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TOWNSHIP CLERK COURT

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

RULE OF COURT

Re: Service after Initial Pleadings (Civil)

RULE NO. 2019.0001

1. Purpose

To secure the substantive and procedural due process rights of parties before the Court, this rule establishes the requirements for serving all documents filed with the Court after the initial pleadings.

2. Authority

Where the rules of civil procedure are silent, the Court may issue any order to accomplish substantial justice. PTC 4.08.320

3. Application

These rules shall apply to all cases subject to the Puyallup Tribe Civil Procedures Code (PTC Ch. 4.08), including, but not limited to, matters filed pursuant to Title 1 (General Provisions), Title 7 (Domestic Relations), Title 8 (Decedent's Estates), and Title 9 (Elections) of the Puyallup Tribal Codes.

4. Definitions

- a. "Affidavit" means a document attested to by a notary public.
- b. "Certificate" means the section of a pleading or motion that certifies the party filing the document has sent a copy of the document to the other parties and/or their counsel of record.
- c. "Declaration" means a written statement made under penalty of perjury that does not require a notary public.
- d. "Documents" means every pleading or paper filed with the Court after the original complaint or petition.
- e. "Initial Pleadings" means the complaint/petition, summons, and notice of hearing.
- f. "Proof of service" means a statement of service by way of declaration, certificate, or affidavit.

- g. "Serve" means to deliver a copy of documents filed with the Court to the other parties.
- h. "Service of Process" means the formal delivery of copies of the Initial Pleadings, which is governed by PTC 4.08.100.

5. Responsibility for Service of Process

Unless Puyallup law states otherwise, or as stated below, the plaintiff/petitioner is responsible for completing Service of Process in accordance with PTC 4.08.100 or PTC 4.08.110. The below list is not comprehensive.

- a. In civil cases where a party's address is confidential from the other party, the Court Clerk is responsible for completing Service of Process.
- b. In Child and Family Protection Code matters, the Court Clerk is responsible for completing Service of Process.
- c. In Guardianship of Minors Code matters, the Court Clerk is responsible for completing Service of Process.
- d. In Vulnerable Adult Protection Code matters, the Court Clerk is responsible for completing Service of Process.
- e. In Domestic Violence Prevention and Anti-Harassment Civil Code matters, law enforcement is responsible for completing Service of Process.
- f. In Parental Responsibility Act matters, the Child Support Program is responsible for attempting personal Service of Process first. If personal service fails, then the Court Clerk attempts to serve process by certified mail, return receipt requested.

6. Service of Documents after Initial Pleadings

The person or party who files Documents with the Court must provide a copy of the documents to the other party prior to filing the Documents with the Court Clerk unless the Court orders otherwise.

- a. Service upon the attorney or upon a party or authorized representative shall be made by delivering a copy to them or by mailing it to him or her at the last known address or, if no address is known, filing with the Clerk of Court an Affidavit of attempt to serve. PTC 4.08.140.
- b. No Service needs to be made on parties in default for failure to appear. PTC 4.08.140. The Court must have issued an order finding a party in default in that specific case.

7. Proof of Service

Once service of the Documents is completed, the party responsible for Service must provide either:

- a. an Affidavit stating the time, method, and location of delivery to the other party; or

- b. a Declaration of service stating the date, method, and location of delivery to the other party; or
- c. a Certificate of service stating the date, method, and location of delivery.

This proof of service must be filed with the Documents.

8. Failure to Serve

When a filing party fails to Serve copies of Documents on the other parties in the matter or fails to file Proof of Service, the Court may not consider the Documents' contents until service is completed and proof of service is filed. The Court may also strike the Documents from the record.

9. Motions

Motions are governed by PTC 4.08.140 and PTC 4.08.150. The Court will not consider motions, including motions for ex parte relief, without a Proof of Service that the motion and all supporting documents were served on all other parties.

10. Modification

The Chief Judge may modify these rules as needed; provided, such modifications shall not apply retroactively.

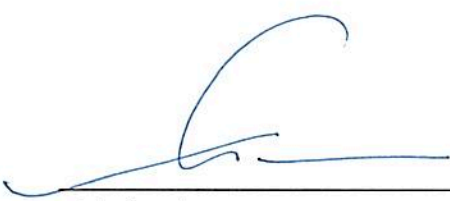
11. Severability

If any provision of this rule or its application is determined to be invalid by a court of competent jurisdiction, the remainder of the rule or its application will not be affected.

12. Effective Date

This rule becomes effective as of the date entered.

