

FILED  
Court of Appeals  
Division II  
State of Washington  
7/27/2020 3:17 PM

No. 53900-4-II

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IN THE COURTS OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

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PHIL LARSON,

Appellant,

vs.

JARRITOS, INC. AND TIPP ENTERPRISES, INC.,

Respondents.

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**BRIEF OF APPELLANT**

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Submitted By:

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**A. INTRODUCTION**

Appellant Phil Larson (“Appellant”) seeks reversal of two erroneous Thurston County Superior Court decisions by Judge Ken Lanese, whereby Respondents Jarritos, Inc. and Tipp Enterprises, Inc. (“Respondents”) were dismissed based on alleged untimely filing and service of the summons and complaint.

**B. ASSIGNMENTS OF ERROR AND ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

**1. Assignments of Error**

The trial court erred on June 28, 2019 by entering its Order Granting Jarritos' Motion to Dismiss. Clerk's Papers (CP) at 214-215.

The trial court further erred on July 30, 2019 when it signed the Stipulated Order to Dismiss Tipp Enterprises. (Per the parties' stipulation “the motion brought by Tipp will have the same outcome as the Jarritos motion to dismiss ... this matter may be dismissed with prejudice and without waiving plaintiff's right to appeal”.) CP at 272-273.

**2. Issues Pertaining to Assignment of Error**

- a) Is the filing of a Case Information Cover Sheet necessary to properly initiate a civil lawsuit in Washington?
- b) What is the correct statute of limitations period to apply to product liability claims under RCW 7.72?

- c) How can corporations that fail to properly register to do business in Washington benefit from their own malfeasance?

**C. STATEMENT OF THE CASE**

This is a case involving injuries suffered by Appellant when a bottle of soda manufactured by Jarritos, Inc. exploded in his hands and cut his face at Winco Foods on June 21, 2015. CP at 154.

The summons and complaint in this action were timely filed with Thurston County Superior Court through the court's eFiling Service on June 21, 2018 at approximately 3:30 PM Pacific Standard Time (PST). Pursuant to the instructions on the File Upload page, the generic case number 22-22222-22 was used for filing. CP at 186.

Immediately after filing the summons and complaint, Appellant paid the court filing fee at 3:35 PM PST. CP at 186.

On June 22, 2018, Appellant's counsel's office received a telephone call from Alisa Everson of Thurston County Clerk's Office, acknowledging receipt of the summons and complaint and filing fee submitted the previous day, but indicating that Appellant neglected to file the Case Information Cover Sheet. Appellant's counsel promptly filed the Case Information Cover Sheet at approximately 11:55 AM PST the same

day. CP at 186-187.

The complaint named Winco Foods, LLC, Jarritos, Inc., and Tipp Enterprises, Inc. as co-defendants. CP at 4.

In the complaint, Appellant pleaded a mix of strict liability and negligence claims: **“That the product failure referenced in Paragraph 7 was due to one or more of the following: (a) design defect; (b) failure to warn or inadequate warnings; (c) unsafe construction of the product by the manufacturer; and/or (d) negligent transportation, storage and/or handling of the product by the product sellers.”** (emphasis added) CP at 5.

The complaint identified that, pursuant to RCW 7.72, the Jarritos soda was the "product", Jarritos, Inc. was the “manufacturer”, Tipp Enterprises, Inc. dba Novamex as exclusive distributor was the “product seller”, and Winco Foods, LLC as retailer was another “product seller” of the Jarritos soda purchased by Appellant on June 21, 2015 in Vancouver, Clark County, Washington. CP at 5.

Original defendant Winco Foods, LLC was timely served with the summons and complaint on September 12, 2018. CP at 154. Subsequently, Appellant determined that his injuries were not caused by any negligence on the part of Winco Foods, LLC, and accordingly the parties stipulated to

the dismissal of Winco Foods, LLC from this action on March 29, 2019.

CP at 92-93.

Neither the manufacturer of Jarritos soda product, Respondent Jarritos, Inc., nor the product distributor, Respondent Tipp Enterprises, Inc. dba Novamex, are properly registered as foreign entities with the State of Washington Secretary of State. CP at 155.

Counsel for Respondent Jarritos, Inc. entered their notice of appearance on April 10, 2019. CP at 94-96. For unexplained reasons, the same counsel did not enter their notice of appearance for Respondent Tipp Enterprises, Inc. until July 3, 2019. CP at 216-218.

Service upon Jarritos, Inc. and Tipp Enterprises, Inc. was effectuated through the Secretary of State pursuant to RCW 23.95.450 on May 24, 2019. CP at 155.

Despite Appellant's objections, the trial court entered its Order Granting Jarritos' Motion to Dismiss on June 28, 2019. CP at 214-215.

The Stipulated Order to Dismiss Tipp Enterprises was entered on July 30, 2019. (Per the parties' stipulation "the motion brought by Tipp will have the same outcome as the Jarritos motion to dismiss ... this matter may be dismissed with prejudice and without waiving plaintiff's right to appeal".) CP at 272-273.

Appellant filed his Notice of Appeal to Court of Appeals (Division Two) on July 29, 2019. CP at 266-269.

**D. SUMMARY OF ARGUMENT**

The lower court erred in dismissing Appellant's lawsuit. Filing is perfected by filing of the summons and complaint along with payment of the required filing fee. The statute of limitations in product liability claims is 3 years from when "the harm and its cause" are discovered. Corporations who fail to register to do business in Washington should not benefit from their own malfeasance.

**E. ARGUMENT**

1. **This case was properly and timely commenced in Thurston County Superior Court by online submission of the summons and complaint along with simultaneous payment of filing fees.**

Although entirely unsupported by prior case law, Judge Lanese arbitrarily elevated the Case Information Cover Sheet described in Administrative Rule 2 to one of the required documents to initiate a civil lawsuit in Washington.

To the contrary, case law precedent has established that filing is perfected by filing of the summons and complaint along with payment of the required filing fee.

Per Margetan v. Superior Chair Craft Co., 92 Wn.App. 240, 963

P.2d 907 (1998), an action commenced by filing of the summons and complaint is deemed filed once the required filing fee has been paid.

As the court stated in Margetan:

RCW 4.16.170 sets forth the actions required to commence a lawsuit for purposes of tolling the applicable statute of limitations. RCW 36.18.020, which sets forth the fees required to commence a lawsuit, is part of the statutes establishing a uniform method for the collection and disbursement of fees payable to county officials for their authorized acts. RCW 4.16.170 and RCW 36.18.020 and 36.18.060 are not in conflict and they both relate to procedures involved in commencing an action in the superior court. Accordingly, they must be read together.

Under RCW 36.18.005, 36.18.020 and 36.18.060, a document is not filed for recording into the official public record until the filing fee is paid. The clerk of the court has no discretion in this regard. **The clerk may not file a document without the filing fee or refuse to file a document accompanied by the proper filing fee. If the clerk could accept filing of an action without payment of a required filing fee, the clerk would have a degree of discretion contrary to the Legislature's intent as expressed in RCW 36.18.060.** (emphasis added)

Ibid at 246.

In this case, the filing of the summons and complaint and the payment of the required filing fee all occurred on June 21, 2018. Accordingly, the case was properly commenced within the applicable three-year statute of limitations for negligence claims. (As discussed later in this brief, product liability claims are subject to an extended statutory claims period.)

Given the widely varied procedures in different courts in Washington (e.g. in King County Superior Court, the Case Information Cover Sheet is generated automatically upon filing), it would be unfair to penalize litigants for overlooking local rules while following the precedential Margetan holding. For another example in the instant case, could the local clerk have refused filing simply because the generic case number 22-22222-22 unique to Thurston County Superior Court was not used?

A comprehensive survey by the Texas Office of Court Administration on the use of civil cover sheets in other states concluded that Washington courts would still file the lawsuit in the absence of a civil cover sheet. Texas Office of Court Administration, USE OF CIVIL COVER SHEETS IN OTHER STATES (August 2009). The complete survey is attached as Exhibit A.

