

OSC as Original Process –
Submitted with New Complaint
Preliminary Injunctive Relief and
Temporary Restraining Order
Pursuant to Rule 4:52

Superior Court of New Jersey
_____ Division _____ Part
_____ County
Docket Number _____

_____,
Plaintiff(s)

v.

_____,
Defendant(s)

Civil Action

**Order to Show Cause
With Temporary Restraints
Pursuant to *Rule 4:52***

This matter being brought before to the court by _____, attorney
for plaintiff, _____, seeking relief by way of temporary
restraints pursuant to *R. 4:52*, based upon the facts set forth in the verified complaint filed
herewith; and it appearing that the defendant has notice of this application, *or* defendant
consent's to plaintiff's application, *or* immediate and irreparable damage will probably result
before notice can be given and a hearing held, and for good cause shown;

It is on this ____ day of _____, 20____, **ORDERED that** defendant,
_____, appear and show cause before the Superior Court at the
_____ County Courthouse in _____, New Jersey
at ____ o'clock in the ____ noon or as soon thereafter as counsel can be heard, on the
____ day of _____, 20____ why an order should not be issued preliminarily
enjoining and restraining defendant, _____, from: (set forth with
specificity the return date relief that the plaintiff is seeking)

- A. _____
- B. _____
- C. _____

D. Granting such other relief as the court deems equitable and just.

And it is **further ORDERED that** pending the return date herein, the defendant is [temporarily] enjoined and restrained from: (set forth with specificity the temporary restraints that the plaintiff is seeking)

- A. _____
- B. _____
- C. _____

And it is **further ORDERED that:**

1. The defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days' notice to the _____.
2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant personally, or _____ within ____ days of the date hereof, in accordance with *R. 4:4-3* and *R. 4:4-4*, this being original process.
3. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three (3) days before the return date.
4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by _____. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$_____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

5. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov. Include a \$_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at njcourts.gov.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

J.S.C.