

Glossary of NYS Legal Terms

A

acknowledgement: the act of going before a qualified officer (e.g., Clerk) and declaring the validity of the document. The officer certifies same, whose certification is known as the acknowledgment

acquit: the act of freeing a person from the charge of an offense by means of a decision, verdict or other legal process; to discharge

action: a civil judicial proceeding whereby one party prosecutes another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on adversary party or potentially adversary party

actual place of business: Any location that the defendant, through regular solicitation or advertisement, has held out as its place of business (sec. 308.6 CPLR).

ad damnum: clause of a pleading alleging amount of loss or injury

adjournment: a temporary postponement of the proceedings of a case until a specified future time

adjudicate: to hear or try and determine judicially

adversary: An opponent. The defendant is the plaintiff's adversary.

adversary system: the system of trial practice in the U.S. and some other countries in which each of the opposing, or adversary, parties has full opportunity to present and establish its opposing contentions before the court

affiant: one who swears to an affidavit; deponent

affidavit: a sworn or affirmed statement made in writing and signed; if sworn, it is notarized

affinity: Related by marriage; family relation from one's spouse's family.

affidavit of service: an affidavit intended to certify the service of a writ, notice, or other document

affirm: an act of declaring something to be true under the penalty of perjury by a person who conscientiously declines to take an oath for religious or other pertinent reasons

affirmation: A solemn and formal declaration under penalties of perjury that a statement is true, without an oath.

affirmed: Upheld, agreed with (e.g., The Appellate Court affirmed the judgment of the City Court).

allegation: the assertion, declaration, or statement of a party to an action, made in a pleading, setting out what the party expects to prove

allege: To assert a fact in a pleading.

alternate juror: a juror selected as substitute in case another juror must leave the jury panel

amend: To change.

amicus curiae: A Friend of the Court. A non-party to a proceeding that the Court permits to present its views.

annul: to make void, as to dissolve the bonds of marriage

answer: a paper submitted by a defendant in which he/she responds to and/or denies the allegations of the plaintiff

appeal: a proceeding to have a case examined by an appropriate higher court to see if a lower court's decision was made correctly according to law

appearance: the participation in the proceedings by a party summoned in an action, either in person or through an attorney

appellant: the party who takes an appeal to a higher court

appellee: the party against whom an appeal is taken

arbitration: the submission voluntarily or involuntarily of a disputed matter to selected persons and the substitution of their award or decision for the judgment of a court or its confirmation by the court as a judgment of the court

argument: a reason given in proof or rebuttal

at issue: whenever the parties to a suit come to a point in the pleadings which is affirmed on one side and denied on the other, they are said to be "at issue"

attachment: The taking of property into legal custody by an enforcement officer (see specialty section: Recovery of Chattel).

attestation: the act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness

attorney of record: attorney whose name appears in the permanent records or files of a case

award: A decision of an Arbitrator.

B

bail: the security given (or posted) to ensure the future appearance of a defendant

bar: 1. Prohibit - to bar the prosecution of an action. 2. The members of the legal profession.

bench: The Judge's seat or the judge, himself/herself, (e.g., the attorney addressed the bench)

bifurcated trial: a case in which the trial of the liability issue in a personal injury or wrongful death case is heard separate from and prior to trial of the damages in question

bill of costs: A written statement of the itemized taxable costs and disbursements

bill of particulars: factual detail submitted by a claimant after a request by the adverse party which details, clarifies or explains further the charges and/or facts alleged in a pleading

brief: a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law which the lawyer wished to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

C

calendar: a schedule of matters to be heard in court

calendar call: the calling of matters requiring parties, or their attorneys, to appear and be heard, usually done at the beginning of each court day

caption: in a pleading, deposition or other paper connected with a case in court, it is the heading or introductory clause which shows the names of the parties, name of the court, number of the case on the docket or calendar, etc.

case file: the court file containing papers submitted in a case

cause of action: grounds on which a legal action may be brought (e.g., property damage, personal injury, goods sold and delivered, work labor and services).

certified copy: Copy of a document signed and certified as a true copy of an original by the Clerk of the Court or other authorized persons (e.g., lawyer).