2. **The lower court applied the wrong statute of limitations period to Appellant's product liability claims under RCW 7.72.**

Judge Lanese erred in applying the same standard three-year statute of limitations to both negligence and product liability claims,

In his complaint, Appellant pleaded a mix of strict liability and negligence claims, as follows:

- (a) design defect;
- (b) failure to warn or inadequate warnings;
- (c) unsafe construction of the product by the manufacturer;
- (d) negligent transportation, storage and/or handling of the product by the product sellers; and/or
- (e) breach of the express and implied warranties owed by the manufacturer and the product sellers.

CP at 5.

The leading case in Washington involved a civil lawsuit that was commenced against the product manufacturer more than 12 years after an airplane crash.

North Coast Air v. Grumman Corp., 111 Wn.2d 315, 759 P.2d 405 (1988) was a case initially heard in U.S. District Court, and then certified to the Washington State Supreme Court by the Honorable Carolyn R.

Dimmick.

Judge Dimmick's ruling held in part:

Plaintiffs' complaint is not barred by RCW 7.72.060(3). For purposes of this statute of limitations as it relates to the plaintiffs' allegations and claims, the plane crash as "cause" of the "harm" to plaintiffs and the alleged cause of the crash, the design defect, are inseparable. Viewing the material allegations and evidence in the light most favorable to the plaintiffs, as here this Court must, the cause of the harm to the plaintiffs is both the crash and the alleged design defect which precipitated it. Consistent with this view of the material allegations and evidence, plaintiffs filed their complaint within three years from the time they "discovered" the cause of their harm. Although the defendant has not filed its answer, the alleged design defect and its discovery are, for purposes of tolling the statute of limitations, material and presumably disputed issues of fact. For all these reasons, dismissal or summary judgment is improper here.

Ibid. at 318.

In affirming Judge Dimmick's decision, the Washington State Supreme Court stated the applicable rule for product liability claims:

The defendant's analysis would mandate the commencement of the action within 3 years, regardless of the claimant's knowledge or ignorance of the cause in fact. Defendant would impose the most stringent

interpretation so that the injury event alone would trigger the time limitation. However, the Legislature did not enact such a bright line discovery rule. The very basis of the discovery rule is that there is doubt as to when the statute begins to run.

This statute is intended to give the plaintiff a fair chance to ascertain the harm and its cause. Protection to the defendant is afforded by the provision that plaintiff may be barred if plaintiff did not exercise due diligence in discovering the harm and its cause. This standard of reasonable inquiry placed upon the plaintiff serves the policy reasons underlying statutes of limitation. Our interpretation is consistent with the legislative declaration of purpose to treat all parties in a balanced fashion and without unduly impairing the rights of one injured as a result of an unsafe product. Whether plaintiff in due diligence should have discovered the cause of the harm is an unresolved question of fact.

Ibid. at 328.

RCW 7.72.060(3) sets forth the correct statute of limitations period used product liability claims: “(N)o claim under this chapter may be brought more than three years from the time the claimant discovered or in the exercise of due diligence should have discovered the harm and its cause.”

In the instant case, Appellant had still not ascertained the true

cause of his injuries at the time the complaint was filed. Appellant did not know whether his injuries were caused by negligence by Winco Foods, LLC's employees, or some sort of product defect. Indeed, the true cause was only identified as product defect shortly before Winco Foods, LLC was voluntarily dismissed by Appellant in April 2019.

Appellant's product liability claims are subject to an extended statute of limitations and therefore should have survived Respondents' motions to dismiss.

3. **Despite statutory requirements, Respondents have never been registered to do business in Washington.**

While Appellant's product liability claims are clearly timely under the North Coast Air analysis, the ancillary negligence claims against Respondents should be preserved as well.

Neither the manufacturer of Jarritos soda product, Respondent Jarritos, Inc., nor the product distributor, Respondent Tipp Enterprises, Inc. dba Novamex, are properly registered as foreign entities with the State of Washington Secretary of State. CP at 155.

Upon information and belief, the product manufacturer Jarritos, Inc. is based in the Country of Mexico and has no offices in the United States. Upon information and belief, Tipp Enterprises, Inc.. dba Novamex

is the sole and exclusive representative of Jarritos soda in the United States, and is headquartered at 500 W Overland Avenue, Suite 300, El Paso, Texas 79901. CP at 155.

Pursuant to RCW 23.95.450, an unregistered entity can be served through the State of Washington Secretary of State. Service upon Respondents Jarritos, Inc. and Tipp Enterprises, Inc. was effectuated through the Secretary of State pursuant to RCW 23.95.450 on May 24, 2019. CP at 155.

The State of Washington requires that all out-of-state corporations selling goods or offering services within the state register as foreign entities. Among other reasons, this ensures that the out-of-state entity can be properly served with legal process through their appointed representative. RCW 23.95.405.

RCW 9.24.040 indicates that “(e)very corporation, whether domestic or foreign, and every person representing or pretending to represent such corporation as an officer, agent or employee thereof, who shall transact, solicit or advertise for any business in this state, before such corporation shall have obtained from the officer lawfully authorized to issue the same, a certificate that such corporation is authorized to transact business in this state, **shall be guilty of a gross misdemeanor.**” (emphasis

added)

Under the circumstances, it would be unconscionable to allow either Respondent to claim that service was untimely when they failed to follow state law in registering as a foreign entity and appointing an agent within the state for service of process.

RCW 4.16.180 states in relevant part as follows:

**“If the cause of action shall accrue against any person who is a nonresident of this state, ... such action may be commenced within the terms herein respectively limited after the coming, or return of such person into the state, ... and if after such cause of action shall have accrued, such person shall ... reside out of this state, ... the time of his or her absence or concealment shall not be deemed or taken as any part of the time limit for the commencement of such action.”**

(emphasis added)

Respondents should not be allowed to benefit from their own malfeasance. Indeed, it would be illogical to allow corporations who fail to properly register in Washington to somehow have a litigation advantage over other companies who are in full compliance with state law.

**F. ATTORNEY'S FEES AND COSTS ON APPEAL**

Appellant requests attorney's fees and costs on appeal pursuant to RAP 18.1, RAP 18.9 and applicable law.

**G. CONCLUSION**

Based on the foregoing, the two Thurston County Superior Court orders dismissing Respondents should be REVERSED.

RESPECTFULLY SUBMITTED this 27th day of July, 2020.

LOMBINO MARTINO, P.S.

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Larry Spokoiny", written over a horizontal line.

Larry Spokoiny, WSBA # 20274  
Attorney for Appellant

**LOMBINO MARTINO, P.S.**

**July 27, 2020 - 3:17 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53900-4  
**Appellate Court Case Title:** Phil Larson, Appellant v. Jarritos Inc., et al, Respondents  
**Superior Court Case Number:** 18-2-03123-8

**The following documents have been uploaded:**

- 539004\_Briefs\_20200727151417D2916147\_8162.pdf  
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Briefs - Appellants  
*The Original File Name was Larson v Jarritos - Brief of Appellant.pdf*
- 539004\_Other\_20200727151417D2916147\_2370.pdf  
This File Contains:  
Other - Exhibit A to Brief  
*The Original File Name was Exhibit A Texas Office of Court Administration.pdf*

**A copy of the uploaded files will be sent to:**

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- sbehar@dynanassociates.com

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# **USE OF CIVIL COVER SHEETS IN OTHER STATES**

**August 2009**

**Texas Office of Court Administration  
205 West 14<sup>th</sup> Street, Suite 600  
Tom C. Clark Building  
Austin, Texas 78701**

**(512) 463-1625**

[www.courts.state.tx.us/oca/ocahome.asp](http://www.courts.state.tx.us/oca/ocahome.asp)

