

Cherokee Nation Code Annotated

Title 20: Courts

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

XII. Service of Pleadings—Dismissal—Frivolous Pleadings

Rule 107. Service—Dismissal—Frivolous pleadings

Cite as: 20 CNCA app. II, r. 107

After summons is issued, the original shall be returned and filed in the case with the Court Clerk. In those cases where the Court has issued contempt or restraining orders, or granted injunctive relief or in other extraordinary proceedings requiring personal notice to the party affected, the original order shall be filed with the Court Clerk after its issuance, and certified copies thereof shall be used for service on the parties.

If the Court (Judge or Court Clerk) has examined the court file and docket sheet of a case and determines that more than one-hundred eighty (180) days have elapsed without service being made on a named defendant, the Court may notify the plaintiff or plaintiff's attorney with notice to all parties or counsel of record to file a pleading to show cause why the action should not be dismissed as to that defendant. If good cause is not shown or response is not made, the Court may dismiss the case without prejudice.

If a pleading is found to be frivolous, the Court may, on its own motion or on the oral or written motion of the opposing party, tax costs in the case or a portion of the costs up to and including the frivolous pleading, against the party filing it. The Court may make subsequent orders to insure compliance with the Court's findings.

Historical Data

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