certificate of readiness: a document attesting that the parties in a lawsuit are ready to go to trial

certify: to testify in writing

certiorari: a proceeding in the state Supreme Court under Art. 78 of the CPLR to review the decisions or actions of a public official or body, as in a tax certiorari matter, a review of the tax assessed challenge an exception taken to a juror before he/she is sworn challenge for a challenge based on a legally specified reason

change of venue: the removal of a suit begun in one county or district to another county or district for trial, though the term may also apply to the removal of a suit from one court to another court of the same county or district

charge to jury: in trial practice, an address delivered by the court to the jury at the close of the case instructing the jury as to what principles of law they are to apply in reaching a decision

chattel: article of personal property

citation: 1) summons to appear; 2) reference to authorities in support of an argument

clerk's extract: a summary of a trial which is written by a clerk

clerk's minutes: notes, which are taken by a clerk, of events that occurred in court

commissioner of jurors: a person in charge of summoning citizens for jury duty

commitment: an order to commit a person to the custody of a sheriff, commissioner of corrections, or mental health facility

common law: the body of law which originated in England and upon which present day U.S. law is based

compensatory damages: reimbursement for actual loss or injury, as distinguished from exemplary or punitive damages

complaint: the initial pleading in an action formally setting forth the facts and reasons on which the demand for relief is based

condemnation: see eminent domain

consanguinity: Related by blood.

conservator: one who is appointed by a court to manage the affairs of a protected person

consolidated action: two or more actions involving a common question of law or fact may be consolidated by the court; the actions then are merged, becoming one action with one title, and they result in one verdict and one judgment

contempt of court: an act or omission tending to obstruct or interfere with the orderly administration of justice or to impair the dignity of the court or respect for its authority

consolidate: A joining of two or more actions to be tried together.

contested action: an action which involves disputed issue(s) of fact or law

contract: a legally enforceable agreement between two or more persons or parties (oral or written)

corroborate: to strengthen; to add weight by additional evidence

costs: The statutory sum awarded to the successful party when a judgment is entered. (Section 1901 all Court Acts.)

counsel: Lawyer or attorney.

counterclaim: 1. In civil actions, a claim brought by a defendant against the plaintiff for an unlimited amount of money. 2. In small claims/commercial claims, a claim brought by a defendant against the plaintiff for an amount not to exceed the maximum monetary jurisdiction allowed in the small claims/commercial claims court.

court of limited jurisdiction: A City Court, District Court or other court that has jurisdiction only over actions authorized by law.

court reporter: a person who transcribes by shorthand or stenographically takes down testimony during court proceedings

crossclaim: claim litigated by co-defendants or co-plaintiffs against each other and not against a party on the opposite side of the litigation

cross-examination: questioning by a party or his attorney of an adverse party or a witness called by an adverse party

D

damages: Monetary compensation or indemnity for wrong or injury caused by the violation of a legal right. 1. Compensatory damages - Reimbursement for actual loss or injury. 2. Exemplary damages - Monetary award by way of punishment for injury caused by aggravated circumstances or malice, in addition to compensation for the injury. 3. Punitive damages - Monetary compensation awarded in excess of ordinary damages, as punishment for a gross wrong.

date-stamp: the stamping on a document of the date it is received

decision: the determination reached by a court in any judicial proceeding, which is the basis of the judgment

declaratory judgment: one fixing rights of parties without ordering anything to be done

decree: a decision or order of the court - a final decree is one which fully and finally disposes of the litigation; an interlocutory decree is a provisional or preliminary decree which is not final

default: a "default" in an action of law occurs when a defendant omits to plead or otherwise defend within the time allowed, or fails to appear at the trial

defendant: the party being sued or the party accused of committing the offense charged

deliberation: the process by which a panel of jurors comes to a decision on a verdict

de novo: From the beginning, a new trial.

deponent: One who testifies under oath to the truth of facts.

deposition: sworn testimony of a witness

direct examination: the first interrogation of a witness by the party on whose behalf the witness is called

directed verdict: an instruction by the judge to the jury to return a specific verdict

discovery (or disclosure): a proceeding whereby one party to an action may be informed as to facts known by other parties or witnesses

dismissal: termination of a proceeding for a procedurally prescribed reason

dismissal with prejudice: Action dismissed on the merits which prevents renewal of the same claim or cause of action.

dismissal without prejudice: Action dismissed, not on the merits, which may be re-instituted.