# USE OF CIVIL CASE COVER SHEETS IN OTHER STATES

## SURVEY RESULTS

### Background

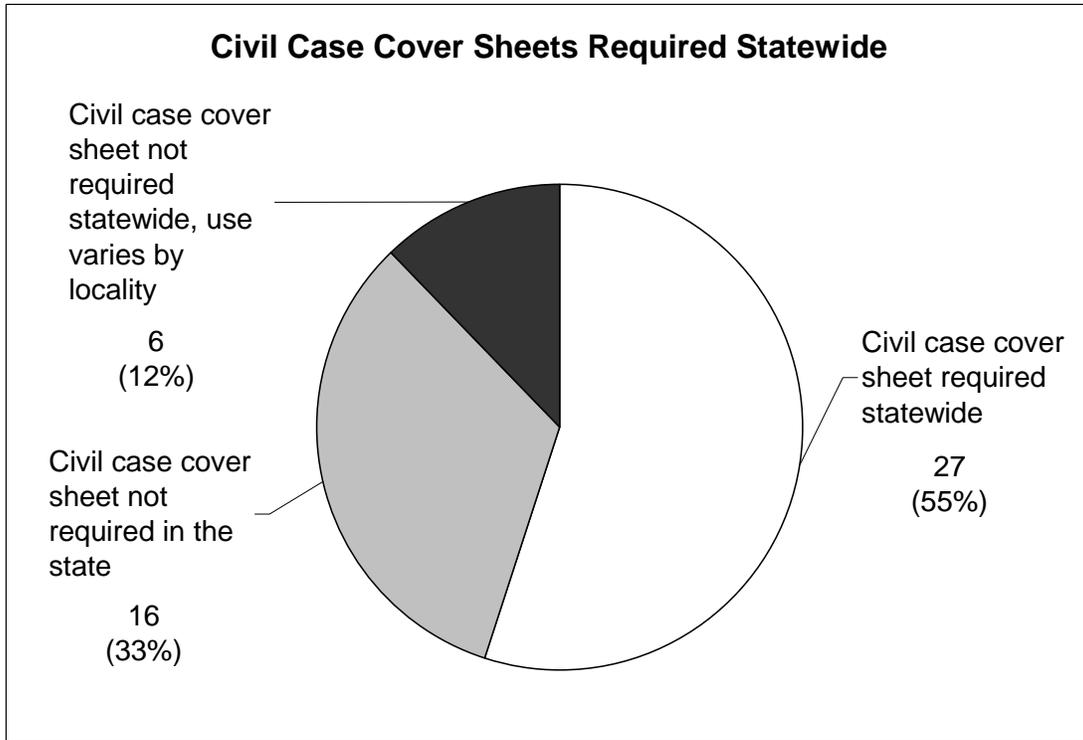
The Texas Office of Court Administration conducted a survey in June 2009 to determine the use of civil cover sheets in other states, including whether a signature is required and what the consequences are if a signature is required and the cover sheet is not signed. Surveys were sent to each of the other 49 states. Responses to the survey or to direct requests for the information requested in the survey were received from the following 46 states:

<b>Alabama</b>	<b>Kentucky</b>	<b>Ohio</b>
<b>Alaska</b>	<b>Louisiana</b>	<b>Oklahoma</b>
<b>Arizona</b>	<b>Maryland</b>	<b>Oregon</b>
<b>Arkansas</b>	<b>Michigan</b>	<b>Pennsylvania</b>
<b>California</b>	<b>Minnesota</b>	<b>Rhode Island</b>
<b>Colorado</b>	<b>Mississippi</b>	<b>South Carolina</b>
<b>Connecticut</b>	<b>Missouri</b>	<b>Tennessee</b>
<b>Delaware</b>	<b>Montana</b>	<b>Utah</b>
<b>Florida</b>	<b>North Carolina</b>	<b>Vermont</b>
<b>Georgia</b>	<b>North Dakota</b>	<b>Virginia</b>
<b>Hawaii</b>	<b>Nebraska</b>	<b>Washington</b>
<b>Idaho</b>	<b>Nevada</b>	<b>West Virginia</b>
<b>Illinois</b>	<b>New Hampshire</b>	<b>Wisconsin</b>
<b>Indiana</b>	<b>New Jersey</b>	<b>Wyoming</b>
<b>Iowa</b>	<b>New Mexico</b>	
<b>Kansas</b>	<b>New York</b>	

Data on Maine, Massachusetts, and South Dakota were obtained through research.

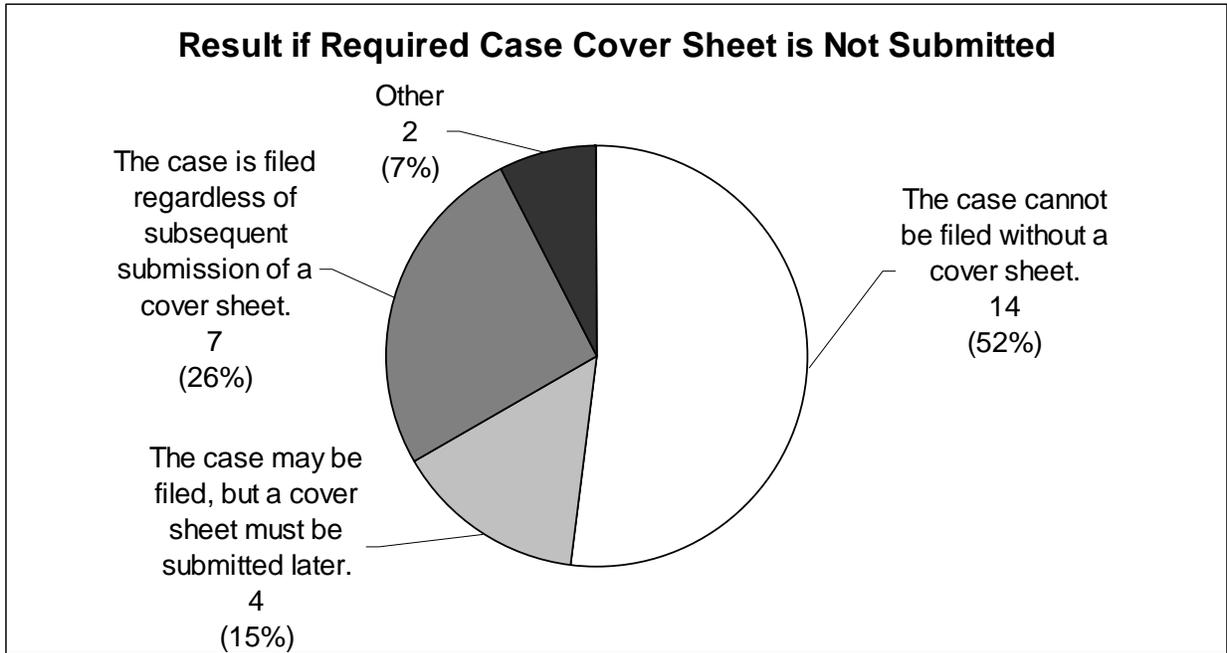
## Survey Results

### 1. Does your state require case cover sheets for civil cases?



YES		NO (Statewide)		NO (Varies)
AK	MN	CT	WI	IL
AL	MO	ID	WY	KY
AR	MS	IN		LA
AZ	NC	MI		MD
CA	NJ	MT		PA
CO	NV	ND		VA
DE	NY	NE		
FL	OK	NH		
GA	SC	NM		
HI	SD	OH		
IA	UT	OR		
KS	WA	RI		
MA	WV	TN		
ME		VT		

**2. If a civil case cover sheet is required, what happens if the cover sheet is not submitted when the case is filed?**



<b>Case Cannot Be Filed</b>	<b>Case Can Be Filed But Cover Must Be Submitted Later</b>	<b>Case Filed Regardless of Subsequent Submission</b>	<b>Other</b>
AK	CO	AL	AZ
AR	DE	CA	MO
GA	FL	HI	
IA	NC	MN	
KS		OK	
MA		SD	
ME		WA	
MS*			
NJ			
NV			
NY			
SC			
UT			
WV			

\* Mississippi Supreme Court Order dated October 25, 2000 requires that a party or his representative file a completed and signed cover sheet at the time of filing of a civil case; however, the respondent for Mississippi indicated that some court clerks are lax about this requirement.

