

INSTRUCTIONS FOR COMPLAINT

These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with an attorney.

For other questions, you may contact the Trial Court at (715) 284-2722. In addition, copies of the applicable law can be found on the Nation's website located at www.ho-chunknation.com/HCNLaws.aspx or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.

Do not include these instruction sheets when you file the completed form.

Complaint:

A complaint is an initial pleading that starts an action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief.

The plaintiff is the party who brings the action to court - the person who fills out the complaint.

The defendant is the party being sued in the action - the person who the complaint is brought against.

Instructions:

- **Page 1, Lines 1-8:** Enter your full, legal name on the plaintiff line. There can be more than one plaintiff. Enter the defendant's full, legal name on the defendant line. There can be more than one defendant. You do not need to write a case number. A case number will be assigned by the Court. A cause of action is a factual situation that entitles one person to obtain a remedy in court from another person.
- **Page 1, Lines 9-15:** Describe your claim(s) in short, plain statements showing why you are entitled to relief.
- **Page 1, Lines 16-28:** Enter the applicable information as it relates to the plaintiff.
- **Page 2, Lines 1-14:** Enter the applicable information as it relates to the defendant. Jurisdiction is the court's power to exercise authority over all persons and things within its territory and to hear and decide a case or issue in dispute. The plaintiff must show that the Ho-Chunk Nation Trial Court has jurisdiction over the action and the parties in the action.
- **Page 2, Lines 15-23:** State the specific law or laws that relate to your action and give the Ho-Chunk Nation Trial Court authority to hear and determine your action.
- **Page 2, Lines 24-28:** List any documents you intend to use in your case. For each document attached, identify each by content and number of pages.

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- **Page 3, Lines 1-12:** Provide a summary of the incident and circumstances resulting in this action.
- **Page 3, Lines 13-20:** Provide a summary of the harm or injury you suffered that was caused by the defendant.
- **Page 3, Lines 21-28:** A request for relief is a request for a determination of the rights and liabilities of one or more parties in an action that a legal authority allows the court to decide by a judgment. In simpler terms, a request for relief is what you are asking the court to do with your case i.e. what do you want to occur in your case. State what you want the Ho-Chunk Nation Trial Court to do. Explain the requests fully.
- **Page 4, Lines 1-4:** The prayer for relief is a request addressed to the court and appearing at the end of a pleading; it is a request for specific relief or damages.
- **Page 4, Lines 5-6:** State the number of additional pages used, if any.
- **Page 4, Lines 7-23 & Page 5, Lines 1-13:** Be sure to read the statement that precedes your signature. If you are self-represented, you must date and sign the document. If you are represented by a lawyer, the lawyer must date and sign the document.

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**IN THE
HO-CHUNK NATION TRIAL COURT**

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_____,
Plaintiff,
v.
_____,
Defendant.

COMPLAINT

Case No.: **CV** _____ - _____
[assigned by the Court]

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I. CAUSE OF ACTION

The plaintiff in the above-captioned case files this action requesting relief against the named defendant for the following cause of action (*example: violating a certain HCN law*):

II. PARTIES' INFORMATION

The following information relates to the **PLAINTIFF**:

PLAINTIFF'S INFORMATION

1. Name: _____
2. Maiden name (if applicable): _____
3. Address: _____
(state physical address also if P.O. Box is listed)

City State Zip Code
4. Phone: (_____) _____ (_____) _____
Home Work
5. Facsimile Number (if available): (_____) _____
6. Occupation: _____
Place of employment: _____
or Plaintiff is not presently employed.
7. Enrolled Member of Ho-Chunk Nation: Yes No
Tribal ID No.: _____

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DEFENDANT'S INFORMATION

The following information relates to the **DEFENDANT**

- 1. Name: _____
- 2. Maiden name (if applicable): _____
- 3. Address (last known): _____
(state physical address also if P.O. Box is listed)

City State Zip Code
- 4. Phone: (_____) _____ (_____) _____
Home Work
- 5. Facsimile Number (if available): _____
- 6. If the defendant cannot be located at the above address listed in (3), a possible alternative place to locate him/her is at the following location:

_____.
- 7. Enrolled Member of Ho-Chunk Nation: Yes No
Tribal ID No.: _____

III. JURISDICTION

This Court has original jurisdiction over this case pursuant to the “cases and controversy” clause of the CONSTITUTION OF THE HO-CHUNK NATION, Art. VII, Sec. 5(a), providing that the Trial Court “shall have original jurisdiction over all cases and controversies,” in law and equity “arising under the Constitution, laws [or] customs and traditions of the Ho-Chunk Nation.”

Specifically, the plaintiff alleges that he cause of action arises under the:

- HCN Constitution, Article _____, Section _____
- Law, particularly the: _____
(for example a Code, Statute, or HCN Legislative Resolution, i.e. EMPLOYMENT RELATIONS ACT, 6 HCC § 5)
- Custom or Tradition, particularly the: _____

List any documents you intend to use in your case: *(if documents are attached, please identify each by content and number of pages)* _____

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IV. BACKGROUND

Summary of the incident and circumstances: _____

V. HARM SUFFERED BY DEFENDANT’S ACTIONS OR INACTIONS

VI. REQUEST FOR RELIEF

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PRAYER FOR RELIEF:

For the reasons stated above and according to the attached documentation, the plaintiff requests that the Court enter a Judgment against the defendant and grant the relief sought by the plaintiff.

NUMBER OF ADDITIONAL PAGES USED: _____

~CONTINUED ON NEXT PAGE~

1 **OATH:**

2 By affixing my signature below, I, _____
3 swear that the information I have forwarded is true, accurate, and complete to the best of my
4 knowledge. I recognize that the Ho-Chunk Nation Judiciary may impose sanctions if it determines
5 that I have made statements in bad faith, including intentional misstatements or statements made
6 upon inadequate research or investigation. I also recognize that the foregoing admonition extends
7 to include the omission of material facts or law, which I knew, or should have reasonably known,
8 would impact or prove relevant to the action.¹

9 I file this petition of my own free will and absent threats, intimidation or coercion of any
10 kind. I understand that any decision reached by the Ho-Chunk Nation Trial Court is binding and
11 that if I disagree with the findings or conclusions or remedies of the Trial Court, I may file an
12 appeal with the Ho-Chunk Nation Supreme Court. I further acknowledge that since I am
13 submitting myself to the jurisdiction of the Ho-Chunk Nation Judiciary, I am subject to its
14 determinations, including those relating to contempt of court.

15 **RESPECTFULLY SUBMITTED BY PLAINTIFF,**

16 Signature: _____

17 Date: _____, 20 _____

18 State of: _____

19 County of: _____

20 Subscribed and sworn to, or affirmed, before me on this _____ day of _____,

21 20_____, by Affiant _____.

22 _____
23 Signature of Notary Public

24 _____
25 My Commission Expires:

26 _____
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¹ The Court incorporates the sworn statement above for compliance with the HO-CHUNK NATION CODE OF ETHICS ACT, 2 HCC § 1.12a(2)(c) and for use of its *Complaints* in general.

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[For Attorneys, if any]

Name of Attorney (if any)

Signature of Attorney

Mailing address of attorney: _____

E-mail address of attorney: _____

Telephone number of attorney: _____

Facsimile number of attorney: _____

Ho-Chunk Bar number of attorney: _____

If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),² and/or I have applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk Nation Rules for Admission to Practice*.

² Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation Judiciary at (715) 284-2722 or (800) 434-4070.