dispose: the act of terminating a judicial proceeding

disposition: the result of a judicial proceeding by withdrawal, settlement, order, judgment or sentence

dissolution of marriage: the effect of a judgment of dissolution of marriage is to restore the parties to the state of unmarried persons

docket: a document which summarizes a case

domicile: that place where a person has a true and permanent home - a person may have several residences, but only one domicile

E

easement: right held by one person to use the land of another for a special purpose

eminent domain: the power to take private property for public use by condemnation, i.e., the legal process by which real estate of a private owner is taken for public use without the owner's consent, but upon the award and payment of just compensation

enjoin: to require a person, by writ of injunction from a court of equity, to perform or to abstain or desist from some act

equitable action (equity matter): an action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action; case in which payment of money damages will not be adequate compensation

equitable distribution: the power to distribute equitably upon divorce all property legally and beneficially acquired during marriage by husband and wife or either of them, whether legal title lies in their joint or individual names

estop: to stop, bar, or impede

estoppel: a rule of law which prevents a person from alleging or denying a fact, because of his/her own previous act

et al: an abbreviation of et alia meaning "and others"

et ano: And another.

evidence: a form of proof or probative matter legally presented at the trial of an issue by the acts of the parties and through witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or the jury

eviction, warrant of: Legal mandate authorizing an enforcement officer to remove persons and their personal property from their premises.

examination before trial (EBT): a formal interrogation of parties and witnesses before trial

execution: (1) the performance of all acts necessary to render a written instrument complete, such as signing, sealing, acknowledging, and delivering the instruments (2) supplementary proceedings to enforce a judgment, which, if monetary, involves a direction to the sheriff to take the necessary steps to collect the judgment

exemplification: An official transcript of a document from public records, made in a form to be used as evidence and authenticated or certified as a true copy, (e.g. exemplification of a judgment).

exhibit: a paper, document or other article produced and exhibited to a court during a trial or hearing and, on being accepted, is marked for identification or admitted in evidence

ex parte: a proceeding, order, motion, application, request, submission etc., made by or granted for the benefit of one party only; done for, in behalf of, or on application of one party only

expunge: the authorized act of physically destroying information, in files, computers or other depositories

F

fair preponderance: Level of proof in a civil action; more than half; more convincing.

fee: a fixed charge for service rendered on behalf of court

fiduciary: a person or institution who manages money or property for another, and who must exercise a standard of care in such management activity imposed by law or contract

finding: the court's or jury's decision on issues of fact

fine: a sum imposed as punishment for an offense

first paper: Paper instituting the action (e.g., Summons, Motion, Infants's Compromise).

foreclosure: a legal proceeding that bars or extinguishes right

foreperson: a member of a jury, usually the first juror called and sworn, or a juror elected by fellow jurors, who delivers the verdict to the court

forum: A judicial tribunal or a place of jurisdiction. A meeting for discussion.

full faith and credit: A requirement of the U.S. Constitution that the records and judicial proceedings of one state shall have the same effect in courts of other states with the same jurisdiction.

G

garnish: to attach a portion of the wages or other property of a debtor to secure repayment of the debt

garnishee: A person who owes a debt to a judgment debtor, or a person other than the judgment debtor who has property in his/her possession or custody in which a judgment debtor has an interest

guardian ad litem: person appointed by a court to represent a minor or incompetent for purpose of some litigation

H

habeas corpus: "You have the body." - the name given a variety of writs whose object is to bring a person before a court or judge - in most common usage, it is directed to the official or person detaining another, commanding him/her to produce the body of a person detained so the court may determine if such person has been denied his/her liberty without due process of law

hearing: a preliminary examination where evidence is taken for the purpose of determining an issue of fact and reaching a decision on the basis of that evidence

hearsay: a type of testimony given by a witness who relates not what he/she knows personally, but what others have told the witness, or what the witness has heard said by others; may be admissible or inadmissible in court depending upon rules of evidence

hung jury: a jury whose members cannot reconcile their differences of opinion and thus cannot reach a verdict

I

impaneling: the process by which jurors are selected and sworn to their task

impleader: An addition of a third party to an action by the defendant.

