

# Filing 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 file a motion?

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

- Motion;
- Supporting Affidavit; and
- Request for Hearing

The **Motion** asks the Court to do something in a case that already exists.

The **Supporting Affidavit** is your statement of facts that explains to the Court why it should grant your motion.

The **Request for Hearing** asks the Court to set a hearing on your 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 forms?

1 Fill out the forms.

Fill out all the blanks on the Motion and Supporting Affidavit.

- Sign and date your Motion and Supporting Affidavit. The Affidavit must be signed in front of a Notary Public.
- 2 Make copies.
  - Make at least two copies of your Motion and Supporting Affidavit once you have them filled out.
- 3 File forms at the Tribal Court.
  - Go to the Clerk of Tribal Court's Office. File your original Motion and Supporting Affidavit with the Clerk.
  - If you cannot afford the filing fees, 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 Motion and Supporting Affidavit to the other party by U.S. mail, postage prepaid.
- 5 Wait for the other party to respond.
  - The other party has 10 working days from the date you file your motion to file a response. The other party should mail you a copy of the response, but you should also check with the Clerk of Tribal Court after 10 working days have passed to see if a response has been filed. (Currently, Fridays, Saturdays, Sundays and Tribal holidays do not count as working days.)
  - Whether the other party responds to your Motion or not, you must fill out and file the Request for Hearing. Be sure to check your mail often. Write down and remember the date and time for your hearing.
- 6 Go to your hearing.
  - Bring your stamped copies of the papers you filed with the 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 your motion should 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)

\_\_\_\_\_  
*Your Name*

\_\_\_\_\_  
*Your Mailing Address*

\_\_\_\_\_  
*City State Zip*

\_\_\_\_\_  
*Your Telephone Number*

**Plaintiff Pro Se/**  **Defendant Pro Se**

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

_____	)	
	)	Cause No. _____
Plaintiff,	)	
	)	
vs.	)	<b>MOTION</b>
_____	)	
Defendant.	)	
	)	

\_\_\_\_\_

I am asking this Court to do the following:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
 Plaintiff/  Defendant

**CERTIFICATE OF SERVICE**

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

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

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

\_\_\_\_\_  
*Your Name*

\_\_\_\_\_  
*Your Mailing Address*

\_\_\_\_\_  
*City State Zip*

\_\_\_\_\_  
*Your Telephone Number*

**Plaintiff Pro Se/**  **Defendant Pro Se**

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

_____	)	
	)	Cause No. _____
Plaintiff,	)	
	)	
vs.	)	<b>SUPPORTING AFFIDAVIT</b>
_____	)	
Defendant.	)	
	)	

\_\_\_\_\_  
I, \_\_\_\_\_, do hereby swear and declare that the following is true and correct to the best of my knowledge, information and belief:

- This Affidavit is in support of my motion asking the Court to: \_\_\_\_\_  
\_\_\_\_\_.
- The following information explains why the Court should grant my motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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*(Attach separate sheets if you need more space to write.)*

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_

Plaintiff/  Defendant

STATE OF MONTANA     )

ss

COUNTY OF LAKE     )

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
*Your Name*

\_\_\_\_\_  
*Your Mailing Address*

\_\_\_\_\_  
*City State Zip*

\_\_\_\_\_  
*Your Telephone Number*

**Plaintiff Pro Se/**  **Defendant Pro Se**

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

_____	)	
	)	Cause No. _____
Plaintiff,	)	
	)	
vs.	)	<b>REQUEST FOR HEARING</b>
_____	)	
Defendant.	)	
	)	

\_\_\_\_\_

I would like the Court to set a hearing on my motion for the purpose of resolving any issues that may have been raised by the other party in the response and obtaining an order on my request.

Date: \_\_\_\_\_

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