SO ORDERED: 03/19/2019



Chief Judge Long Fox

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

RULE OF COURT

Re: Waiver of Filing Fees for PTOI Entities

Rule No. 2019-002

1. Purpose

For judicial economy and administrative efficiency, this rule establishes the Court's practice of waiving civil filing fees in the Trial Court for entities of the Puyallup Tribe of Indians.

2. Authority

Where the rules of civil procedure are silent, the Court may issue any order to accomplish substantial justice. PTC 4.08.320

3. Application

This rule applies to all cases subject to the Puyallup Tribe Civil Procedures Code (PTC Ch. 4.08), including, but not limited to, matters filed pursuant to Title 1 (General Provisions), Title 7 (Domestic Relations), Title 8 (Decedent's Estates), and Title 9 (Elections) of the Puyallup Tribal Codes.

4. Definitions

- a. "PTOI Entity" means any department, program, agency, commission, and enterprise owned and operated by the Puyallup Tribe of Indians.
- b. "Initial Pleadings" means the complaint/petition, summons, and notice of hearing.
- c. "Service of Process" means the formal delivery of copies of the Initial Pleadings, which is governed by PTC 4.08.100.

5. Waiver of Filing Fee

PTC 4.08.080 states "A civil action is started by filing a written complaint or petition with the Court and paying any necessary filing fee established by the Clerk of the Court."

When the party filing the initial pleadings is a PTOI Entity, a civil filing fee is not necessary and the Court Clerk shall not assess a filing fee; provided, the individual filing on behalf of the PTOI Entity is authorized to file such legal action and identifies the petitioner or plaintiff by the name of the PTOI Entity.

6. Responsibility for Service of Process

Nothing in this rule should be construed to modify the party responsible for service of process after filing the initial pleadings.

7. Modification

The Chief Judge may modify these rules as needed; provided, such modifications shall not apply retroactively.

8. Severability

If any provision of this rule or its application is determined to be invalid by a court of competent jurisdiction, the remainder of the rule or its application will not be affected.

9. Effective Date

This rule becomes effective as of the date entered.

SO ORDERED: 11/08/2019



Chief Judge Long Fox

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

RULE OF COURT

Re: Requests for Court Clerk to Effect
Service of Process

Rule No. 2019-003

1. Purpose

To clarify the process for requesting the Court Clerk to effect Service of Process of initial pleadings in civil matters.

2. Authority

Where the rules of civil procedure are silent, the Court may issue any order to accomplish substantial justice. PTC 4.08.320

3. Application

These rules shall apply to all cases subject to the Puyallup Tribe Civil Procedures Code (PTC Ch. 4.08), including, but not limited to, matters filed pursuant to Title 1 (General Provisions), Title 7 (Domestic Relations), Title 8 (Decedent's Estates), Title 9 (Elections), and Title 12 (Fish and Wildlife) of the Puyallup Tribal Codes.

4. Definitions

- (a) "Affidavit" means a document attested to by a notary public.
- (b) "Certificate" means the section of a pleading or motion that certifies the party filing the Document has sent a copy of the Document to the other parties and/or their counsel of record.
- (c) "Declaration" means a written statement made under penalty of perjury that does not require a notary public.
- (d) "Documents" means every pleading or paper filed with the Court after the original complaint or petition.
- (e) "Initial Pleadings" means the complaint/petition, summons, and notice of hearing.
- (f) "Mailing Address" means an address where the other party accepts mail.

(g) “Service of Process” means the formal delivery of copies of the Initial Pleadings, which is governed by PTC 4.08.100.

5. Request to Court Clerk

PTC 4.08.100(b) allows a Court Clerk to “effect service of the summons and a copy of the complaint or petition by certified mail, return receipt requested.”

The plaintiff/petitioner may request such service by:

(a) Completing a *Request for Court Clerk to Effect Service of Process by Certified Mail* form (“Request Form”) available at the Court or submitting a standalone written request separate from the complaint/petition that substantially conforms to this form.

(b) Providing a Mailing Address where the certified mail can be directed.

6. No Known Mailing Address

If plaintiff/petitioner does not or cannot provide a Mailing Address for the other party, s/he cannot request the Court Clerk to effect service and the request will be rejected.

7. No Return Receipt

PTC 4.08.100(b) states “the return receipt shall be considered proof of service.” If a return receipt is not delivered to the Court Clerk, then the Court will not find that Service of Process was proper.