in camera: in the judge's chamber out of the presence of the jury and the public

incompetency: lack of legal qualification or fitness (physical, intellectual or moral fitness) to discharge a legally required duty or to handle one's own affairs; also relates to matters not admissible in evidence

indemnity: Security against loss or damages, exemption from penalty or liability, amount paid as compensation under an indemnity agreement.

index number: a number issued by the county clerk, which is used to identify a case - in civil matters there is usually a charge

individual assignment system (IAS): a system, established for all civil actions and proceedings heard in Supreme and County Court, which provides for the continuous supervision of each action and proceeding by a single judge (NYS)

indorsed complaint: A statement of the nature and substance of the cause of action, for money only, which indicates the amount of the claim. It may be set forth upon the summons or attached to it.

INFANT An individual who has not attained the age of eighteen (18).

infant's compromise: a civil proceeding or motion for obtaining court approval of the settlement of an infant's claim

injunction: a court order for a party to stop doing or to start doing a specific act

inquest: a proceeding which usually is a limited non-jury trial for the purpose of fixing the amount of damages where the plaintiff or defendant alone introduces testimony.

in re: In the matter of; concerning.

in rem: Regarding the right or title to property.

inter alia: Among other things.

interlocutory: provisional; temporary; not final - refers to orders and decrees of a court

interpleader: action by which one having possession of an article or fund claimed by two parties may compel them to litigate the title between themselves, instead of with him/her

interpreter: a person sworn at a judicial proceeding to translate oral or written language

interrogatories: written questions propounded by one party and served on an adversary, who must provide written answers thereto under oath

intestate: a person who dies without a will

J

joint trial: two or more actions involving a common question of law or fact may be joined by court order for trial - the actions are not merged but remain separate and distinct and may result in one or more verdicts and judgments

judgment: A determination of the rights of the parties in an action or special proceeding. A judgment shall refer to and state the result of a verdict or decision, or recite the circumstances on which it is based

judgment roll: a record of the judgment with the supporting papers

judicial hearing officer (JHO): a person who has served as a judge or justice of a court of record of the Unified Court System, and who no longer is serving in such capacity, except a person who was removed from a judicial position pursuant to Section 22 of Article VI of the Constitution

jurisdiction: the geographical, subject matter, and monetary limitations of a court

Personal jurisdiction- Directed to a specific person to impose a personal liability on him (usually the defendant).

Subject matter jurisdiction- Topic of consideration, thing in dispute, right claimed by one party against another

jury: a prescribed number of persons selected according to law and sworn to make findings of fact

jury (advisory): a body of jurors impaneled to hear a case in which the parties have no right to a jury trial - the judge remains solely responsible for the findings and may accept or reject the jury's verdict

jury instructions: directions given by the judge to the jury

L

laches: the failure to diligently assert a right, which results in a refusal to allow relief

legal age: Eighteen (18) years of age. See CPLR Section 1206.

legal aid: system by which legal services are rendered to those in financial need who cannot afford private counsel

liability: an obligation to do, to eventually do, or to refrain from doing something; money owed; or according to law one's responsibility for his/her conduct; or one's responsibility for causing an injury

liber: a book used for keeping a record of specific documents or events having legal effect

lien: a claim upon the property of another as security for some debt

litigant: Party to a legal action

long form order: an order prepared by counsel for signature of the court (usually based on a memorandum decision)

M

maintenance: the furnishing by one person to another the means of living, or food, clothing, shelter, etc., particularly where the legal relations of the parties is such that one is bound to support the other, as between parent and child or between spouses

material witness: person whose testimony on some issue has been judicially determined as relevant and substantial

memorandum decision: a written opinion or decision of a court on a litigated question, giving the court's conclusion on factual and legal issues (this may constitute the order of the court if so stated)

memorandum opinion: memorandum in writing, which is a very brief statement of the reasons for a decision, without detailed explanation

military calendar: To hold in suspense an action that cannot reasonably be tried because a party or witness is in the military service.

minute book: A Court Clerk's Journal of Courtroom proceedings.

