

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or temporary restraining order (TRO); The clerk cannot dismiss a case until after the TRO court date or the TRO is no longer in effect.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.legalselfhelp.ca.gov);
- use a self-help legal book.
- Visit the Self-Help Center/Family Law Facilitator’s Office in person, Monday through Thursday, starting at 8:15 am. Please go to www.scservice.org 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
408.882.2900 x-2926

www.scservice.org
Santa Clara County
Self-Help website

www.sccsuperiorcourt.org
Santa Clara County
General website

www.legalselfhelp.ca.gov
State of California
Self-Help website