

LAKE CHARLES CITY COURT
P.O. Box 1664
Lake Charles, LA 70602
PH: 491-1564; FAX: 491-1303

CIVIL PROCEDURES

DEFINITION OF TERMS:

- PLAINTIFF : The party that brings the court action.
- DEFENDANT : The party being sued.
- PETITION : A written application to a court requesting action upon the matter set forth.
- AFFIDAVIT : A written and sworn- to voluntary statement. (Sometimes the complaint may be filed on the affidavit.)
- ANSWER : Statement by a defendant setting forth his/her defense.

PROCEDURE:

1. The plaintiff comes into court and files his suit or complaint on an **affidavit** or **petition**. (After 10 days have lapsed, plaintiff can call City Court to see if service was made.)
2. The defendant is served with a citation and a copy of the affidavit or petition.
3. The defendant then has **10 days** from the date of service (date defendant receives the citation and copy of the complaint). This 10-day waiting period is the legal delay that has to lapse before the plaintiff can continue to execute his claim.
4. **If an answer is filed**, a copy will be mailed to the plaintiff. At that time, either party can request a trial date in the form of written letter, fax or coming to the courthouse and filling out a Request for Trial form.
5. **If an answer is not filed** after the legal delays have lapsed (10 days from date of service), plaintiff has the right to come into court to get judgment against defendant. Plaintiff may call the courthouse and request a hearing date for a Confirmation of Judgment. (Note: If defendant comes in after the 10 days but before judgment has been signed, the answer will be filed and processed. The hearing date will be cancelled, and plaintiff may then request a trial date by following the appropriate procedures in No. 4 above.
6. After plaintiff has received judgment against defendant and defendant still refuses to pay off the claim, plaintiff can then execute judgment by filing garnishment or seizing property belonging to defendant. (To file garnishment, plaintiff must provide defendant's place of employment with local address, along with correct service information for place of employment.) If plaintiff does not have any employment or property information on defendant, a Judgment Debtor Rule can be filed to rule defendant into court in order for defendant to provide that information. ****Garnishments, seizures or Judgment Debtor Rules can be filed after the 10-day waiting period from the date the defendant is served with the judgment.****

NOTE:

- *The plaintiff is responsible for following up his/her own suit. The court does not proceed from step-to-step with a case unless it is requested by the plaintiff.*
- *The plaintiff is also responsible for all court costs involved in filing the suit. The plaintiff will have to put up any advance deposits and will have to keep the costs up as the suit progresses.*

ADVANCE DEPOSIT SCHEDULE

New Suit with 1 defendant	\$175.00 (\$75 for each additional defendant)	Subpoenas:	
Judgment	Call Civil Department to see how much is required on your particular suit.	Individual	\$50.00
Garnishment	\$175.00	Officer:	\$100.00
Judgment Debtor Rule	\$100.00		

Please see "Advance Deposit Schedule" under "Online Forms" for additional information as the suit progresses.

September 12, 2017