

## **INSTRUCTIONS FOR FILLING OUT FORMS**

**PURPOSE.** This form is to be used when your case is ready for trial or hearing. This means that all pleadings and discovery have been done. If you are the plaintiff and the opposing party has failed to Answer your Summons and Complaint do not use this form, but use the Motion for Default Judgment form.

**FORMS INVOLVED.** The form is a **Certificate of Readiness for Trial**. You will need to fill in the necessary information with help from the instructions below and then file the form with the court and mail a copy to the opposing party or their attorney. Once you file your Certificate of Readiness for Trial, the opposing party can object that they are not ready for trial. If the opposing party does not object or respond, the clerk will set your case for hearing or trial and will send notices to you and the opposing party of the date, time and location of the trial. Before any trial is scheduled, the judge may schedule a pretrial hearing.

**BURDEN OF PROOF.** You as the party moving for a trial date have the burden of proving the following to the court:

1. The issues are joined and the case is ready for trial in all respects;
2. All necessary discovery has been completed;
3. All pretrial motions have been disposed of or have been waived;
4. Sufficient time has elapsed to afford all parties reasonable opportunity to be ready for trial;
5. This case is ready for trial by the Court;
6. Settlement of this case has or has not been discussed;
7. A pretrial conference is or is not requested.

**INSTRUCTIONS FOR FILLING OUT THE FORM.** To fill out this form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the **certificate of readiness for trial**:

- (1) on this line insert plaintiff's name from the pleadings.
- (2) on this line insert defendant's name from the pleadings.
- (3) on this line insert your name.
- (4) on this line insert the opposing party(s) name(s).
- (5) on this line insert the day.
- (6) on this line insert the month.
- (7) on this line insert the year.
- (8) on this line insert your name by signing.
- (9) on this line insert the address where you mailed the certificate of readiness for trial. It will be either the opposing party if they are not representing by legal counsel or to their attorney if the opposing party is represented.

ROSEBUD SIOUX TRIBAL COURT )  
ROSEBUD INDIAN RESERVATION )SS  
ROSEBUD, SOUTH DAKOTA )

IN CIVIL COURT

(1) \_\_\_\_\_

DOCKET \_\_\_\_\_

PLAINTIFF(S)

VS

(2) \_\_\_\_\_

DEFENDANT(S)

CERTIFICATE OF READINESS  
FOR TRIAL

Comes now (3) \_\_\_\_\_ and files their certificate  
of readiness for trial this Court as follows:

1. The issues are joined and the case is ready for trial in all respects;
2. All necessary discovery has been completed;
3. All pretrial motions have been disposed of or have been waived;
4. Sufficient time has elapsed to afford all parties reasonable opportunity to be ready for trial;
5. This case is ready for trial by the Court;
6. Settlement of this case has not been discussed;
7. A pretrial conference is not requested.

Wherefore, (3) \_\_\_\_\_ request that this matter  
be scheduled for trial.

NOTICE TO: (4) \_\_\_\_\_,  
you have ten (10) days from receipt of this certificate to file an objection to readiness for trial and  
request a hearing on whether the case is ready for trial.

Dated this (5) \_\_\_\_ of (6) \_\_\_\_\_, (7) \_\_\_\_\_.

(8) \_\_\_\_\_  
Plaintiff/Defendant

#### CERTIFICATE OF SERVICE

The undersigned certifies that I mailed a true and correct copy of this Certificate of Readiness  
for Trial upon the opposing party(s) or their attorney by first class mail at (9) \_\_\_\_\_

Dated this (4) \_\_\_\_ day of (5) \_\_\_\_\_, (6) \_\_\_\_\_.

(7) \_\_\_\_\_  
Plaintiff/Defendant