## Explanations for Other/Unknown:

- Each superior court sets their own rules about what happens when a cover sheet is not provided with the initiating document. (AZ)
- If supported by their local judges, yes, I know that some clerks are authorized to refuse filings that do not have the filing information sheet, or hold them for processing until the filing information sheet is provided.

However since the requirement is covered in an Operating Rule (not in the statutes or the Supreme Court Missouri Court Rules which cover practice and procedure), and there is no stated consequence for not filing the information sheet, and the question has never been addressed in case law, I can not give a definitive answer as to whether the courts have a right to refuse a filing on the basis of not having a cover sheet.

The simple answer is that we do have a statewide Rule and it is generally followed, but with a slight variance in local practice. (MO)

## **Please describe any additional details about this requirement (e.g., number of days after filing in which the cover sheet must be submitted).**

- If the complaint is tendered without a coversheet, the clerk is to inform the plaintiff or the plaintiff's attorney of the requirement. If a coversheet is not subsequently submitted the court may make such orders as are just including staying the proceedings or, after proper notice, dismissal of the case. The court may also treat the failure to comply as contempt of court. (AL)
- If a party fails to provide a civil case cover sheet at the time the party's first paper is submitted for filing, the clerk of the court must file the paper. Failure of a party or its counsel to file a cover sheet as required by the rule may subject that party, its counsel, or both, to monetary sanctions. (Cal. Rules of Court, rule 3.220(c).) (CA)
- If a coversheet is not filed, the party/attorney receives a notice and order from the court requiring the coversheet be filed by a date certain. (CO)
- On cases filed via e-file, without a CIS, a note is sent back to the filer indicating the case would not be processed for service until the CIS is filed. If a case is file by hard copy without a CIS a non-compliance form is sent to the filer, stating the same..... case will not be processed for service until the CIS is filed. (DE)
- The clerks will always get a civil case sheet because it is law. The problems we face is how well the sheet is completed. There is no responsibility laid out in the law about who completes the sheet. Many of our clerks will take what is handed and file the information even if the lawyer/Pro Se did not fill out everything on the sheet. We are having issues regarding ownership and responsibility of the sheet. The clerks do not feel it is their responsibility to complete the form if the lawyer/Pro Se did not complete it themselves. Many clerks accept what is given without questioning the completeness of the document. (GA)
- RE: PROCEDURES FOR FILING OF COMPLAINTS; PROCEDURES FOR FILING OF AFFIRMATIVE PLEADINGS OTHER THAN THE INITIAL COMPLAINT (1) CIVIL INFORMATION SHEET Every Complaint filed is required to be accompanied by a "Civil Information Sheet" [sample attached] which must be completed in full. Number of copies required: Original plus two (2) copies for the Court. (2) RE: COMPLAINT - NUMBER OF COPIES REQUIRED (a) Tort Cases: Original and two (2) copies of the Complaint in all tort cases shall be filed with the Court. (b) Request to Exempt Case from the Court Annexed Arbitration Program: Original and two (2) copies of this document shall be filed with the Court. (c) Any Complaint accompanied by a Request to Exempt from the Court Annexed Arbitration Program: Original and two (2) copies of each document shall be filed with the Court. (d) Non-Tort Cases: Original and one (1) copy shall be filed with the Court. (3) CASES TRANSFERRED FROM DISTRICT COURT All civil cases

transferred from District Court to Circuit Court require submission of the "Civil Information Sheet." Upon receipt of the "Notice of Docketing of Case" from the Clerk of the Circuit Court, Plaintiff or Plaintiff's attorney shall submit the "Civil Information Sheet" within seven (7) days from the filing date of said notice to the Clerk of the Circuit Court. Said Plaintiff or attorney must also include on the "Civil Information Sheet" the Circuit Court Civil Number in the box at the bottom left corner entitled "Reserved for Court Use." The original and one (1) copy of the "Civil Information Sheet" shall be submitted along with one (1) copy of the Complaint and one (1) copy of any answers to said complaint to the Clerk of the Circuit Court. (4) ADDITIONAL CLAIMS INFORMATION SHEET Every affirmative pleading filed subsequent to the initial complaint is required to be accompanied by an "Additional Claims Information Sheet" [sample attached] and shall be completed in full. The term "affirmative pleading" as used above refers to Amended Complaints, Counterclaims, Crossclaims, Intervenor's Complaint, Third-Party Complaints, etc. (HI)

- A civil case cannot be filed without a civil coversheet. If someone comes in to file a case without the coversheet, a clerk would hand a coversheet to the filer and tell the person to fill it in. (IA)
- One jurisdiction requires the filing of a cover sheet by local rule. Penalty for failure to file is not set forth in the rule. Here is the rule: Breckenridge/Meade/Grayson Circuit Court 14.02 All initiating pleadings (Complaints, Petitions, etc.), when filed with the Clerk of the Court, shall be accompanied by a cover sheet signed by the Plaintiff or Counsel for the Plaintiff and designating the identities of the parties; the nature of the action; the court having jurisdiction; and, whether or not a trial by jury is requested, as well as a listing to include the name and address of each defendant which designates the type of process needed. A copy of the cover sheet is attached hereto as Addendum D. (KY)
- Maine Rule 5(f), Rules of Civil Procedure: Filings that are received but which are not signed, or are not accompanied at the time of filing by a legally required element, including but not limited to, a filing fee, appeal fee, registry recording fee and envelope or summary sheet, or, if filed by an attorney, do not have the attorney's Maine Bar Registration Number, shall be returned by the clerk as incomplete. The clerk will not docket the attempted filing but will retain a copy of the attempted filing and the notice of return for six months. The offeror may refile the documents when all elements are complete. The filing will be docketed when the complete filing is received. (ME)
- Must be filed within 60 days after an action has been filed; MN also has hip pocket filing where action is begun by service of complaint; filing is not required unless and until one of the parties desires court action, motion, entry of default judgment, etc. (MN)
- This is our Supreme Court Operating Rule: COR 4.07 FILING INFORMATION SHEET 4.07.1 Courts Using an Automated Case Management System Approved for Statewide Use by the State Judicial Records Committee 1) Courts shall require a filing information sheet for each civil, domestic relations, and probate case filed. 2) The filing information sheet shall reflect the case type and contain the following information for each party occupying the position of or on the same side as the plaintiff or defendant; each decedent or each ward/protectee in the case: a) Party type; b) Party name; c) Date of birth if the party is a person; and d) Social security number if the party is a person and such information is reasonably available. 3) Responsibility for completing these sheets is with the parties, who shall make reasonable effort to provide full information. 4) The filing information sheets are confidential records. They shall be filed in case number sequence and stored separately from the case file or destroyed upon entry of the information. 5) Filing information sheets shall not be required when the filing is made electronically, provided required information on party type, party name, date of birth and social security number is contained in the electronic submission. (MO)
- A law was passed to modify the rule: NC Gen. Statute 7A-34.1. Unnecessary cover sheets. A cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts shall not be required for papers filed in civil actions subsequent to the initial filing if such subsequent filing contains: (1) A caption including the file number, on the first page thereof. (2) The name, address, and telephone number of the attorney

filing the papers or, if the party filing the papers is not represented by an attorney, the name, address, and telephone number of the party filing the papers. (3) A designation of the party represented by the attorney filing the papers, if an attorney is filing the papers. (4) The name and designation of "plaintiff", "defendant", "petitioner", "respondent", or other relationship to the action of each other party to the action. (5) The code or codes, set forth on the first page next to the title thereof, corresponding to the codes located on the cover sheet forms promulgated by the Administrative Office of the Courts which apply to the filing. (6) The signature of the attorney or party filing the paper and the date signed. (2001-388, s. 2.) (NC)

