

Cherokee Nation Code Annotated

Title 20: Courts

Appendix II. Court Rules for the District Court of Cherokee Nation

I. Pleadings

Rule 3. Use of fax/e-mail

Cite as: 20 CNCA app. II, r. 3

1. Fax

- a. Parties may file affidavits, pleadings, motions and other documents by use of fax transmission for documents of ten (10) pages or less.
- b. The fax must include a transmittal/cover sheet reflecting the sending party's name, address, bar number, phone number, fax number, case name and case number. The fax number for the Cherokee Nation District Court is (918) 458-9572.
- c. The faxed document, which must bear a facsimile of the required signature, will be accepted as an "original" document.

2. E-mail

- a. A document permitted to be filed by e-mail pursuant to these rules shall be sent to the Court Clerk of the District Court using the following e-mail address: kristi-moncooyea@cherokee.org. Documents sent to any other e-mail address of the District Court shall not be considered for filing under any circumstances.
- b. The e-mail must reflect the sending party's name, address, bar number, phone number, e-mail address, case name and case number.
- c. A document permitted to be filed by e-mail shall be submitted as a PDF file (Portable Document Format).
- d. A document that may be filed by e-mail pursuant to these rules shall include a scanned version of the person's original signature or a signature line with a backslash followed by an "s" followed by the person's name in print (e.g., /s/ "John T. Smith").

3. Documents transmitted by fax or e-mail pursuant to these rules and received on a Saturday, Sunday, or other day on which the Clerk's Office is closed to the public, or after 4:30 p.m. on a business day, shall be considered for filing on the next business day. The time of receipt of a document is the timestamp provided by the District Court's e-mail/fax

system, the timestamp provided by any other computer/fax system shall not alter the time of receipt and effect this rule.

4. All risks associated with fax/e-mail filing are borne by the sender (e.g., Court's phone/computer system being out of order, the receiving fax machine running out of paper, etc.).

5. Any document filed by fax/e-mail must also be served concurrently by fax, e-mail, hand-delivery or mail on all other parties to the appeal, and the faxed/e-mailed document must contain a certificate of service attesting to such service and that the document was initially filed with the Court via fax/e-mail. The time for filing a response to a document filed by fax/e-mail runs from the date the document was received by the Court pursuant to subdivision 3 of this rule.

6. The Clerk may reject documents that are not clearly legible or that fail to comply with these requirements.

Historical Data

SC-AD-13-02, adopted September 3, 2013.