

[REDACTED]

Attorney for Plaintiff

[REDACTED]

Plaintiff,

v.

[REDACTED]

Defendant.

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION – FAMILY PART  
: [REDACTED] COUNTY

: DOCKET NO. [REDACTED]

: **NOTICE OF MOTION REQUESTING  
: TO REINSTATE PLAINTIFF'S  
: COMPLAINT FOR DIVORCE AND  
: PERMISSION TO SERVE PLAINTIFF'S  
: COMPLAINT FOR DIVORCE BY  
: PUBLICATION**

TO:

[REDACTED]

*Defendant, Pro-Se*

PLACE:

Superior Court of New Jersey

[REDACTED]

DATE:

[REDACTED] 2022, at 9:00 a.m. or as soon thereafter as counsel may be heard.

**RELIEF SOUGHT:** For an Order of the Court:

1. Granting Plaintiff's request to reinstate [REDACTED] Complaint for Divorce filed [REDACTED], docket number [REDACTED].
2. Granting Plaintiff's request to serve [REDACTED] Complaint for Divorce to Defendant by publication; and
3. For such further relief as the Court may deem equitable and just.

**PLEASE TAKE NOTICE** that in support of the within application, the undersigned shall rely on the annexed Certification of [REDACTED] and attachments.

Pursuant to Rule 1:6-2 oral argument is REQUESTED

[REDACTED]  
Attorneys for the Plaintiff

Dated: \_\_\_\_\_

[REDACTED], Esq.

**PROOF OF SERVICE**

I certify that the within Notice of Motion and all supporting documents have been filed electronically via JEDS with the Clerk of:

Superior Court of New Jersey  
[REDACTED] County Courthouse  
[REDACTED]

with a copy to Defendant via email (**Defendant's email**) and Certified and Regular Mail, Return Receipt Requested at the address set forth on the Notice of Motion.

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.

[REDACTED], Esq. \_\_\_\_\_

Dated:

## NOTICE TO LITIGANTS

**NOTICE TO LITIGANTS: IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING.** This written response shall be by affidavit or certification. (Affidavits and certifications are documents filed with the court. In either document the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.) If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you send to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross-motions, certifications, and briefs shall be sent to the opposing side.

The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday twenty-four (24) days before the return date. A response and/or cross motion must be filed fifteen (15) days (Thursday) before the return date. Answers or response to any opposing affidavits and cross-motions shall be served and filed eight (8) days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail your papers you must add three days to the above time periods.

Response to motion papers sent to the court are to be sent to the following address:

Motions Clerk  
Superior Court of New Jersey  
Chancery Division, Family Part  
Matrimonial Intake Unit



You can call [REDACTED] if you have any questions on how to file a motion, cross-motion or any response papers. **PLEASE NOTE THAT THE FAMILY DIVISION MANAGER'S OFFICE CANNOT GIVE YOU LEGAL ADVICE.**

[REDACTED]

Attorney for Plaintiff

[REDACTED] : SUPERIOR COURT OF NEW JERSEY  
 Plaintiff, : CHANCERY DIVISION – FAMILY PART  
 : [REDACTED] COUNTY

v. :  
 : DOCKET NO. [REDACTED]

[REDACTED] :  
 Defendant. : **CERTIFICATION OF [REDACTED]**  
 : **[REDACTED] IN SUPPORT OF**  
 : **PLAINTIFF’S MOTION REQUESTING**  
 : **TO REINSTATE PLAINTIFF’S**  
 : **COMPLAINT FOR DIVORCE AND**  
 : **PERMISSION TO SERVE PLAINTIFF’S**  
 : **COMPLAINT FOR DIVORCE BY**  
 : **PUBLICATION**

:  
 :

TO THE CLERK OF THE ABOVE NAMED COURT:

PLEASE ENTER an order granting Plaintiff, [REDACTED],  
 the reinstatement of Plaintiff’s Complaint for Divorce and permission to serve Defendant,  
 [REDACTED] by way of publication. The reasons for this request are set forth in the  
 Certification below:

CERTIFICATION

I, [REDACTED] of full age, hereby certify as to the following:

1. The [REDACTED] que represents Plaintiff in the above-entitled matter.
2. The parties were lawfully married on [REDACTED] in a civil ceremony in [REDACTED]

[REDACTED]

3. Due to the irreconcilable difference between the parties, which have existed for more than six consecutive months, the Plaintiff filed a Complaint for Divorce on [REDACTED].

**I. Plaintiff's request to reinstate his Complaint for Divorce should be granted as Plaintiff has shown good cause.**

4. At the time of the Complaint filing, Plaintiff had reason to believe that Defendant, [REDACTED] resided at her last known address of [REDACTED].

5. The Plaintiff has been attempting to serve the Defendant with his Complaint for Divorce over fifteen months. There have been numerous failed attempts made to personally serve the Defendant with Plaintiff's Complaint for Divorce.