- The Civil Case Information Statement (CIS) is required to be filed with each party's first pleading. Pursuant to R. 1:5-6(c), if the pleading is submitted without a completed CIS, it is returned to the filer stamped "Received (date) but not filed". The party has 10 days to resubmit the pleading with the CIS to have the received date count as the filed date. (NJ)
- NRS 3.275 requires the county clerk to collect information via a form (civil cover sheet) approved by the Court Administrator (Director of AOC). The case cannot be filed without the cover sheet. (NV)
- A statewide cover sheet has been developed and is now under review by our civil procedural rules committee. If approved, a case without a cover sheet would be dismissed without prejudice (e.g. rule to show cause would issue). (PA)
- Case can still be filed if cover sheet not submitted but case may not proceed if judge does not grant waiver. (SD)

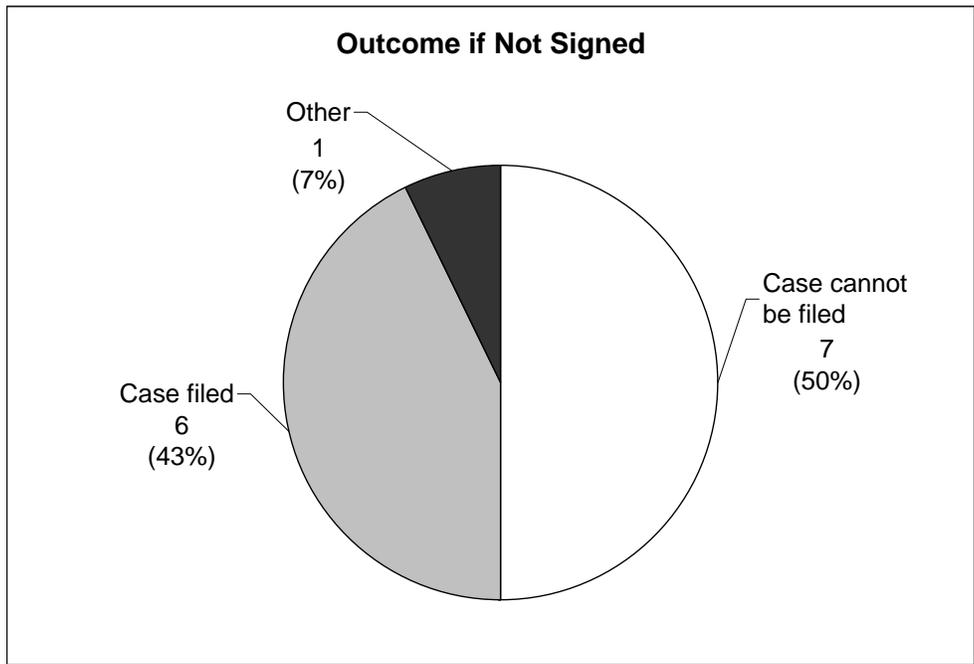
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**3. If a civil case cover sheet is required, is the attorney or pro se litigant required to sign the cover sheet?**



Yes	NO (Statewide)	NO (Varies)
AL	AK	AZ
CA	AR	
CO	DE	
FL	IA	
GA	KS	
HI	ME	
MA	MO	
MN	NC	
MS	NV	
NJ	OK	
NY	SD	
SC	UT	
WA		
WV		

4. If a signature is required on a civil case cover sheet, what happens if it is not signed?



<b>Case Cannot Be Filed</b>	<b>Case Filed Regardless of Subsequent Signature</b>	<b>Other</b>
FL MA MS* NJ NY SC WV	AL CA GA HI MN WA	CO

\* Mississippi Supreme Court Order dated October 25, 2000 requires that a party or his representative file a completed and signed cover sheet at the time of filing of a civil case; however, the respondent for Mississippi indicated that some court clerks are lax about this requirement.

#### Explanations for Other/Unknown

- The Colorado Rules of Civil Procedure require a cover sheet to be filed in every civil case excluding domestic relations, juvenile, probate, water, and mental health cases. The coversheet must be filed with the complaint and any counterclaim, cross-claim, or third party complaint. The coversheet contains two items of information: 1. Whether simplified discovery procedures can be applied to the case (and if not, why); and 2. Whether the party is making a jury demand. Either the party or their attorney is required to sign the coversheet. If a coversheet is not filed, the party/attorney receives a notice and order from the court requiring the coversheet be filed by a date certain. The coversheet would not be accepted without a signature. (Note: Colorado Rules of Civil Procedure, Rule 8, provides. "Failure to file the cover sheet shall not be considered a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.") (CO)

#### **Please describe any additional details about this requirement (e.g., number of days after filing in which the cover sheet must be signed).**

- Without a signature, the civil cover sheet would not be properly completed. See response to 4, supra. [Response to 4: If the complaint is tendered without a coversheet, the clerk is to inform the plaintiff or the plaintiff's attorney of the requirement. If a coversheet is not subsequently submitted the court may make such orders as are just including staying the proceedings or, after proper notice, dismissal of the case. The court may also treat the failure to comply as contempt of court.] (AL)
- Signature not required for attorney, but required for pro se litigant. (ME)

#### **5. Does your state have a rule of civil procedure, court rule, statute, or administrative order requiring a cover sheet?**

All 26 states that require a civil case cover sheet have a rule of civil procedure, court rule, statute, or administrative order establishing the requirement.

- Alaska Civil Rule 3(a): (a) A civil action is commenced by filing a complaint with the court. The complaint, in order to be accepted for filing, must be accompanied by a completed case description on a form provided by the clerk of court. The complaint shall also be accompanied by an envelope addressed to the plaintiff with sufficient postage to mail the envelope and all summonses that will be issued in the case. (AK)
- Alabama Rules of Civil Procedure, Rule 3: (b) Filing the Informational "Cover Sheet" in the Circuit Court. Except in domestic relations cases, each original complaint at the time it is filed with the circuit court shall be accompanied by an informational "cover sheet." See Form 93. However, the failure to accompany the complaint with the cover sheet shall not affect the validity of the commencement of the action. The plaintiff, or if the plaintiff is represented by counsel, then the plaintiff's attorney, shall complete and sign the "general information" portion of the cover sheet before it is filed with the court. If the complaint is submitted to the clerk of the circuit court without a properly completed cover sheet, the clerk shall accept the complaint and inform the person filing it of the requirements of this rule, and the plaintiff, or, if the plaintiff is represented by counsel, then the plaintiff's attorney, shall promptly file a properly completed cover sheet. For the failure to comply with the requirements of this rule, the court in which the action is pending may make such orders as are just, including an order staying the proceedings until the cover sheet is filed or, after proper notice, an order is missing the action; and, in lieu of any other orders, or in addition to any orders, the court may treat the failure to comply with the requirements of this rule as contempt of court. (AL)
- Administrative Orders of the Supreme Court Order 8: Section I. **Scope.** In every action filed in the circuit courts, a form designed for the uniform collection of case data shall be completed and filed with the initial pleading and again at final disposition. The forms shall be used in assigning and allocating cases and to collect statistical case data. The forms shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or the rules of this Court. This Order in no way affects the use of the Judgment and Commitment Order or Judgment and Disposition Order in judicial proceedings as authorized by Court Rule or statute. Section II. **Responsibility for forms.** a. Administrative Office of the Courts. The Administrative Office of the Courts (AOC) shall be responsible for the content and format of the forms after consultation with other appropriate agencies or as may be required by law. The AOC shall be responsible for training in the use of these forms and for initial dissemination of the forms. b. Court clerk. The court clerk shall not accept an initial pleading which is not accompanied by the appropriate completed form. The court clerk shall maintain a supply of forms to ensure their availability to attorneys or pro se litigants. The court clerk shall weekly forward a copy of the forms which have been filed to the AOC unless the court clerk or other official as designated by the trial court reports electronically to the AOC. Those counties which report electronically should not send copies of the paper forms unless specifically requested to do so by the AOC. These forms shall replace all forms currently used for reporting case data to the AOC. For the purposes of this Administrative Order, court clerk means the elected circuit clerk, or his/her deputy clerks in whose office a pleading, order, judgment, or decree is filed, except in the event probate matters are required by law to be filed in the office of county clerk, then the term clerk shall also include the county clerk for this limited purpose. c. Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed. Attorneys or pro se litigants should be cognizant that claims which are wholly unrelated may be severed and proceeded with separately under Rule 18(b) of the Rules of Civil Procedure. Section III. **Procedure.** a. Criminal cases. The office of the prosecuting attorney shall be responsible for completion of the criminal information form and for filing it in the Office of the Circuit Clerk who shall forward a copy to the AOC pursuant to SECTION II.b. b. Civil, Probate, and Domestic Relations cases. When an action is commenced, the attorney or pro se litigant filing the initial pleading shall be responsible for completion of the filing information on the appropriate reporting form, and that form shall be filed with the court clerk. The court clerk shall not accept the pleading

