

LAKE CHARLES CITY COURT

P.O. BOX 1664
LAKE CHARLES, LA 70602
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CIVIL PROCEDURES

NO. 1 DEFINITION OF TERMS:

- A. **PLAINTIFF:** THE PARTY THAT BRINGS THE COURT ACTION.
- B. **DEFENDANT:** THE PARTY BEING SUED.
- C. **ANSWER:** STATEMENT BY A DEFENDANT SETTING FORTH HIS DEFENSE.
- D. **PETITION:** A WRITTEN APPLICATION TO A COURT REQUESTING ACTION UPON THE MATTER SET FORTH.
- E. **AFFIDAVIT:** A WRITTEN AND SWORN TO VOLUNTARY STATEMENT.
(THE COMPLAINT MAY SOMETIMES BE FILED ON THE AFFIDAVIT.)

NO. 2 PROCEDURE

1. THE PLAINTIFF COMES INTO COURT AND FILES HIS SUIT OR COMPLAINT ON AN AFFIDAVIT OR PETITION.
2. THE DEFENDANT IS SERVED WITH A CITATION AND A COPY OF THE AFFIDAVIT OR PETITION.
3. THERE IS THEN **10 DAY** WAITING PERIOD WHICH IS THE LEGAL DELAY THAT HAS TO LAPSE BEFORE THE PLAINTIFF CAN CONTINUE TO EXECUTE HIS CLAIM. THE PURPOSE OF THE 10-DAY PERIOD IS TO ALLOW THE DEFENDANT TIME TO FILE HIS ANSWER IF HE WISHES TO CONTEST THE SUIT. THE 10 DAYS ARE COUNTED FROM THE DAY THE DEFENDANT RECEIVES THE CITIATION AND COPY OF THE COMPLAINT.
4. IF AN **ANSWER IS** FILED, A COPY WILL BE MAILED TO THE PLAINTIFF. THE PLAINTIFF THEN MUST SEND A WRITTEN REQUEST TO PLACE ON TRIAL DOCKET. THE COURT WILL SEND WRITTEN NOTICE TO THE PARTIES NOTIFYING THEM OF THE DATE THE TRIAL IS SCHEDULED FOR.
5. IF AN **ANSWER IS NOT** FILED, AFTER THE LEGAL DELAYS HAVE LAPSED, THE PLAINTIFF THEN HAS THE RIGHT TO COME INTO COURT TO TAKE JUDGMENT AGAINST THE DEFENDANT. (NOTE: IF THE DEFENDANT COMES IN AFTER THE 10 DAYS, BUT BEFORE THE JUDGMENT HAS BEEN SIGNED THE ANSWER WILL BE FILED AND PROCESSED.)
6. AFTER THE PLAINTIFF HAS TAKEN JUDGMENT AGAINST THE DEFENDANT, AND THE DEFENDANT STILL REFUSES TO PAY THE CLAIM OFF, THE PLAINTFF CAN **THEN EXECUTE HIS JUDGMENT** BY FILING A GARNISHMENT. (TO FILE GARNISHMENT WE MUST HAVE THE PLACE OF EMPLOYMENT OF THE DEFENDANT AND THE CORRECT ADDRESS) OR BY SEIZING PROPERTY BELONGING TO THE DEFENDANT. * GARNISHMENTS OR SEIZURES CAN BE FILED AFTER THE 10 DAY WAITING PERIOD FROM THE DATE THE DEFENDANT IS SERVED WITH THE JUDGMENT.

NOTE: EVERY PLAINTIFF HAS THE RESPONSIBILTY OF FOLLOWING UP HIS OWN SUIT. THE COURT DOES NOT PROCEED FROM STEP TO STEP WITH A CASE UNLESS IT IS **REQUESTED** BY THE PLAINTIFF.

THE PLAINTIFF ALSO HAS TO BE RESPONSIBLE FOR THE COURT COST WHICH IS INVOLVED IN FILING THE SUIT. THE PLAINTIFF WILL HAVE TO PUT UP AN ADVANCE DEPOSIT AND WILL HAVE TO KEEP THE COST UP AS THE SUIT GOES ON. THERE IS NO SET COST IN FILING AND PROCESSING A SUIT.