

# Responding to a Motion

**Waiver: These instructions and forms are just information. They are not legal advice.** Legal advice depends on the specific circumstances of each situation. The information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of an attorney licensed to practice law.

## What forms will I need to respond to a motion?

You will need to fill out and file the following form:

- Response to Motion

The **Response to Motion** tells the Court why you disagree with the other party's motion.

## What words do I need to know?

**Plaintiff-** A Plaintiff is someone who files an action in court. You are the Plaintiff in this case.

**Defendant-** A Defendant is the person who is filed against in court. The other person or business that you are filing against is the Defendant in this case.

**Moving Party-** The Moving Party is the person who is asking the Court to do something. You are the Moving Party.

**Non-moving Party-** The Non-moving Party is the person who is not asking the Court to do something. The other party in the action is the Non-moving Party.

## What do I do with the form?

- 1 Fill out the form.
  - Fill out all the blanks on the Response to Motion form.
  - Sign and date your Response.
- 2 Make copies.
  - Make at least two copies of your Response once you have it filled out.

- 3 File your Response at the Tribal Court.
- Go to the Clerk of Tribal Court’s Office. File your original Response with the Clerk.
  - If you cannot afford the filing fee, ask the Clerk for a fee waiver application.
  - Give your copies to the Clerk and ask her to stamp them as “Filed.” Keep the copies in a safe place.
- 4 Mail a copy to the other party.
- Send a copy of your completed Response to the other party by U.S. mail, postage prepaid.
- 5 Go to your hearing.
- Be sure to check your mail often for any hearing notices from the Court. Write down and remember the date and time for your hearing.
  - Bring your stamped copy of your Response with you to Court.
  - Arrive at Court at least 15 minutes before your scheduled hearing and check in with the Clerk. Dress like you were going to an important job interview.
  - Be prepared to explain to the Court why the other party’s motion should not be granted.

**Where can I get more information?**

The Laws of the Confederated Salish and Kootenai Tribes contain the law on filing civil cases. Rule 14 of the Rules of Practice in Actions and Proceedings Before the Tribal Court addresses the filing of motions. The laws concerning civil actions can be found in Title IV. CSKT Laws Codified can be found online at [www.cskt.org/gov/court-triballawcode.htm](http://www.cskt.org/gov/court-triballawcode.htm)



**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I sent a true and correct copy of the foregoing Response to Motion by U.S. Mail, postage prepaid, to the following parties:

*(Other Party's Address):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
 Plaintiff/  Defendant