

FILING AN ANSWER TO A COURT CASE

More information is located in Lummi Code of Laws 3.03.070.

A. "ACCESS TO THE COURT - Instructions for Civil Cases"

Be sure to pick up a copy of this information sheet and review it for the procedures to follow in civil cases.

B. FORM PACKET (AB – P3)

The form packet contains the following documents:

Answer to Complaint / Petition & Counterclaim
Contact Information Sheet

AB – 08 AA - 02	Answer to Complaint / Petition & Counterclaim Contact Information Sheet
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C. HOW TO COMPLETE THE "ANSWER TO COMPLAINT / PETITION & COUNTERCLAIM" FORM

1. Factual Allegations

In this section of the document, you will be responding to the factual allegations that were made in the "complaint" or "petition" that was filed against you. Here is a portion of the form, showing what type of information is beginning requested in this section of the form:

Paragraph Numbered: _____ [EACH PARAGRAPH OF THE INITIATING DOCUMENT WILL BE NUMBERED. WRITE IN THE NUMBER OF EACH PARAGRAPH AND RESPOND TO THE STATEMENT THAT IS BEING MADE IN THAT PARAGRAPH]

Admitted Denied because _____ [IF YOU ARE DENYING THE STATEMENT THAT WAS MADE IN THE PARAGRAPH, EXPLAIN WHY THE STATEMENT ISN'T TRUE]

Lack Information to admit or deny [USE THIS BOX IF YOU DON'T KNOW ENOUGH ABOUT THE FACTS IN THE PARAGRAPH FOR YOU TO STATE WHETHER OR NOT IT IS TRUE]

2. Request for Relief

In the "complaint" or "petition," the other party will state what that party wants the Court to do. In this section, you write whether you oppose that request and why.

3. Affirmative Defenses

If you have any affirmative defenses (reasons that the relief requested in the complaint /petition cannot be granted even if the factual allegations might be true), state them here. For example, lack of jurisdiction is an affirmative defense.

4. Counterclaim

You may include in this section a claim you want to make against the party who initiated the case. The injury for which you wish relief must have occurred within the jurisdiction of the Lummi Tribal Court.

D. FILING THE ANSWER

Within 21 days after you were served with the summons, and petition or complaint, you must file the answer with the Lummi Tribal Court Clerk's Office. Otherwise, the plaintiff / petitioner may ask the Court to enter an order granting the relief requested, without any further notice to you. At the same time, file the Contact Information Sheet.

E. PROVIDING A COPY OF THE ANSWER TO THE OTHER SIDE

You must provide a copy of the Answer form to the party who initiated the lawsuit, at the address provided on the Summons. Similarly, all other documents you file with the court must be provided to the other party.

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4 **IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON**

5		Case No.: _____
6	Plaintiff / Petitioner,	
7	vs.	ANSWER TO COMPLAINT / PETITION AND COUNTER-CLAIM
8	Defendant / Respondent	

9 *Upon completion – file original with the Lummi Tribal Court*
10 *– send a copy to the Plaintiff / Petitioner*

11 **I. ADMISSIONS AND DENIALS.**

12 **For each of the allegations stated under “Factual Allegations” on the petition / complaint, indicate whether you**
13 **ADMIT the allegation, DENY the allegation, or you LACK INFORMATION TO ADMIT OR DENY. If you**
14 **state that you deny the allegation, explain why you deny it. Attach additional pages if needed.**

