

HOW TO FILE AN APPEAL

APPEAL A QUINULT TRIBAL COURT DECISION

Appeals of decisions made in the Quinault tribal Court are heard by a Court of Appeals. You have limited time to file your appeal. Your appeal must be filed in writing and be served on the proper parties. The following instructions are based on the Quinault tribal Code at QTC 30.20.010 (a) and QTC Title 31.

1. When to file your appeal

You have 20 judicial days after the order or judgment is signed to file your appeal. "Judicial days" are generally Monday through Friday.

2. Where to file your appeal.

Your appeal must be filed with the Clerk of the Quinault Tribal Court.

3. What to include in your appeal.

Your appeal should be in writing. It should have a heading that indicates that the case is in the Quinault Tribal Court and provide the trial court case number. The heading should also include the words, "Notice of Appeal". Your appeal should state a) who are the parties to the appeal, b) which decision(s) of the Court you are appealing and c) a short statement of the reason or grounds for the appeal. You should sign the document.

4. Who to notify.

You must file a copy of your appeal with the Clerk of the Quinault Tribal Court. You also need to "serve" a copy of your appeal on all parties. Service may be accomplished as set forth in QTC 30B.05.020. One way to serve papers on appeal is by first class mail properly addressed with postage prepaid to the parties or, if represented, their attorney. You should file proof of service of the Notice of Appeal with the Clerk.

APPEAL A QUINULT AGENCY DECISION

Decisions by Quinault Tribal Agencies or their officers are sometimes appealable to the Quinault Tribal Court. Examples are appeals of a dangerous dog decision by the Director of Community Services or an appeal of a license suspension by the Ocean Fisheries Committee. The rules for these appeals vary and you should check the regulations or QTC provisions that apply to your situation. The appeal time periods vary from 5 to 60 days and who you must notify also varies. But all such appeals are filed with the Quinault Tribal Court Clerk and the format in section 3 above is a good guide.

IN THE COURT OF APPEALS OF THE QUINULT INDIAN NATION
TAHOLAH, WASHINGTON

_____	)	NO.
Appellant,	)	NOTICE OF APPEAL
vs.	)	
_____	)	
Respondent.	)	

Comes now, _____, the appellant in this matter, and
alleges as follows:

PARTIES

1. I am the appellant in this matter, with a mailing address of: _____

2. The respondent is _____, with a mailing address of:

GROUND FOR APPEAL

The Trial Court Order being appealed was entered on _____ in case
number _____, and a copy is attached to this Notice of Appeal.

[CHECK WHICH ONE(S) APPLIES/APPLY]

- ☐ The Trial Court committed an error of law.
- ☐ The verdict is contrary to the law or evidence.
- ☐ A witness, _____, committed perjury.
- ☐ Substantial justice has not been done.
- ☐ My Motion for a New Trial under QTC () 30A.18.040 (criminal rules) OR ()
30B.16.030 (civil rules) was denied.
- ☐ My Motion to Stay a Tribal Court Judgment pending an appeal was denied.

I base my Appeal on the following:

[ATTACH A SHEET IF MORE ROOM IS NEEDED]

☐ I have paid my filing fee of \$35.00; OR

☐ My filing fee has been waived.

☐ The Trial Court ☐ did ☐ did not require a bond, proof of which is attached; OR

☐ I cannot pay a bond within the time limit of the Code, OR ☐ The Trial Court has not ruled on the issue of a bond yet,

☐ and ask that the Court of Appeals give me additional time, and not dismiss this Appeal for failure to provide proof of the bond.

