are:

- CM-110 Case Management Statement
- POS-030 Proof of Service– Civil (if the Case Management Statement is not being filed jointly)

More than 30 days have passed since the defendant was served with my lawsuit, and I wish to request a default judgment.

The typical forms for requesting a default and default judgment are:

- CIV-100 Request for Entry of Default (Application to Enter Default)
- CV/E-121 Judgment by Default by Clerk (local form, see Code of Civil Procedure Section 585(a) for use)
- CV/E-122 Judgment by Default by Court (local form, see Code of Civil Procedure Section 585(b) for use)

Remember that you will only be entitled to claim a default if you have a properly completed Proof of Service of Summons (POS-010) on file.