

## **RULE 4:5A. Case Tracks**

### **4:5A-1. Tracks Defined**

Every civil action filed in the Superior Court, except civil commitment actions brought pursuant to R. 4:74-7 and actions in probate, foreclosure and all other general equity actions, shall be assigned by case type as prescribed by the Case Information Statement in Appendix XII to these Rules to one of the four tracks as therein specified, namely, Track I, Track II, Track III, and Track IV. The court shall make the assignment at the time the complaint and Case Information Statement are filed. All summary actions commenced by order to show cause shall be assigned to Track I.

**Note:** Adopted July 5, 2000 to be effective September 5, 2000.

### **4:5A-2. Notice of Track Assignment; Change of Assignment**

- **(a) Notice of Track Assignment.** Within ten days after the filing of the complaint, the court shall mail a notice of track assignment to the plaintiff. The plaintiff shall annex a copy of the notice to process served on each defendant.
- **(b) Change of Track Assignment.** Within 30 days after receipt of the track assignment notice, plaintiff may apply to the court for a change of track assignment by filing a certification of good cause. Any party other than the plaintiff seeking a change of track assignment shall file and serve a certification of good cause with its first pleading and any objection thereto shall be made by responding certification filed and served within ten days. Any party aggrieved by the court's determination on such application may seek relief therefrom by motion filed and served within 15 days thereafter. After the expiration of the time periods herein prescribed, a track assignment may be changed by the court on its own motion or motion of a party only if the fundamental cause or causes of action have changed or if the case type or track was erroneously identified on a party's Case Information Statement or erroneously entered into the automated docket. A track assignment shall not, however, be changed, during or after the time periods herein prescribed, either because of the alleged complexity of the case or on a representation by a party that additional discovery is required. In such event, relief may be sought pursuant to R. 4:24-1.

**Note:** Adopted July 5, 2000 to be effective September 5, 2000; captions and text of paragraphs (a) and (b) amended July 12, 2002 to be effective September 3, 2002.

### **[ 4:5A-3. Applicability ] [Deleted]**

**Note:** Adopted July 5, 2000 to be effective September 5, 2000; rule deleted July 27, 2006 to be effective September 1, 2006.