15 Paragraph Numbered: _____

16 Admitted Denied because _____

17 Lack Information to admit or deny

18 Paragraph Numbered: _____

19 Admitted Denied because _____

20 Lack Information to admit or deny

21 Paragraph Numbered: _____

22 Admitted Denied because _____

23 Lack Information to admit or deny

1 Paragraph Numbered: _____

2 Admitted Denied because _____

3 _____
4 Lack Information to admit or deny

5 Paragraph Numbered: _____

6 Admitted Denied because _____

7 _____
8 Lack Information to admit or deny

9 Paragraph Numbered: _____

10 Admitted Denied because _____

11 _____
12 Lack Information to admit or deny

13 Paragraph Numbered: _____

14 Admitted Denied because _____

15 _____
16 Lack Information to admit or deny

17 Paragraph Numbered: _____

18 Admitted Denied because _____

19 _____
20 Lack Information to admit or deny

21 Paragraph Numbered: _____

22 Admitted Denied because _____

23 _____
24 Lack Information to admit or deny

25 Paragraph Numbered: _____

Admitted Denied because _____

1 II. RELIEF.

2 For each of the requests for relief stated in the complaint / petition, state whether the request is agreed or
3 opposed. If you oppose the request, state why. Attach additional pages if needed.

4 Paragraph Numbered: _____

5 [] Agreed [] Opposed because _____

6 Paragraph Numbered: _____

7 [] Agreed [] Opposed because _____

8 Paragraph Numbered: _____

9 [] Agreed [] Opposed because _____

10 Paragraph Numbered: _____

11 [] Agreed [] Opposed because _____

12 III. AFFIRMATIVE DEFENSES (if wish to assert)

13 Whether or not all of the allegations stated in the complaint / petition are true, I have the following
14 affirmative defenses:

15 1. _____

16 2. _____

17 IV. COUNTERCLAIM (If wish to assert)

18 I request that the Court order the following relief instead against the plaintiff / petitioner

19 1. _____

20 2. _____

21 3. _____

22 4. _____

23 5. That the Court grant such other relief as the Court may deem just and proper

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I make the following factual statements in support of my request (attach additional pages if needed):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

The Lummi Tribal Court has jurisdiction over my counter-claim because the plaintiff/ petitioner has submitted to its jurisdiction by filing the original action with this court and because [] the events took place within the Lummi Reservation and/or [] The Lummi Tribal Court has been granted authority to hear this type of case under Section _____ of the Lummi Code of Laws.

III. DECLARATION

I declare under penalty of perjury of all applicable civil and criminal laws that 1) I have read this Answer and Counterclaim or it has been read to me; and 2) I understand the contents of the Answer and Counterclaim and believe the contents to be true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry. Below is the address at which I can receive all legal documents, and I understand I have the duty to update this address with the court if it changes.

Dated: _____

Signature of Defendant / Respondent

Print or Type Name

Address

City, State, Zip Code

Telephone Number

LUMMI TRIBAL COURT CONTACT INFORMATION SHEET

CASE NO. (Must be completed if one has been assigned): _____

YOUR INFORMATION : For the case that is pending in court, the court needs to have contact information for you, and enough identifying information so that your name is not confused with someone else's.

Name: _____
First Middle Last Suffix (e.g. Jr., Sr.)

DOB: ____ / ____ / ____

Address: _____
Street address

City State Zip code

Mailing address if different: _____

Phone Nos. _____
Home Work Cell

Message phone, if needed: _____

OPPOSING PARTY'S INFORMATION: To the extent that you have the information, the court needs to have contact information for the opposing party, and enough identifying information so that person is not confused with someone else

Name: _____
First Middle Last Suffix (e.g. Jr., Sr.)

DOB: ____ / ____ / ____

Address: _____
Street address

City State Zip code

Mailing address if different: _____

Phone Nos. _____
Home Work Cell

Message phone, if needed: _____

DATED

SIGNATURE

IT IS YOUR RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGES IN YOUR ADDRESS OR CONTACT PHONE NUMBERS. IF YOU DO NOT, AND A DOCUMENT OR NOTICE IS SENT TO THE WRONG PLACE AS A RESULT, AN ACTION COULD BE TAKEN IN THE CASE WITHOUT YOUR KNOWLEDGE OR ABILITY TO OBJECT

CONTACT INFORMATION FORM

Court Form AA - 02 6/23/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239