unless it is accompanied by the reporting form. The court clerk shall file the original in the case file and shall forward a copy of the reporting form to the AOC pursuant to SECTION II.b. c. Juvenile cases. When an action is commenced, unless otherwise designated by the judge, the attorney or pro se litigant filing the petition shall be responsible for completion of the filing information on the appropriate reporting form, and that form shall be filed with the court clerk. The court clerk shall not accept an initial pleading unless it is accompanied by the reporting form. The court clerk shall forward a copy of the reporting form to the AOC pursuant to Section II.b. (AR)

- 16 A.R.S. Rules of Civil Procedure, Rule 8(h): When filing the initial complaint or petition in a civil action, the plaintiff shall complete and submit a Civil Cover Sheet in a form approved by the Supreme Court. The Civil Cover Sheet shall contain the following: plaintiff's correct name and mailing address; the name of plaintiff's attorney and bar number; the defendant's name(s), the nature of the civil action or proceeding; the main case categories and subcategories designated by the Administrative Director; whether the action meets the criteria for a complex action listed in Rule 8(i); and such other information as the Supreme Court may require. The superior court in each county may, with the approval of the Supreme Court, adopt a local rule requiring that additional information be provided in an Addendum to the Civil Cover Sheet. The Civil Cover Sheet shall be maintained on the website of the Administrative Office of the Courts. (2) Writs of garnishment do not require a Civil Cover Sheet. Writs of garnishment shall include under the caption of the petition or complaint whichever one of the following notations is applicable: (A) Federal exemption (B) Enforce order of support (C) Enforce order of bankruptcy (D) Enforce collection of taxes (E) Non-earnings. (3) In those counties in which a complex civil litigation program has been established, in addition to the Civil Cover Sheet designation required by (1), the caption shall also identify the action as complex if the action meets the criteria listed in Rule 8(i). CREDIT(S) Added Oct. 10, 2000, effective Dec. 1, 2000. Amended Nov. 3, 2005, effective on an experimental basis nunc pro tunc from Nov. 22, 2002. Amended Sept. 16, 2009, effective Jan. 1, 2009. STATE BAR COMMITTEE NOTE 2000 Amendment New Rule 8(h) was adopted as part of the effort to consolidate formerly separate sets of procedural rules into either the Arizona Rules of Civil Procedure or the Rules of the Arizona Supreme Court, and contains the provisions of former Rule XII(d) of the Uniform Rules of Practice of the Superior Court. (AZ)
- California Rules of Court, Rule 3.220:(a) **Cover sheet required.** The first paper filed in an action or proceeding must be accompanied by a case cover sheet as required in (b). The cover sheet must be on a form prescribed by the Judicial Council and must be filed in addition to any cover sheet required by local court rule. If the plaintiff indicates on the cover sheet that the case is complex under rule 3.400 et seq., or a collections case under rule 3.740, the plaintiff must serve a copy of the cover sheet with the complaint. In all other cases, the plaintiff is not required to serve the cover sheet. The cover sheet is used for statistical purposes and may affect the assignment of a complex case. (b) **List of cover sheets.** (1) Civil Case Cover Sheet (form CM-010) must be filed in each civil action or proceeding, except those filed in small claims court or filed under the Probate Code, Family Code, or Welfare and Institutions Code. (2) [**Note:** Case cover sheets will be added for use in additional areas of the law as the data collection program expands.] (c) **Failure to provide cover sheet.** If a party that is required to provide a cover sheet under this rule or a similar local rule fails to do so or provides a defective or incomplete cover sheet at the time the party's first paper is submitted for filing, the clerk of the court must file the paper. Failure of a party or a party's counsel to file a cover sheet as required by this rule may subject that party, its counsel, or both, to sanctions under rule 2.30. (CA)
- Colorado Rules of Civil Procedure, Rule 8: (a) **Claims for Relief.** A pleading which sets forth a claim for a relief whether an original claim, counterclaim, cross-claim, or a third-party claim, shall contain: (1) If the court is of limited jurisdiction, a short and plain statement of the

grounds upon which the court's jurisdiction depends; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for judgment for the relief to which the pleader claims to be entitled. No dollar amount shall be stated in the prayer or demand for relief. Relief in the alternative or of several different types may be demanded. Each pleading containing an initial claim for relief in a civil action, other than a domestic relations, probate, water, juvenile, or mental health action, shall be accompanied by a completed Civil Cover Sheet in the form and content of Appendix to Chapters 1 to 17, Form 1.2 (JDF 601), at the time of filing. Failure to file the cover sheet shall not be considered a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing. (CO)

- Superior Court Civil Rule 3(a): Complaint and praecipe. -- Except amicable actions, an action is commenced by filing with the Prothonotary a complaint or, if required by statute, a petition or statement of claim, all hereafter to be referred to as a "complaint" and a praecipe directing the Prothonotary to issue the writ specified therein. Sufficient copies of the complaint shall be filed so that one copy can be served on each defendant as hereafter provided. An amicable action is commenced by filing an agreement specifying the matters agreed upon. Every newly filed complaint shall be accompanied by a Case Information Statement (CIS). The CIS form is used solely for administrative purposes and the information thereon has no legal effect on the action. (DE)
- Rule of Civil Procedure 1.100; 2009 Florida Supreme Court Decision SC08-1141: (2) A civil cover sheet (form 1.997) shall be completed and filed with the clerk at the time an initial complaint or petition is filed by the party initiating the action. If the cover sheet is not filed, the clerk shall accept the complaint or petition for filing; but all proceedings in the action shall be abated until a properly executed cover sheet is completed and filed. The clerk shall complete the civil cover sheet for a party appearing pro se. (FL)
- Rule 36.10. Filing requirements Civil. Complaints or petitions presented to the clerk for filing shall be filed only when accompanied by the proper filing fee, fee for sheriff service or a paupers affidavit, a civil case initiation form, and, when applicable, any forms required by law or rule to be completed by the parties. The attorney or party filing the complaint shall furnish the necessary service copies. Judgments, settlements, dismissals and other dispositions presented to the clerk for filing shall be filed only when accompanied by a civil case disposition form. (GA)
- Civil Administrative Order No. 1.5(1): Every Complaint filed is required to be accompanied by a "Civil Information Sheet" which must be completed in full. Number of copies required: Original plus two (2) copies for the Court. (HI)
- Iowa Court Rules 1.301(2): A cover sheet available from the clerk of court or from the judicial branch web site ([www.iowacourts.gov](http://www.iowacourts.gov)) must be completed and accompany every civil petition except in small claims, probate, and mental health commitment actions. This requirement is solely for administrative purposes, and matters appearing on the civil cover sheet have no legal effect in the action. The clerk may assist pro se litigants in completing the cover sheet. The cover sheet may be modified from time to time as deemed necessary by the supreme court. (IA)
- Kansas Supreme Court Rule 123: Commencement of Actions, Pleadings, and Related Matters. Rule Requiring Use of Cover Sheets and Privacy Policy Regarding Use of Personal Identifiers in Pleadings. (a) Effective July 1, 2005, for the filing of all new cases, the clerks of the district courts shall require the submission of a cover sheet. The cover sheets should be in substantially the same form as Appendix A hereto. [Forms may be found at [www.kscourts.org](http://www.kscourts.org).] The judicial administrator may exclude certain cases from this requirement.(b) Parties filing new cases seeking divorce, child custody, child support, or

maintenance shall furnish to the clerk on the cover sheet Social Security numbers for the parties and for the parties' children, if known, and dates of birth for parties and children. (c) Pursuant to the court's authority recognized in K.S.A. 45-221(a)(1), Social Security numbers and dates of birth supplied to the district court in connection with a cover sheet shall remain confidential and are not to be released to the public. (d) The cover sheet should not be retained in court case files, is not subject to Rule 108, and may be shredded or otherwise destroyed within a reasonable time after the case is entered into the case information system. (e) Unless otherwise required by law, parties and their attorneys are directed to refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers from all documents filed with the court, including exhibits thereto, unless otherwise ordered by the court: 1. Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used. 2. Dates of birth. If an individual's date of birth must be included in a pleading, only the year shall be used. 3. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used. The parties and counsel are solely responsible for redacting personal data identifiers. The clerk will not review each pleading for compliance with this Rule. (KS)

