

INSTRUCTIONS FOR FILLING OUT FORM

PURPOSE. This form is to be used when the court has set a matter for hearing or trial and you need to continue it to a different date.

FORMS INVOLVED. The form is a **Motion for Continuance**. You will need to fill in the necessary information with help from the instructions below and then file the forms with the appropriate court. Remember you need to mail a copy to the opposing party or their legal counsel if they are represented and fill out the certificate of service showing that you did mail a copy of the motion to the opposing party or their legal counsel.

BURDEN OF PROOF. You as the party moving for a continuance have the burden of showing the following to the court:

If for some reason you or a critical witness cannot appear for your hearing you must file a **Motion for Continuance** well in advance of the hearing date. Do not wait for the day of hearing or even a day before hearing to ask for continuance. You must give the opposing party a chance to agree or disagree with your motion. The court will either continue your case or will reject your motion and the hearing will go on as scheduled. The court will grant you a continuance only for good cause. This would include serious illness, death in the family, etc. The court will normally deny your request for any other reason.

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 motion:

- (1) on this line insert the name of the plaintiff.
- (2) on this line insert the name of the defendant.
- (3) insert your name
- (4) insert the date of the hearing or trial you want rescheduled.
- (5) insert the reason you need a continuance. There can be many reasons to request a continuance from medical reasons to witness unavailability.
- (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 your motion for continuance. 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)

MOTION FOR CONTINUANCE

VS

(2) _____

DEFENDANT(S)

Comes now (3) _____ and moves this Court to continue the case herein as follows:

1. That a hearing or trial is scheduled for (4) _____.

2. That I move this court to continue the hearing herein.

3. That I move this court to continue this matter for the following reasons:

(5) _____

_____.

Wherefore, the undersigned prays this court to issue an order:

A. Continuing this matter to another time than is scheduled.

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 this Motion for Continuance upon the opposing party(s) or their legal counsel by first class mail at (10) _____
_____.

Dated this (6) _____ day of (7) _____, (8) _____.

(9) _____
Plaintiff/Defendant