ONEIDA JUDICIARY
INSTRUCTIONS FOR FILING A COMPLAINT

1. Complete and sign the Complaint and the Summons.

2. Must provide an original and two copies of the Complaint and Summons to include all attachments. (3 sets total).

3. File the original and two copies of the Complaint and Summons (1 for the court, 1 for you, and 1 for service on the other party).

    a. The Clerk will review your papers and assign a case number and the court date on the Summons.
    b. Pay a filing fee of $50.00 with the clerk (or request a fee waiver).
    Note: If filling out Fee Waiver Request you must provide documentation of income.

4. The Complaint and Summons must be served on the other party (Respondent). **You may not deliver the court papers yourself**!

    a. The Complaint and Summons must be served within 30 days after they are filed.

        i. An additional 30 days may be requested in writing. The written request may be granted by the Court upon a showing of good cause.

    b. Proof of service shall be delivered by the (Petitioner) to the Court within ten (10) days of service upon the (Respondent). Proof of service shall be in accordance with Rules 153.5-6.

5. Serve the copy of the complaint and summons. If the respondent has an attorney, have the complaint and summons served on the attorney instead of the respondent. <u>If the Tribe or any Tribal Entity or Department is a party, you must also serve the Tribe's Secretary's Office.</u> Please reference below the types of service:

    a. <u>Personal Service</u>: Personal service shall consist of delivering to the party a copy of the paper being served by a law enforcement officer or other person, who is not a party to the action and who is at least eighteen (18) years of age.
    b. <u>Mail Service</u> (if personal service is not possible): Service of any and all papers, when made by mail and from any party shall be by certified mail, with return receipt (green card).
    c. <u>Service of Publication</u>: (Service by publication is a last resort and can only be used if you fail to have the other party served by personal or mail service).

Any questions, call the Clerk of Court at 920-496-7200.

ONEIDA JUDICIARY-TRIAL COURT
CIVIL COMPLAINT

Case No. _____

Petitioner: ☐ Check this box if more than one Petitioner, attach below information on a separate sheet.

Enter the name, address and daytime phone number of the person filing the Petition. (You are the Petitioner).

First name | Middle name | Last name | (Maiden name)

Current Mailing Address

City | State | Zip | Daytime Phone Number

Name of person completing Petition (If different from Petitioner) | Relationship to Petitioner

Petitioner's Date of Birth | Petitioner's Tribal Status/ Enrollment No.

Respondent: ☐ Check this box if more than one Respondent, attach below information on a separate. sheet)

Enter the name, address, and daytime phone number of the Respondent.

First name | Middle name | Last name | (Maiden name)

Current Mailing Address

City | State | Zip | Daytime Phone Number

Respondent's Date of Birth | Respondent's Tribal Status/ Enrollment No.

COMPLAINT

1. Please explain why the Respondent(s) is being sued:

Explain the alleged violation of any and all Tribal law(s), regulation(s), policies, citing the rule(s).

_____.

☐ SEE ATTACHED.

2. Please explain the facts supporting your claim. List each statement separately:

Describe what happened, who did it, where it took place, and when it occurred.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____.

☐ SEE ATTACHED.

3. Please identify the following:

Check all that apply.

PETITIONER

☐ Oneida Tribal member (Enrollment No. _____).
☐ Married to Oneida Tribal member.
☐ Married to a member of a federally recognized Indian tribe who resides on the Oneida Reservation.
☐ Employee of the Oneida Tribe (Employee No. _____).
☐ Member of a federally recognized tribe and resides on the Oneida Reservation.
☐ Non-Indian and consent to the jurisdiction of the Oneida Judiciary.
☐ Oneida Tribal Entity.

RESPONDENT

☐ Oneida Tribal member (Enrollment No. _____).
☐ Married to Oneida Tribal member.
☐ Married to a member of a federally recognized Indian tribe who resides on the Oneida Reservation.
☐ Employee of the Oneida Tribe (Employee No. _____).
☐ Member of a federally recognized tribe and resides on the Oneida Reservation.
☐ Non-Indian and consent to the Jurisdiction of the Oneida Judiciary.
☐ Tribal Entity or Department. (If the Tribe or any Tribal Entity or Department is a party, you must also serve the Tribe's Secretary's Office).

4. Are either of the parties currently on active duty as a member of the Armed Forces of the United States of America or its allies?

☐ Yes ☐ No

5. Please list the specific relief sought from the Respondent(s):

Explain how you were harmed and describe your damages in detail. What do you want from the Respondent?

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____.

☐ SEE ATTACHED.

6. **FOR SMALL CLAIMS**: Is the amount in dispute over $5,000? ☐ Yes ☐ No

NOTE: **The party being served with this Complaint has twenty (20) days to file an Answer/Response in writing with the Court and the other party <u>OR</u> the party being served has the option to respond in person at the hearing.**

Dated this _____ day of _____, 20___.

BY: Petitioner or Petitioner's Attorney/Advocate

_____
Signature

_____
Printed

_____
Phone #

ONEIDA JUDICIARY

_____,
Petitioner(s)

Case No: _____

v.

_____,
Respondent(s)

SUMMONS

To the person named above as Respondent:

Complaint was filed and is attached to this summons.

You are summoned to appear for hearing before the court on:

Date: _____
Time: _____
Presiding Judge:
Location: 2630 W. Mason Street, Green Bay, WI 54303

A failure to appear and defend may result in a default judgment against the Respondent for the relief demanded in the Complaint.

BY THE CLERK:

_____
Signature (Clerk)

_____
Date

_____
Signature (Petitioner or Petitioner's Attorney/Advocate)

_____
Date

AFFIDAVIT OF SERVICE

Case No. _____

_____
Petitioner

v.

_____
Respondent

I, _____, swear that on _____, I personally served
Date

the Civil Complaint on the following person:_____.

Date:

Time:

Location:

To the best of my knowledge, _____, is present in the community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20____.

_____
Signature of Person serving other party

PLEASE NOTE: Only use this form if you are having the other person personally served. If you are serving the other person by certified mail, simply give the return receipt (green card) to the Clerk of Court.