minutes: a record of court proceedings kept by noting significant events

mistrial: a trial which has been terminated and declared void prior to the reaching of verdict due to extraordinary circumstance, serious prejudicial misconduct or hung jury - it does not result in a judgment for any party but merely indicates a failure of trial

moot: (adj.) unsettled, undecided, not necessary to be decided

motion: an oral or written request to the court made by a party for a ruling or order

movant: the party who initiates the motion

N

natural person: Individual (does not include corporate entities)

negligence: conduct which falls below the standard established by law for the protection of others against unreasonable risk of harm

non seq. (Non sequitur): It does not follow

note of issue: a document filed with the court placing a cause on the trial calendar

notice of entry: A notice with an affidavit of service stating that the attached copy of an entered order or judgment has been served by a party on another party.

notice of petition: Written notice of a petitioner that a hearing will be held in a court to determine the relief requested in an annexed petition.

nunc pro tunc: (now for then) presently considered as if occurring at an earlier date; effective retroactively

O

oath: a swearing to the truth of a statement which, if made by one who knows it to be false, may subject one to a prosecution for perjury or other legal proceedings

opening statement: the first address of counsel prior to offering of evidence

oral proof: evidence given by word of mouth; the oral testimony of a witness

order: an oral or written direction of a court or judge

P

palimony: term has meaning similar to 'alimony' except that award, settlement or agreement arises out of non-marital relationship of parties (i.e., non-marital partners)

parcel: a tract or a plot of land

part: a court room where specified business of a court is to be conducted by a judicial officer

party: Person having a direct interest in a legal matter, transaction or proceeding.

peremptory challenge: the challenge which may be used to reject a certain number of prospective jurors without assigning any reason

perjury: the act of lying or stating falsely under oath

petition: a formal written request to a court, which initiates a special proceeding

petitioner: In a special proceeding, one who commences a formal written application, requesting some action or relief, addressed to a court for determination. Also known as a plaintiff in a civil action

petit jury: the ordinary jury for the trial of a civil case (so called to distinguish it from the grand jury)

plaintiff: the party bringing a civil action

pleadings: complaint or petition, answer, and reply

polling the jury: a practice whereby the jurors are asked individually whether they assented, and still assent, to the verdict

power of attorney: instrument authorizing one to act legally for another either generally or in a specified matter

precedent: previously adjudged action or decision on same or similar point, serving as a rule or example for present guidance

proceeding: the succession of events constituting the process by which judicial action is invoked and utilized pursuant to procedure

preclude: To prevent or stop

process: a legal means, such as a summons, used to subject a defendant in a lawsuit to the jurisdiction of the court; broadly, refers to all writs issued in the course of a legal proceeding

pro se: for oneself; in one's own behalf; in person; a pro se party is one who, without representation, acts as his/her own attorney

purge: To atone for an offense, to submit to a court's mandate (i.e., to purge oneself of contempt of court)

R

recuse: To disqualify oneself as a judge

redact: to edit, revise

referee: a person to whom a cause pending in a court is referred by the court to take testimony, hear the parties, and report thereon to the court, or to make a judicial determination - the referee is an officer exercising judicial powers and is an arm of the court for a specific purpose

relief: Legal remedy

remand: to send a case back from an appellate court to the lower court from which it came, for further proceedings

remittitur: legal process by which an appellate court transmits to the court below the proceedings before it, together with its decision, for such further action and entry of judgment as is required by the decision of the appellate court

replevin: an action brought for the owner of items to recover possession of those items when those items were wrongfully taken or are being wrongfully kept

reply: a plaintiff's response to a defendant's answer when the answer contains a counterclaim

res: Subject matter

res judicata: a thing judicially acted upon or decided

respondent: One who formally answers the allegations stated in a petition which has been filed with the court. Also known as a defendant in a civil action

restore/ reinstate to calendar: to reinstate the action to active inventory

S

sanction: a penalty or punishment provided as a means of enforcing obedience to a law, rule or code; also, an authorization

satisfaction: Discharge of a legal obligation, as in a "Satisfaction of Judgment."

seal: to close a case file from public scrutiny - in instances of youthful offenders and acquittal, sealing orders are issued by the court to prevent the public from obtaining information on the cases

security for costs: An undertaking required by a court to cover the payment of costs if the judgment is against the depositor.

