

## **INSTRUCTIONS FOR FILLING OUT FORM**

**PURPOSE.** This form is to be used when you are objecting to a certificate of readiness for trial filed by the opposing party.

**FORMS INVOLVED.** The form is an **Objection to Certificate of Readiness for Trial**. You will need to fill in the necessary information with help from the instructions below and then file the forms with the appropriate court.

If you are served with a **Certificate of Readiness** for trial and you feel the case is not ready for trial you need to file an objection within 10 days or the court will schedule your case for trial. The form is an **Objection to Certificate of Readiness for Trial**.

**How to file your Objection.** File the original Objection with the court and mail a copy to the opposing party. Remember you do not have to file an objection. You can appear at the hearing and object.

**MOVING PARTIES BURDEN OF PROOF.** The moving or opposing party has 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.

### **FILE THE OBJECTION WITH THE CLERK OF COURTS OF THE TRIBAL COURT AND A COPY TO THE OPPOSING PARTY OR PETITIONER .**

Instructions for filling out the Objection:

- (1) on this line insert the name of the plaintiff from the court order.
- (2) on this line insert the name of the defendant from the court order.
- (3) on this line insert your name.
- (4) insert the date the opposing party filed their certificate of readiness for trial.
- (5) insert why the case is not ready for trial. This would include not enough time has elapsed to allow for readiness, discovery is not complete, pre-trial motions have not been disposed of, etc.
- (6) on this line insert the day.
- (7) on this line insert the month.
- (8) on this line insert the year.

(9) on this line insert your name by signing.

(10) on this line insert the address where you mailed the objection to 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)

OBJECTION TO CERTIFICATE  
OF READINESS FOR TRIAL

VS

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

DEFENDANT(S)

Comes now (3) \_\_\_\_\_ and objects to the certificate of readiness for trial herein as follows:

1. That on (4) \_\_\_\_\_, the opposing party filed a Certificate of Readiness for Trial.

2. That I object to this court setting this matter for trial based upon the following reasons:

(5) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Wherefore, the opposing party's certificate of readiness for trial should be dismissed.

Dated this (6) \_\_\_ day of (7) \_\_\_\_\_, (8) \_\_\_\_\_.

(9) \_\_\_\_\_  
Plaintiff/Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that I mailed a true and correct copy of the forgoing Objection to the Certificate of Readiness for trial upon the opposing party or their attorney by first class mail at

(10) \_\_\_\_\_.

Dated this (6) \_\_\_\_\_ day of (7) \_\_\_\_\_, (8) \_\_\_\_\_.

(9) \_\_\_\_\_

Plaintiff/Defendant