- Massachusetts Superior Court Rule 29: **1. Cover Sheets.** No Clerk-Magistrate shall accept for filing any Complaint or other pleading which commences a civil action unless accompanied by a civil action cover sheet completed and signed by the attorney or pro se party filing such pleading. The civil action cover sheet shall be in a form approved by the Chief Administrative Justice in consultation with the Chief Justice of the Superior Court. **2. Duty of the Plaintiff.** Upon the cover sheet provided for in paragraph one above, the plaintiff or his counsel shall set forth, where appropriate, a statement specifying in full and itemized detail the facts upon which the plaintiff then relies as constituting money damages. A copy of such civil action cover sheet, including the statement as to damages, shall be served on the defendant together with the complaint. If a statement of money damages, where appropriate is not filed, the Clerk-Magistrate shall transfer the action as provided in Rule 29(5)(c). (MA)
- Maryland Rules of Civil Procedure **2-111. Process - Requirements preliminary to summons.** *Information report.*- Except as otherwise provided by administrative order of the Chief Judge of the Court of Appeals approved by the Court of Appeals, the plaintiff shall file with the complaint an information report substantially in the form available from the clerk pursuant to Rule 16-202 b. If the plaintiff fails to file a required information report with the complaint, the court may proceed without the plaintiff's information to assign the action to any track within the court's differentiated case management system.

**Rule 2-323. Answer.** *Defendant's information report.*- The defendant shall file with the answer an information report substantially in the form included with the summons if (1) the plaintiff has failed to file an information report required by Rule 2-111(a), (2) the defendant disagrees with anything contained in an information report filed by the plaintiff, (3) the defendant disagrees with a differentiated case management track previously selected by the court, or (4) the defendant has filed or expects to file a counterclaim, cross-claim, or third-party claim. If the defendant fails to file a required information report with the answer, the court may proceed without the defendant's information to assign the action to any track within the court's differentiated case management system or may continue the action on any track previously assigned. (MD)

- Maine Rules of Civil Procedure: **Rule 5(f): Filing of Papers Not in Compliance with Rules, Orders or Statute.** Filings that are received but which are not signed, or are not accompanied at the time of filing by a legally required element, including but not limited to, a filing fee, appeal fee, registry recording fee and envelope or summary sheet, or, if filed by an attorney, do not have the attorney's Maine Bar Registration Number, shall be returned by the clerk as incomplete. The clerk will not docket the attempted filing but will retain a copy of the attempted filing and the notice of return for six months. The offeror may refile the documents

when all **elements are complete. The filing will be docketed when the complete filing is received.** Rule 5(h): **Pleading Summary Sheets.**(1) Any pleading which sets forth a claim for relief, except those specified in subdivision (3) below, shall be accompanied by a properly completed and executed Summary Sheet which is available in blank form at the clerk's office. Docket numbers of original Disclosure proceedings must be indicated on Summary Sheets initiating a second or subsequent request for disclosure. (2) Summary Sheets are required to be filed with Post-Judgment Motions in proceedings under Rule 80(k). (3) Summary Sheets are not required in Small Claims, UIFSA, Mental Health Actions or DHS Protective Custody or Administrative Paternity Proceedings and are not required in Special Actions (SA) other than Money Judgment requests for disclosure. (ME)

- Rule 111 of the Minn. General Rules of Practice for the District Courts: The purpose of this rule is to provide a uniform system for scheduling matters for disposition and trial in civil cases, excluding only the following:
  - (a) Conciliation court actions and conciliation court appeals where no jury trial is demanded;
  - (b) Family court matters governed by Minn. Gen. R. Prac. 301 through 312;
  - (c) Public assistance appeals under Minnesota Statutes, section 256.045, subdivision 7;
  - (d) Unlawful detainer actions pursuant to Minnesota Statutes, sections 504B.281, et seq.;
  - (e) Implied consent proceedings pursuant to Minnesota Statutes, section 169.123;
  - (f) Juvenile court proceedings;
  - (g) Civil commitment proceedings subject to the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment Act of 1982;
  - (h) Probate court proceedings;
  - (i) Periodic trust accountings pursuant to Minn. Gen. R. Prac. 417;
  - (j) Proceedings under Minnesota Statutes, section 609.748 relating to harassment restraining orders;
  - (k) Proceedings for registration of land titles pursuant to Minnesota Statutes, chapter 508;
  - (l) Election contests pursuant to Minnesota Statutes, chapter 209; and
  - (m) Applications to compel or stay arbitration under Minnesota Statutes, chapter 572.The court may invoke the procedures of this rule in any action where not otherwise required.

**Rule 111.02 The Party's Informational Statement.** Within 60 days after an action has been filed, each party shall submit, on a form to be available from the court (see Form 111.02 appended to these rules), the information needed by the court to manage and schedule the case. The information provided shall include: The status of service of the action; Whether the statement is jointly prepared; Description of case; Whether a jury trial is requested or waived; Discovery contemplated and estimated completion date; Whether assignment to an expedited, standard, or complex track is requested; The estimated trial time; Any proposals for adding additional parties; Other pertinent or unusual information that may affect the scheduling or completion of pretrial proceedings; Recommended alternative dispute resolution process, the timing of the process, the identity of the neutral selected by the parties or, if the neutral has not yet been selected, the deadline for selection of the neutral. If ADR is believed to be inappropriate, a description of the reasons supporting this conclusion; A proposal for establishing any of the deadlines or dates to be included in a scheduling order pursuant to Minn. Gen. R. Prac. 111.03; and Identification of interpreter services (specifying language and, if known, particular dialect) any party anticipates will be required for any witness or party. (MN)

- Supreme Court Operating Rule 4.07: FILING INFORMATION SHEET 4.07.1 Courts Using an Automated Case Management System Approved for Statewide Use by the State Judicial Records Committee
  - 1) Courts shall require a filing information sheet for each civil, domestic relations, and probate case filed.
  - 2) The filing information sheet shall reflect the case type and contain the following information for each party occupying the position of or on the same side as the plaintiff or defendant; each decedent or each ward/protectee in the case:

