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Civil, Criminal,  
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### **GUIDELINES FOR SELF-REPRESENTED LITIGANTS**

*These guidelines were created to assist parties who will be representing themselves and filing their own civil actions. The Opelousas City Court Civil Deputy Clerk and the City Court Judge can only act after receipt of your request to proceed with a civil lawsuit and the following steps are completed:*

1. First, you must file your lawsuit (It is called a petition). You will need the following:
  - a. The name and physical address of each party that you are filing a lawsuit against  
*(Do not give a Post Office Box as the defendants [s] must be served by the City Marshal.)*
  - b. An outline of all causes of action pertaining to the lawsuit (i.e., the reasons you are filing the lawsuit)  
*Examples: "Why and/or what does the defendant owe you?" and "What did the defendant do wrong?"*
  - c. All known facts relative to your case
  - d. The remedy or relief you are expecting from your lawsuit *(Example: "What do you expect the Court to award you?")*
2. After your lawsuit has been filed, the Marshal will hand carry and serve the defendant with a copy of your lawsuit. The party that you are suing is called **"the defendant"**.
3. After the defendant has been served, the defendant has ten (10) days within which to file and answer or other response to your petition.
  - a. If an answer or other response is not filed within ten (10) days after the defendant has been served, **YOU** must request that the Civil Deputy Clerk place your case on the docket so that **YOU** will be able to obtain a Judgment against the defendant. Please advise the Civil Deputy Clerk if you are bringing in any witnesses to Court. The Civil Deputy Clerk will set a date and time for you to appear in Court.
    - i. When you appear to obtain the Judgment, please bring any evidence of your claim with you, if you have not already filed it with the Civil Deputy Clerk. You may want to seek advice from an attorney before you proceed.
  - b. If the defendant files an answer or other response to the claim set forth in your lawsuit, **YOU** must request that the Civil Deputy Clerk place your case on the Trial Docket so that the Court can hear your case. The Clerk or the Marshal will deliver or mail a copy of the "Answer" to you. Please advise the Civil Deputy Clerk if you are bringing any witnesses to the trial. Both you and the defendant will be notified of the date and time set for the trial.
    - i. When you appear on the date of the trial, you must bring **all evidence** of your claim with you, if you have not already filed it with the Civil Deputy Clerk.

4. It will be necessary for you to contact the Civil Deputy Clerk or the Marshal's Office to verify that the defendant has been served by the Marshal, and, whether the defendant has - or has not - filed an answer or other response to your lawsuit.
5. Should you win your lawsuit and obtain a Judgment against the defendant, the Judgment is recorded in the official records of the St. Landry Parish Clerk of Court and is valid for ten (10) years. Your Judgment can be renewed by you every ten (10) years.
6. Each party has the right to appeal the decision of the Opelousas City Court to the Third Circuit Court of Appeals.

#### **COLLECTION PROCESS - AFTER JUDGMENT BECOMES FINAL**

Should you obtain a Judgment against someone, and the Judgment becomes final, it will be ***YOUR JOB*** to begin the collection process. You will need to check with the Civil Deputy Clerk to find out when your Judgment becomes final (all appeal delays to a higher Court have elapsed). The Court system does not serve as a collection bureau in civil matters, but the Court can assist you and advise you of the ways you can collect the amount of your Judgment. The law does offer certain choices about how to begin the collection process.

Judgment Debtor Rule: You have the right to rule the defendant into Court in order to question the defendant concerning his/her assets, employment, and other pertinent information. After the Judgment Debtor Rule is completed, you will have more information in order to satisfy your Judgment:

- a. To seize any articles or items which the defendant owns, and which are not exempt under the law, and to have the articles or items sold by the Marshal
- b. To garnish the wages of the defendant

If you have a difficult time collecting your Judgment, you may want to consult an attorney or a collection agency.

It should be brought to your attention that the defendant may at any time file bankruptcy proceedings in Federal Court. The Bankruptcy Court will notify you of any proceedings filed. You should seek the advice of an attorney if bankruptcy proceedings are filed. Once the bankruptcy is filed, all further proceedings in regard to your case are "stayed," which means that you can no longer proceed with your case or collection of any Judgment in your favor. You may become part of a payment plan through the Bankruptcy Court, and you will need to participate in that process.

You should not confuse your civil proceeding with a criminal proceeding. If a defendant commits a crime (battery, intentionally damages your property, or violates a traffic law and does have insurance), the Court often orders restitution of the victim of the crime, if the defendant should plea guilty, admit the criminal charge, or is found guilty after a trial. This is a criminal proceeding, and, if the defendant does not comply with the Judge's order, he/she can be held in contempt or in violation of probation and incarcerated for not following Court orders.

The defendant cannot be placed in jail in a civil proceeding unless a COURT ORDER is violated, or the defendant does not appear in Court after being ORDERED to do so. Not paying a bill that is owed or not paying a debt, is a civil obligation. The law allows you to take everything that the debtor owns that is not exempt under the law to satisfy your Judgment.

**REMEMBER, IT IS YOUR RESPONSIBILITY TO KEEP UP-TO-DATE WITH YOUR LAWSUIT. YOU MUST REQUEST THAT THE CIVIL DEPUTY CLERK TAKE THE NECESSARY STEPS AS OUTLINED ABOVE. THIS INCLUDES THE STEPS YOU MUST TAKE PRIOR TO ANY JUDGMENT AND THE STEPS THAT YOU MUST TAKE TO COLLECT THE JUDGMENT AFTER IT HAS BEEN RENDERED AND BECOMES FINAL UNDER LOUISIANA LAW.**

CHECKLIST

DATE LAWSUIT FILED: \_\_\_\_\_

DOCKET NUMBER: \_\_\_\_\_

DATE OF SERVICE ON DEFENDANT: \_\_\_\_\_ (CHECK  
APPROXIMATELY 12 DAYS AFTER LAWSUIT FILED)

DID DEFENDANT FILE AN ANSWER?: \_\_\_\_\_ DATE ANSWER FILED: \_\_\_\_\_

REQUEST CASE BE PLACED ON DOCKET OR PLACED ON TRIAL DOCKET: \_\_\_\_\_

DATE CASE PLACED ON DOCKET OR PLACED ON TRIAL DOCKET: \_\_\_\_\_

NAMES AND ADDRESSES OF WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EVIDENCE TO PRESENT: \_\_\_\_\_  
(Please provide 2 copies of any exhibits)

DATE JUDGMENT RENDERED: \_\_\_\_\_

DATE JUDGMENT BECOMES FINAL: \_\_\_\_\_

DATE REQUEST FOR JUDGMENT DEBTOR RULE FILED: \_\_\_\_\_

DATE FIXED FOR JUDGMENT DEBTOR RULE: \_\_\_\_\_

NONEXEMPT ARTICLES OR ITEMS THAT CAN BE SEIZED:

\_\_\_\_\_  
\_\_\_\_\_

PLACE AND ADDRESS OF EMPLOYMENT OF DEBTOR: \_\_\_\_\_

\_\_\_\_\_

DATE REQUEST OF SEIZURE OR GARNISHMENT FILED: \_\_\_\_\_

DATE OF MARSHAL'S SALE: \_\_\_\_\_

DATE GARNISHMENT ANSWER FILED: \_\_\_\_\_