

How to Dismiss Your Case

(If You Want to “Cancel” your Case and Have Already Filed a Proof of Service)

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> CIV-110 Request for Dismissal<input checked="" type="checkbox"/> CIV-120 Notice of Entry of Dismissal and Proof of Service<input type="checkbox"/> If the other party started the case or filed a response or cross-complaint, they have to sign the <i>Request for Dismissal</i>, too. <p>Not all cases can be dismissed for a variety of reasons. Read the back of this form, before filing, for more information about dismissing your case.</p> <p>Read Code of Civil Procedure §581 and following sections or see a private attorney for more information about dismissals and how to fill out the forms.</p>						
Step 2	<p>Copies: Make 2 copies, in addition to the original.</p>						
Step 3 <i>It is free to file</i>	<p>File: Turn in the original and copies of the <i>Request for Dismissal</i> to the Clerk’s Office in the courthouse where the case was originally filed.</p> <p>If it’s a family law case, you can file at any family courthouse (does not include 191 N. First St.) If it is a civil law case you can only file in the Morgan Hill or 191 N. First St. courthouse.</p> <p>File in the courthouse located at:</p> <table border="0"><tr><td><input type="checkbox"/> 170 Park Avenue, San Jose, CA</td><td><input type="checkbox"/> 99 Notre Dame Ave., San Jose, CA</td></tr><tr><td><input type="checkbox"/> 605 W. El Camino Real, Sunnyvale, CA</td><td><input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA</td></tr><tr><td><input type="checkbox"/> 191 N. First St., San Jose, CA</td><td></td></tr></table> <p>Monday-Friday from 8:30am to 4:00pm.</p>	<input type="checkbox"/> 170 Park Avenue, San Jose, CA	<input type="checkbox"/> 99 Notre Dame Ave., San Jose, CA	<input type="checkbox"/> 605 W. El Camino Real, Sunnyvale, CA	<input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA	<input type="checkbox"/> 191 N. First St., San Jose, CA	
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<input type="checkbox"/> 191 N. First St., San Jose, CA							
Step 4	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none">• Keep for your records—1 filed copy• Serve 1 filed copy of the <i>Request for Dismissal</i> (CIV-110) and an unfiled copy of the <i>Notice of Entry of Dismissal and Proof of Service</i> (CIV-120) on the other party. “Service” means: someone, NOT YOU, who is at least 18 years old, must mail the filed copies to the other party. <p>Whoever serves the forms must complete the <i>Notice of Entry of Dismissal and Proof of Service</i> form (CIV-120) and give it back to you. You must file the original and a copy of this form at the Clerk’s Office. The clerk will file stamp the copy and give it back to you. Keep this copy for your records.</p>						
Step 6	<p style="text-align: center;">Your court case is now dismissed. All orders in your case are now cancelled!</p>						

Please turn over for important information



WHAT DOES “With prejudice” or “Without prejudice” MEAN?

“With Prejudice” means that you cannot file again about this issue.

“Without Prejudice” means you can file again about the same issue. Divorces/Legal Separations are dismissed without prejudice.

DO I WANT TO DISMISS JUST THE “Complaint” OR “Petition” OR THE “Entire action of all parties and all causes of action”?

This is an important question that only you can answer. See a private attorney if you have questions.

WHAT ARE SOME OF THE REASONS I CAN’T DISMISS MY CASE?

An entire case cannot be dismissed if any of the following exist in the case:

- Judgment
- Spousal support order
- Child support order
- Restraining order or temporary restraining order (TRO); The clerk cannot dismiss a case until after the TRO court date or the TRO is no longer in effect.
- A hearing date

WHY DO I HAVE TO DISMISS A PARTY IN MY CIVIL CASE BEFORE I CAN GET A JUDGMENT?

In a Civil case the Petitioner has often sued “Doe” defendants in addition to “named” defendants. Before getting a final judgment, the “Doe” defendants need to be dismissed. There may be other reasons a party needs to be dismissed. See a private attorney if you have questions.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney;
- contact a Legal Services Agency such as Legal Aid or Pro Bono Project
- get the forms online at the state’s website, (www.courts.ca.gov/selfhelp);
- use a self-help legal book or
- visit the Self-Help Center/Family Law Facilitator’s Office in person, Monday through Thursday, starting at 8:30 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator’s Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help