

DISMISSAL WITHOUT PREJUDICE BY PLAINTIFF

STATE OF NORTH DAKOTA

IN SMALL CLAIMS COURT

COUNTY OF _____

CASE No. _____

_____,

V.

_____.

Plaintiff,

Defendant.

1. I am _____ (name), the Plaintiff in this Small Claims Court case.

2. The Defendant, _____ (name), **has not**:

- a. Filed an answer;
- b. Filed a counterclaim;
- c. Requested a hearing in Small Claims Court; **or**
- d. Removed the case to District Court.

3. I request that the Small Claims Court dismiss the claim **without** prejudice because:

4. I understand that if the Small Claims Court dismisses this claim **with** prejudice, I cannot bring my claim again.

Dated: _____

(Plaintiff's Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

INSTRUCTIONS FOR DISMISSAL WITHOUT PREJUDICE BY PLAINTIFF FORM

The Plaintiff, the person who filed the Small Claims Court case, may ask the Small Claims Court to dismiss their case if all of the following are true:

1. You are the Plaintiff, the person who filed the Small Claims Court case;
2. You have decided you do not want to go forward with your case anymore; **AND**
3. No person you listed Defendant in your case has done any of the following:
 - Filed an answer;
 - Filed a counterclaim;
 - Requested a hearing in Small Claims Court; **OR**
 - Removed the case to District Court.

If any Defendant you listed in your case has already filed paperwork, this form will not work.

If all of the above statements are true for you, continue with Step 1.

STEP 1: FILL OUT THE DISMISSAL WITHOUT PREJUDICE BY PLAINTIFF FORM

Top of Form (Caption): Fill in the county, small claims court case number, and names of the parties exactly as they appear on your Form 2: Claim Affidavit.

Paragraph 1: Fill in your full legal name.

Paragraph 2: Fill in the name of each defendant you listed on your Form 2: Claim Affidavit. All of the statements must be true for each defendant you listed on your Form 2: Claim Affidavit.

Paragraph 3: Explain why you are requesting the Small Claims Court dismiss your case.

IMPORTANT! When a case is dismissed without prejudice, the case may be brought again at a later date. A case dismissed with prejudice cannot be brought again.

Paragraph 4: Read carefully.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Fill in the address and telephone number line. If you have a physical address and a mailing address, type or write both addresses using the line provided, and the space below the address line.

**STEP 2: FILE THE DISMISSAL WITHOUT PREJUDICE BY PLAINTIFF FORM
WITH THE CLERK OF COURT**

Make one copy of the completed Dismissal Without Prejudice by Plaintiff form. Keep the copy for your records.

File the original, completed Dismissal Without Prejudice by Plaintiff form with the Clerk of Court. File with the Clerk of Court in same County where you filed your Form 2: Claim Affidavit.

**STEP 3: THE JUDGE OR JUDICIAL REFEREE ASSIGNED TO
YOUR SMALL CLAIMS COURT CASE REVIEWS YOUR
DISMISSAL WITHOUT PREJUDICE BY PLAINTIFF FORM**

The Judge or Judicial Referee assigned to your Small Claims Court case will review your original, completed Dismissal Without Prejudice by Plaintiff form.

If the Judge or Judicial Referee dismisses your Small Claims Court case without prejudice, the case may be brought again at a later date.

If the Judge or Judicial Referee dismisses your Small Claims Court case with prejudice, the case cannot be brought again.

If the Judge or Judicial Referee does not dismiss your Small Claims Court case, the case will continue.