6. On [REDACTED] at [REDACTED] a process server with Guaranteed Subpoena Service, Inc. ("Guaranteed Subpoena") attempted to personally serve the Defendant with Plaintiff's Complaint for Divorce at Defendant's last known address of [REDACTED]. According to Guaranteed Subpoena, this attempt was unsuccessful because the Defendant was unknown at this address. *See Exhibit A, Guaranteed Subpoena's Not Served Notice dated [REDACTED].*

7. On [REDACTED], my office sent a "Diligent Search Inquiry" request to Guaranteed Subpoena's Spartan Detective Agency, Inc. ("Spartan") via New Jersey Department of Motor Vehicles ("NJ DMV") and the Postal Services. *See Exhibit B, Letter to Guaranteed Subpoena requesting Diligent Search Inquiry dated [REDACTED].*

8. On [REDACTED], our office received correspondence from Spartan informing our office that as per the NJ DMV as of [REDACTED], Defendant resides at [REDACTED] ([REDACTED] address"). *See Exhibit C,*

*Correspondence from Spartan dated [REDACTED] and documentation Spartan received from NJ DMV.*

9. On [REDACTED] 022, our office contacted Guaranteed Subpoena with a new request to personally serve the Defendant at her [REDACTED] address.

10. Between [REDACTED] and [REDACTED], Guaranteed Subpoena's process server made multiple failed attempts to personally serve the Defendant with Plaintiff's Complaint for Divorce.

11. On [REDACTED] at [REDACTED], Guaranteed Subpoena's process server made their final attempt to personally serve the Defendant at her Paterson address.

12. Guaranteed Subpoena informed our office that they made numerous attempts to serve the Defendant. The attempts were either unsuccessful because the intercom system was not working and the server could not access the apartment building or Defendant did not answer the door on the attempts where other tenants opened the door for the server. *See Exhibit D, Guaranteed Subpoena's Not Served Notice dated [REDACTED].*

13. On [DATE] our office received notice that Plaintiff's Complaint for Divorce was dismissed without prejudice for lack of prosecution. *See Exhibit E, Dismissal Notice dated [REDACTED].*

14. I respectfully requests that the Court grant Plaintiff's Motion requesting to reinstate his Complaint for Divorce. Our office has been working diligently to personally serve the Defendant. However, the Defendant has been evading service.

15. Failing to grant Plaintiff's request to reinstate his Complaint for Divorce will result in Plaintiff the additional and unnecessary financial burdens that are associated with our office having to refile his Complaint.

16. Granting Plaintiff's request to reinstate his Complaint for Divorce will not have the same burden on the Defendant.

**II. Plaintiff's request to the Court's permission to serve the Defendant by publication should be granted as Plaintiff has shown good cause.**

17. Plaintiff does not know the present whereabouts of the Defendant and have not seen or heard from her directly or indirectly since on or about [DATE].

18. Our office has made diligent inquiries in good faith in locating the Defendant's current residence in an attempt to locate and serve the Defendant with Plaintiff's Complaint for Divorce.

19. Plaintiff has made numerous failed attempts over the past fifteen months to personally serve the Defendant.

20. To the best of his knowledge, Plaintiff knows of no other individual with whom the Defendant might be residing or communicating.

21. Plaintiff does not know Defendant's current place of employment and to the best of his knowledge, Plaintiff knows of no other individual with knowledge of where Defendant works.

22. Defendant is not in the United States military service. *See Exhibit F, Military Status Report from the Department of Defense Manpower Data Center.*

23. For the reasons set forth above, I request that the Court order publication in [REDACTED] or another a newspaper with a circulation in [REDACTED] County.



I 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.

DATE:

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[REDACTED]

Attorney for Plaintiff

[REDACTED]  
[REDACTED]  
[REDACTED]  
Attorney for Plaintiff

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[REDACTED] : SUPERIOR COURT OF NEW JERSEY  
Plaintiff, : CHANCERY DIVISION – FAMILY PART  
 : [REDACTED] COUNTY

v. :  
 : DOCKET NO. [REDACTED]

[REDACTED], :  
 : **ORDER**

Defendant. :

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**THIS MATTER** having been opened to the Court upon application of [REDACTED] attorneys for the Plaintiff, [REDACTED]; ([REDACTED] appearing) and on notice to Defendant, [REDACTED], *pro se*, and the Court having considered the papers submitted; and other good cause having been shown;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, **ORDERED THAT:**

1. Plaintiff's Complaint for Divorce under Docket Number [REDACTED] shall be reinstated; and it is FURTHER ORDERED
2. Within \_\_\_\_\_ days of the date of this Order, Plaintiff shall file a notice of the filing of the Complaint in the \_\_\_\_\_ a newspaper with the circulation in [REDACTED] County; and it is FURTHER ORDERED
3. That proof of publication by way of affidavit of publication from said newspaper shall be filed with the Court within \_\_\_\_\_ days of the date of said affidavit; and it is FURTHER ORDERED

4. That within \_\_\_\_\_ days of the date of filing of the affidavit of publication with the Court, the Defendant shall serve upon the Plaintiff, whose name and address appear above, either

a. A written appearance in accordance with R. 5:4-3(a), or

b. An answer to the Complaint, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and that if Defendant fails to answer or file a written appearance in accordance with R. 5:4-3(a), judgment by default may be rendered against Defendant for the relief demanded in the Complaint; and it is

FURTHER ORDERED

5. That if the Defendant is unable to obtain an attorney, that the Defendant may contact the lawyer referral service of the county of Hudson by calling 201-798-2727, and further that if the Defendant cannot afford an attorney, the Defendant may contact the Northeast New Jersey Legal Services by calling 201-792-6363; and it is FURTHER ORDERED

6. Defendant shall promptly file the answer or written appearance and proof of service thereof in duplicate with the Clerk of the Superior Court, [REDACTED]

[REDACTED]

\_\_\_\_\_  
HON.

\_\_\_\_\_  
, J.S.C.