8. Only Applies to New Petitions/Complaints

Only a plaintiff/petitioner may request the Court Clerk to effect Service of Process by certified mail at the time of filing a new or amended complaint/petition. The Court Clerk will reject subsequent requests to serve Documents on the other parties as well as requests submitted by the defendant/respondent to serve Documents on the plaintiff/petitioner.

9. Only Applies to Certified Mail/Return Receipt Requested

The Court Clerk can only effect Service of Process by certified mail/return receipt requested. Requests for the Court Clerk to effect Service of Process by personal service will be rejected. The plaintiff/petitioner must arrange for personal service on the other party in accordance with PTC 4.08.100(a).

10. Returned Mail

If mail is returned to the Court Clerk as “undeliverable”, “return to sender” or otherwise indicates that the address is invalid (except where there is a typographical error), the Court Clerk will send a photocopy of the returned envelope to the Petitioner. The Court Clerk will not attempt to re-serve the other party unless a new Request Form is filed with an updated address.

11. Modification

The Chief Judge may modify these rules as needed; provided, such modifications shall not apply retroactively.

12. Severability

If any provision of this rule or its application is determined to be invalid by a court of competent jurisdiction, the remainder of the rule or its application will not be affected.

13. Effective Date

This rule becomes effective as of the date entered.

SO ORDERED: 11/08/2019



Chief Judge Long Fox

ENTERED
By *[Signature]*
2019 NOV -8 PM 4: 39
PUYALLUP TRIBAL COURT

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

RULE OF COURT

Re: Daily Cutoff for New Case Filings

Rule No. 2019-004

1. Purpose

For judicial economy and administrative efficiency, this rule establishes the daily cutoff time for New Case Filings with the Court Clerk. The cutoff time gives judicial personnel sufficient time to review and Process New Case Filings prior to the close of business.

2. Authority

The Court is authorized to “issue any order or writ necessary and proper to the complete exercise of . . . the general authority of the Court” PTC 4.16.220(f).

3. Application

This rule applies to all cases filed in the Court of the Puyallup Tribe of Indians *except as to*:

- (a) Application for Search Warrants (PTC 4.08.670);
- (b) Application for an Arrest Warrant (PTC 4.04.480);
- (c) Petition for an Emergency Order of Protection under PTC 7.16 (Domestic Violence Prevention and Anti-Harassment Civil Code) and PTC 7.28 (Vulnerable Tribal Adult Protection Code);
- (d) Application for a Pick-Up Order filed under PTC 7.04 (Child and Family Protection Code) and PTC 7.20 (Juvenile Justice Code), and;
- (e) Per PTC 4.08.160(a), a *ex parte* motion for a temporary restraining order prohibiting or requiring a particular action by another party without prior notice where the party seeking the order shows the Court orally or by affidavit that he or she will suffer immediate and irreparable harm unless temporary relief is granted.

4. Definitions

- (a) “Application” means a New Case Filing with a motion requesting immediate relief or a standalone written request to the Court arising out of a pending criminal investigation at the federal, state, or tribal level.

- (b) "New Case Filing" means a new or amended complaint or petition and supporting documents.
- (c) "Emergency Relief" means a court order requiring or prohibiting a certain action that will be immediately executed upon issuance.
- (d) "Process" means the act of assigning new case numbers, creating physical case files, making copies of New Case Filings, generating summons and notices of hearings, preparing any other document needed to complete the case file and providing all such documents to the filing party for its records.

5. Daily Cutoff Time for Filing Initial Pleadings

Beginning Friday, November 15, 2019, all New Case Filings must be presented to the Court Clerk for filing no later than 4:00 p.m. daily to be Processed. New Case Filings presented after 4:00 p.m. will be file stamped, but not Processed until the next business day.

If the Court closes early due to a scheduled holiday, New Case Filings must be presented at least one (1) hour prior to the early closure time. If the Court closes early due to inclement weather or other emergency, New Case Filings may be filed stamped, but will not be Processed until the next business day.

6. Ex Parte Motions for Emergency Relief

If a New Case Filing presented after 4:00 p.m. includes an ex parte motion for Emergency Relief, the Court Clerk will accept the New Case Filing, assign a case number, and bring the New Case Filing to any available judge for review. The Court Clerk will provide any written orders issued by the reviewing judge and Process the New Case Filing the next business day.

7. Modification

The Chief Judge may modify these rules as needed; provided, such modifications shall not apply retroactively.

8. Severability

If any provision of this rule or its application is determined to be invalid by a court of competent jurisdiction, the remainder of the rule or its application will not be affected.

9. Effective Date

This rule becomes effective as of the date entered.

SO ORDERED: 11/08/2019



Chief Judge Long Fox