

## Starting a Civil Action, or Civil Case, Checklist

This is a basic checklist for starting a civil case in North Dakota District Court. There may be additional documents and procedures for your particular type of civil case. If you're unsure how to proceed, consult a lawyer licensed to practice in North Dakota.

### What is a Civil Action?

A civil action is a court case involving non-criminal, or civil, matters.

In general, a civil matter is a private dispute or issue between people or organizations. When a civil matter is brought in state court, it's called a civil action.

Civil actions may also be called civil cases.

The [Guide to a Civil Action or Civil Case](#) on the ND Legal Self Help Center webpage has additional information and resources.

### Jurisdiction:

The Plaintiff(s) must show that North Dakota State District Courts have subject matter jurisdiction and personal jurisdiction over the civil case and the parties in the case.

- Do North Dakota State District Courts have subject matter jurisdiction?

List the specific [law or laws](#) that relate to the civil case and give the North Dakota State District Court authority to hear and determine the case; \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- Do North Dakota District Courts have personal jurisdiction?

List the name(s) of the individual, business, or other "person" who will be a Plaintiff or Defendant: \_\_\_\_\_  
\_\_\_\_\_.

Explain how the North Dakota State District Court has authority over each of the parties in the civil case. ([Rule 4 of the North Dakota Rules of Civil Procedure](#) gives the definition of a "person" and requirements for exercising personal jurisdiction over a person.):  
\_\_\_\_\_  
\_\_\_\_\_.

**Venue (Location of Civil Case):**

The Plaintiff(s) must determine the proper county in North Dakota for the North Dakota State District Court to hear and decide the subject matter of the civil case. (See the [law or laws](#) related to the subject matter and/or [North Dakota Century Code Chapter 28-04.](#))

- The North Dakota State District Court in \_\_\_\_\_ County is the proper county.

Explain why: \_\_\_\_\_  
\_\_\_\_\_.

**Statutes of Limitation**

The Plaintiff(s) must determine if the civil case is still within the time allowed by law to bring the civil case.

- What are the statutes of limitation that apply to this civil case? (See the [law or laws](#) related to the subject matter and/or [North Dakota Century Code Chapter 28-01.](#))

\_\_\_\_\_  
\_\_\_\_\_.

- Is this civil case still within the time allowed by law (statutes of limitation) to bring the action?

Explain why: \_\_\_\_\_  
\_\_\_\_\_.

**Create the Documents to Start a Civil Case**

- Summons
  - Full, legal names of Plaintiff(s) and Defendant(s)
  - County Name
  - Judicial District Name (available [here](#))
  - Case number, if already assigned by the clerk of court
  - Signed and dated by Plaintiff, or by lawyer, if Plaintiff is represented
  - Make a copy for each Defendant, plus one copy to keep as a record  
(If the case is a divorce, legal separation, or an action to determine parental rights and responsibilities, there are additional requirements for the summons.  
(See [Rule 8.4 of the North Dakota Rules of Court.](#))

- Complaint
  - Fill in the top of Complaint exactly as it appears on the top of the Summons
  - Explain how the court has subject matter jurisdiction and personal jurisdiction
  - Explain how the county is the proper venue for the civil case.
  - Describe the claim(s) in short, plain statements showing the Plaintiff(s) is entitled to relief
  - Include the demand for relief
  - Don't include** confidential information as required by [Rule 3.4 of the North Dakota Rules of Court](#)
  - Signed and dated by Plaintiff, or by lawyer, if Plaintiff is represented
  - Make a copy for each Defendant, plus one copy to keep as a record
- Confidential Information Form
  - Fill in the top of [Confidential Information Form](#) exactly as it appears on the top of the Summons
  - Fill in the full information that can't be included in documents filed with the Court  
(See [Rule 3.4 of the North Dakota Rules of Court](#))
  - Make a copy to keep as a record

### **Service of Summons and Complaint:**

A civil case begins with service of the Summons and a copy of the Complaint on each Defendant. This is also called service of process.

The Plaintiff is required to notify each Defendant of the claims and to give the Defendant time to respond. A signed Affidavit or Declaration of Service is proof that service occurred.

Review service requirements in [Rule 4 of the North Dakota Rules of Civil Procedure](#). For more information about service requirements to start a civil case, go to the [Service](#) link on the ND Legal Self Help Center webpage and scroll to "Service to Start a District Court Civil Action".

- Get the address for service for each Defendant
- Arrange for service of the Summons and a copy of the Complaint on each Defendant.
- For each Defendant, get the signed Affidavit or Declaration of Service from the person who served the Summons and a copy of the Complaint.

### Defendant's Answer:

The Defendant has twenty-one (21) days after service of the Summons and copy of the Complaint to respond or "answer" the Complaint in writing.

- The Defendant served a written Answer to the Complaint on the Plaintiff, or the Plaintiff's lawyer, if represented.

Date the written answer to the Complaint was served: \_\_\_\_\_

(For information about service requirements after a civil action has started, go to the [Service](#) link on the ND Legal Self Help Center webpage and scroll to "Service After a District Court Civil Action Has Started".)

### **\*OR\***

- The Defendant **didn't** serve a written Answer to the Complaint on the Plaintiff, or the Plaintiff's lawyer, if represented.

If the Defendant **didn't** serve an Answer twenty-one (21) days after service of the Summons and copy of the Complaint, you may ask the court for a default judgment.

### Filing the Summons and Complaint with the North Dakota District Court:

A Summons and Complaint **aren't** required to be filed with the court to start a civil case. However, there are actions that a court can't take until the Summons and Complaint are filed, including (but not limited to) considering requests for orders, issuing orders and issuing subpoenas.

\*\*\* Filing a document is not the same as serving a document. Filing **doesn't** meet the requirements for service.\*\*\*

- Contact the [clerk of court's office](#) in the North Dakota County where the Plaintiff will file the civil action for the following information:
  - Amount of the filing fee \$\_\_\_\_\_ and how to pay (Generally, \$80.00)
  - Options for submitting documents to be filed if the Plaintiff can't file the documents in person

- Gather the originals of the following documents (make copies for your records):
  - Summons
  - Complaint
  - Affidavit(s) or Declaration(s) of Service of the Summons and copy of the Complaint on each Defendant
  - Confidential Information Form (See [Rule 3.4 of the North Dakota Rules of Court](#))
- File the original documents with the clerk of court and pay the filing fee.

*\*\*\*Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**