

INSTRUCTIONS FOR FILING AN ANSWER IN TRIBAL COURT

If you have been served with a complaint and summons, you need to prepare your response, which is called an answer. You have 21 days to file your answer in Tribal Court. Court staff will forward a copy to Plaintiff or their attorney if represented. If your case is filed in Tribal Court's Small Claims Court, attorneys are not permitted to represent a party. If you fail to file an answer with Tribal Court within the 21 day limit, the Plaintiff can ask the court to issue a default judgment. You are not required to use the answer form attached to these instructions, and may produce any response that complies with CLUSITC Tribal Code.

The following comments refer to letter designations on the "Answer" form:

1. Fill in the name(s) of Plaintiff(s) [A].
2. Fill in the name(s) of Defendant(s) [B].
3. Section [C]

ADMISSIONS. State in separately numbered paragraphs the allegations of plaintiff's complaint which defendant admits to be true. (Note: To prevail, plaintiff will not be required at Court to prove allegations admitted by the defendant.)

DENIALS. State in separately numbered paragraphs the allegations of plaintiff's complaint which defendant denies. (Note: To prevail, plaintiff will be required to at Court to prove allegations denied by the defendant.)

AFFIRMATIVE DEFENSE. State in separately numbered paragraphs any allegations of facts which defendant believes are necessary to defend

plaintiff's complaint and which are not already alleged in plaintiff's complaint. (Note: To successfully assert an affirmative defense, defendant must prove the allegations of the affirmative defense at Court.)

4. Fill in the specific relief requested by Defendant [D], such as, without limitation, dismissal of the complaint.
5. CLUSITC Code provides that the prevailing party may be awarded costs and disbursements. The parties may request that the court award costs and disbursements [D]. Such request will be allowed or denied at the court's discretion.
6. The answer must be dated [E].
7. The Defendant(s) or attorney for the Defendant(s) if applicable, must sign the answer [F]. The document will not be accepted for filing unless it is signed.

Defendant may file with the Court a written request for an extension of time to file an answer. The Court, at its discretion, may allow the extension of time for up to 30 days for good cause showing. The court may grant only one extension per party.

If Defendant denies all or part of the Plaintiff's claim, the Court will set the case for hearing before the Chief Judge. The parties will be notified by Court staff of the hearing date and time.

There may be fees involved for the Defendant. Please contact Court staff to determine if a fee is applicable in your case.