RELIEF REQUESTED

I am asking the Court of Appeals for the following relief:

[ATTACH A SHEET IF MORE ROOM IS NEEDED]

DATED: _____

Appellant _____

SUBSCRIBED AND SWORN TO BEFORE ME: _____

[Title]

IN THE COURT OF APPEALS OF THE QUINULT INDIAN NATION
TAHOLAH, WASHINGTON

	)	NO.
Appellant,	)	MOTION AND ORDER REQUESTING
vs.	)	AN EXTENSION OF TIME TO PERFECT
	)	APPEAL
Respondent.	)	

Comes now, _____, the Appellant herein, and
alleges as follows:

1. I am the Appellant in this matter, with a mailing address of:

_____.

2. I am appealing the Order/Judgment of the Trial Court entered in this case on the date
of: _____.

3. I am asking the Court of Appeals to enter an Order Extending the Time to Perfect My
Appeal filed in this case for the following reason(s):

☐ That I have asked the Trial Court for a ruling on the issue of a () stay of judgment
AND/OR () bond in this case and I have not received a ruling as of this date.

☐ That an amount of bond has been set as required by the Code in the amount of
_____, and I need time to procure the amount due, and there would be harm
to the Respondent in having more time to do this.

☐ Other reason:

DATED: _____

SUBSCRIBED AND SWORN TO BEFORE ME:

TITLE: _____

ORDER

The Court, after reviewing the record and applicable law, now enters the following:

It is ORDERED that:

- [] The Appellant has stated good cause, and the Motion herein is GRANTED.
[] The Appellant has not stated good cause, and the Motion herein is DENIED.
[] Other:

DATED: _____

Judge, Quinault Tribal Court

IN THE TRIBAL COURT OF THE QUINULT INDIAN NATION
TAHOLAH, WASHINGTON

_____	)	NO.
Plaintiff,	)	MOTION AND ORDER REGARDING
vs.	)	BOND PENDING APPEAL
_____	)	
Respondent.	)	

Comes now, _____, and alleges as follows:

1. I am the ☐ Plaintiff ☐ Respondent in this matter, with a mailing address of:

2. I am appealing the Order/Judgment of the Trial Court entered in this case on the date of: _____
3. I am asking the Trial Court to enter an Order on Bond for the purpose of my Appeal filed in this case. I am asking for the following:
☐ That an amount of bond be set as required by the Code, in an amount determined by the Court. OR
☐ That the Court find there is no reason for a bond to be posted. OR
☐ That the Court waive or reduce the amount required by the Code, because of the following reasons:

DATED: _____

SUBSCRIBED AND SWORN TO BEFORE ME:

TITLE: _____

ORDER

The Court, after reviewing the record and applicable law, now enters the following:

It is ORDERED that:

- [] For purposes of the Appeal, a bond shall be posted in the amount of _____.
- [] There is no reason for a bond to be posted, and one is not required in this case, and the Appeal may proceed accordingly.
- [] There is good cause to () reduce the required bond to \$_____ OR () waive the requirement of the bond, and the Appeal may proceed accordingly.

DATED: _____

Judge, Quinault Tribal Court

IN THE TRIBAL COURT OF THE QUINALT INDIAN NATION
TAHOLAH, WASHINGTON

_____	)	NO.
Plaintiff,	)	MOTION AND ORDER FOR STAY OF
vs.	)	JUDGMENT PENDING APPEAL
_____	)	
Respondent.	)	

Comes now, _____, and alleges as follows:

1. I am the [] Plaintiff [] Respondent in this matter, with a mailing address of:
_____.
2. I am appealing the Order/Judgment of the Trial Court entered in this case on the date of: _____.
3. I am asking the Trial Court to Stay the enforcement of the Order/Judgment referred above during the time it takes for my appeal to be heard and decided by the Court of Appeals.

DATED: _____

SUBSCRIBED AND SWORN TO BEFORE ME:

TITLE: _____

ORDER

The Court, after reviewing the record and applicable law, now enters the following:

It is ORDERED that:

[] The Order/Judgment entered on _____ is hereby STAYED pending the completion of the Appeal in this matter.

[] The request to stay the Order/Judgment entered on _____ is hereby DENIED.

DATED: _____

Judge, Quinault Tribal Court