separation: in matrimonial law, a cessation of cohabitation of husband and wife by mutual agreement, or in the case of "judicial separation," under the decree of a court

sequester: to separate, set apart, hold aside for safekeeping or awaiting some determination; jurors are sequestered when not permitted to return home until the case is closed

service: the exhibition or delivery of a writ, notice, etc., officially notifying a person of some action or proceeding in which that person is concerned

short form order: an order prepared by the court

show cause: an order, decree, execution, etc., to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed, or as the case may be

sine die: Without a date, as in an action being adjourned sine die. Legal process which commands a witness to appear and testify.

small claims assessment review (SCAR): filing by any person aggrieved by an assessment of a one, two or three family, owner occupied residential structure used for residential purposes (including condominiums) (NYS)

special master: a special master is an attorney appointed on an ad hoc basis to assist the court in hearing motions (NYS)

special proceedings: general term for remedies or proceedings which are not ordinary actions, e.g., condemnation

special referee (or referee): the special referee has the authority to exercise judicial functions when assigned duties by the court to determine the following (1) to determine an issue (binding) (2) to perform an act (disclosure) (3) to hear and report - matrimonial actions may be included (NYS)

special term: a court part set aside to hear specific types of cases

special verdict: a special finding of the facts of a case by a jury leaving to the court the application of the law to the facts thus found

statute of limitations: a statute that declares that no actions of a specified kind be commenced after a specified period of time after the cause of action arose

stay: a stopping or suspension of procedure or execution by judicial or executive order

stipulation: an agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial - most stipulations must be in writing

stipulation of settlement: A formal agreement between litigants and/or their attorneys resolving their dispute.

sua sponte: upon its own motion, initiation or will; without a prior request

subpoena: Legal process which commands a witness to appear and testify.

subpoena duces tecum: a subpoena requiring a person to produce specified documents or records in a trial

subpoena (judicial): an order issued by the court to a person to attend court and give testimony

subpoena duces tecum (judicial): an order issued by the court requiring a person to produce specified documents or records in a trial

subsequent proceedings: Any proceeding or action taken with respect to a specific case after it has been filed with the court.

suit: A legal action or proceeding.

sum certain: Liquidated damages pursuant to contract, promissory note, law, etc.

summary judgment: a determination in an action on the grounds that there is no genuine issue of fact

summons: A form used to commence a civil action and acquire jurisdiction over a party

supplementary proceedings: further inquiry, under court jurisdiction, after entry of judgment, to determine means for enforcing the judgment against judgment debtor

surety: One who is legally liable for the debt, default, or failure to carry out a duty of another.

T

third-party action: A claim asserted by a defendant, styled a third-party plaintiff, against a person, styled a third-party defendant.

trial assignment part (TAP): that part of the court which assigns cases for trial (NYS)

testimony: an oral declaration made by a witness or party under oath

tort: an injury or wrong committed, either with or without force, and either intentionally or negligently, to the person or property of another

transcript: the official record of proceedings in a trial or hearing

transfer: the removal of a cause from the jurisdiction of one court or judge to another by lawful authority

trial: the formal examination of a legal controversy in court so as to determine the issue

trial de novo: A new trial (see: 22NYCRR 28.12).

U

undertaking: Deposit of a sum of money or filing of a bond in court.

V

vacate: to set aside a previous action

venire: technically, a writ summoning persons to court to act as jurors; popularly used as meaning the body of names thus summoned

venue: 1. Geographical place where some legal matter occurs or may be determined. 2. The geographical area within which a court has jurisdiction. It relates only to a place or territory within which either party may require a case to be tried. A defect in venue may be waived by the parties.

verdict: the determination of a jury on the facts

verification: confirmation of the correctness, truth or authenticity of pleading, account or other paper by an affidavit or oath

voir dire: a questioning of prospective jurors by the attorneys, and, on application of any party, by the judge, to see if any of them should be disqualified or removed by challenge or examination

W

waiver: an intentional and voluntary relinquishment of some known right

warrant: a written order directing the arrest of a person issued by an authority - warrants are "issued," "executed" or "canceled"

with prejudice: the term, as applied to judgment of dismissal, is as conclusive of rights of parties as if action had been prosecuted to final adjudication adverse to the plaintiff

without prejudice: a dismissal "without prejudice" allows a new suit to be brought on the same cause of action

witness: one who testifies to what he/she has seen, heard, or otherwise observed

writ: an order issuing from a court of justice and requiring the performance of a specified act, or giving authority and commission to have it done