- a) Party type;
  - b) Party name;
  - c) Date of birth if the party is a person; and
  - d) Social security number if the party is a person and such information is reasonably available.
- 3) Responsibility for completing these sheets is with the parties, who shall make reasonable effort to provide full information.
- 4) The filing information sheets are confidential records. They shall be filed in case number sequence and stored separately from the case file or destroyed upon entry of the information.
- 5) Filing information sheets shall not be required when the filing is made electronically, provided required information on party type, party name, date of birth and social security number is contained in the electronic submission. (MO)
- Supreme Court Order dated October 25, 2000, requires parties filing in Circuit, Chancery, and County Courts to file Form AOC/01. (MS)
  - Superior and District Court Rules Rule 5(b): All papers filed in civil actions, special proceedings and estates shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts....(NC)
  - Rule 4:5-1(b)(1): **Case Information Statement.** A Case Information Statement in the form prescribed by Appendix XII-B(1) (Civil Actions General) or Appendix XII-B(2) (Foreclosure Actions) shall be annexed as a cover sheet to each party's first pleading in all civil actions except civil commitment actions brought pursuant to Rule 4:74-7, probate actions, and all non-foreclosure general equity actions. (NJ)
  - Nevada Revised Statute 3.275: **Clerk to obtain and maintain information regarding civil cases.** 1. The clerk of each district court shall obtain and file information regarding the nature of each civil case filed with the district court. 2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1. No civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his representative. 3. The clerk shall maintain the information contained in the form in a separate system of filing to allow the retrieval of statistics relating to the number, nature and date of each civil action filed in the district courts. (NV)
  - Uniformed Rules for N.Y.S. Trial Courts—Uniform Civil Rules For The Supreme Court And The County Court Section 202.6 Request for judicial intervention: (a) At any time after service of process, a party may file a request for judicial intervention. Except as provided in subdivision (b) of this section, in an action not yet assigned to a judge, the court shall not accept for filing a notice of motion, order to show cause, application for ex parte order, notice of petition, note of issue, notice of medical, dental or podiatric malpractice action, statement of net worth pursuant to section 236 of the Domestic Relations Law or request for a preliminary conference pursuant to section 202.12(a) of this Part, unless such notice or application is accompanied by a request for judicial intervention. Where an application for poor person relief is made, payment of the fee for filing the request for judicial intervention accompanying the application shall be required only upon denial of the application. A request for judicial intervention must be submitted, in duplicate, on a form authorized by the Chief Administrator of the Courts, with proof of service on the other parties to the action (but proof of service is not required where the application is ex parte). (NY)
  - The Coversheet is required pursuant to Order of the Supreme Court dated March 9, 2009. The Chief Justice issued her first order requiring Civil Action Coversheets on March 19, 2004. The March 9, 2009 is the most recent order approving the current coversheet. The Chief

Justice issued this order pursuant to the provisions of the S.C. Constitution Article V § 4. *The Civil Action Coversheet is required with all initial pleadings filed in the Court of Common Pleas. This coversheet should be completed, in its entirety, by the attorney filing the action and served on the defendant with the Summons and Complaint. This coversheet shall remain as an attachment in order to document the nature of the action that is being filed and as proof of payment of the filing fee.* (SC)

- South Dakota Codified Law 15-6-5(h): Civil Case Filing Statements. Whenever a party or an attorney representing a party commences a civil action or files an answer or first responsive pleading in a civil action, the party or attorney representing the party shall file a completed civil case filing statement containing identifying information available to that party or attorney regarding all parties, including the adverse party, with the clerk of the court. A statement must also be filed whenever a new party is added to the action. The statement shall be available from the clerk or online at the Unified Judicial System's website. The identifying information for the filing party must be submitted on the filing statement. If the party or attorney representing a party is unable to provide the required information for the filing party, he or she may seek a waiver from the judge assigned to the action. After the information is recorded in the Unified Judicial System docketing system, the filing statement may be destroyed or kept by the clerk of the court in a nonpublic file for internal record management use by the Unified Judicial System. Access to the filed statement will only be available to court personnel or by court order.
- Rule 10(a)(3), Rules of Civil Procedure: Every pleading and other paper filed with the court shall state in the top left hand corner of the first page the name, address, email address, telephone number and bar number of the attorney or party filing the paper, and, if filed by an attorney, the party for whom it is filed. The plaintiff shall file together with the complaint a completed cover sheet substantially similar in form and content to the cover sheet approved by the Judicial Council. The clerk may destroy the coversheet after recording the information it contains. (UT)
- Washington:
  - Limited jurisdiction: ARLJ, Rule 10: Each new civil filing, except in infraction cases, shall be accompanied by a Case Information Cover Sheet prepared and submitted by the plaintiff. The minimum requirements of this Case Information Cover Sheet shall be established by the Court Management Council in coordination with the Office of the Administrator for the Courts. Any additional case flow information deemed necessary for the management of cases by a court must be approved by the Office of the Administrator for the Courts.
  - General jurisdiction: AR, Rule 2: Each new civil and domestic case filing shall be accompanied by a Case Information Cover Sheet prepared and submitted by the plaintiff. The minimum requirements of this Case Information Cover Sheet shall be established by the Court Management Council in coordination with the Office of the Administrator for the Courts. Any additional case flow information deemed necessary for the management of cases by a court must be approved by the Office of the Administrator for the Courts.
- Rule 3(b), Rules of Civil Procedure: *Civil case information statement.* — Every complaint shall be accompanied by a completed civil case information statement in the form prescribed by the Supreme Court of Appeals. (WV)

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**Please provide any additional information that may clarify your state's approach to civil case cover sheets.**

- Exception: We do not require a cover sheet for dissolutions because dissolutions must be submitted on court-provided forms, and thus, we know what the case type is. (AK)
- The Civil Cover Sheet for the Alabama Judicial System is available on our website at <http://eforms.alacourt.gov/> under the 'Civil' directory as Form C-93. Alabama also requires a similar cover sheet to be filed with every motion. (AL)
- The civil case cover sheet is used to identify the number and types of civil cases filed. It is also used in complex and collection cases to identify the cases for case management purposes. (CA)
- The Colorado Rules of Civil Procedure require a cover sheet to be filed in every civil case excluding domestic relations, juvenile, probate, water, and mental health cases. The coversheet must be filed with the complaint and any counterclaim, cross-claim, or third party complaint. The coversheet contains two items of information: 1. Whether simplified discovery procedures can be applied to the case (and if not, why); and 2. Whether the party is making a jury demand. (CO)
- Coversheet not required for small claims, probate, and mental health commitment cases. (IA)
- Idaho requires a cover sheet only in family law cases but not in civil cases in general. (ID)
- This Rule was required because the Courts' computer system is party-based, requiring party information to link cases, to gain more detailed statistical information without staff having to read filings, and to gain personal identifiers for Court use while keeping identifiers off the publicly filed records. (KS)
- Our third circuit requires praecipes by the responding party to state that the matter is "at issue." (MI)
- Supreme Court Order mandates the filing of a cover sheet. There's no Rule or statute requiring the submission of a cover sheet with initial pleadings. (MS)
- Special proceedings and estates are included because they are entered into the same indexing system as civil cases. (NC)
- We do not currently require civil case cover sheets but will be incorporating them into our statewide e-filing system as we roll it out over the course of the next two years. (ND)
- Attorneys provide a "cover" letter explaining any steps they would like the clerk to perform. It generally does not identify the type of case being filed. (NE)
- Currently cover sheet are required in family law cases. Domestic violence protective order cases require a separate cover sheet. We are contemplating using them in adult guardianship cases. (NM)
- Oklahoma's civil cover sheets are designed to give the clerk specific information regarding the Plaintiff(s), Defendant(s), issuance of Summons, and the general claims for relief being sought. (OK)
- A rule is now pending before the civil procedural rules committee. A draft of our proposed cover sheet is available for review should any of your survey respondents wish to see it. (PA)
- Yes the state does require a cover sheet for such information as the type of case, the lawyer or pro-se who is filing. This is not mandatory but is strongly recommended for efficiency and statistics. Signature is required if using a cover sheet but going back to your prior question itself it is not mandatory. The rule of procedure was deleted years ago concerning cover sheets but I think it should be re-instated because it is needed for conformity. I will send a copy of our cover sheet for reference. (*Note: It was clarified in a subsequent e-mail (7/27/09) that a cover sheet is not required.*) (RI)

**LOMBINO MARTINO, P.S.**

**July 27, 2020 - 3:17 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53900-4  
**Appellate Court Case Title:** Phil Larson, Appellant v. Jarritos Inc., et al, Respondents  
**Superior Court Case Number:** 18-2-03123-8

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