

**§ 935.90**

fee, but shall nevertheless be subject to subpoena like any other person.

**Subpart J—Civil Actions**

**§ 935.90 General.**

(a) The Federal Rules of Civil Procedure (28 U.S.C.) apply to civil actions in the Court to the extent the presiding Judge considers them applicable under the circumstances.

(b) There is one form of action called the “Civil Action.”

(c) Except as otherwise provided for in this part, there is no trial by jury.

(d) A civil action begins with the filing of a complaint with the Court. The form of the complaint is as follows except as it may be modified to conform as appropriate to the particular action:

IN THE WAKE ISLAND COURT

[Civil Action No. \_\_\_\_\_]  
(Plaintiff) vs. \_\_\_\_\_,  
(Defendant)

**Complaint**

\_\_\_\_\_ plaintiff alleges that the defendant is indebted to plaintiff in the sum of \$\_\_\_\_; that plaintiff has demanded payment of said sum; that defendant has refused to pay; that defendant resides at \_\_\_\_\_ on Wake Island; that plaintiff resides at \_\_\_\_\_.

**§ 935.91 Summons.**

Upon the filing of a complaint, a Judge or Clerk of the Court shall issue a summons in the following form and deliver it for service to a peace officer or other person specifically designated by the Court to serve it:

IN THE WAKE ISLAND COURT

[Civil Action No. \_\_\_\_\_]  
(Plaintiff), vs. \_\_\_\_\_  
(Defendant)

**Summons**

To the above-named defendant:

You are hereby directed to appear and answer the attached cause at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ -M. and to have with you all books, papers, and witnesses needed by you to establish any defense you have to said claim.

You are further notified that in case you do not appear, judgment will be given against you, for the amount of said claim, together with cost of this suit and the service of this order.

**32 CFR Ch. VII (7–1–14 Edition)**

Dated: \_\_\_\_\_, 20 \_\_\_\_\_. (Clerk, Wake Island Court)

**§ 935.92 Service of complaint.**

(a) A peace officer or other person designated by the Court to make service shall serve the summons and a copy of the complaint at Wake Island upon the defendant personally, or by leaving them at his usual place of abode with any adult residing or employed there.

(b) In the case of a corporation, partnership, joint stock company, trading association, or other unincorporated association, service may be made at Wake Island by delivering a copy of the summons and complaint to any of its officers, a managing or general agent, or any other agent authorized by appointment or by law to receive service.

**§ 935.93 Delivery of summons to plaintiff.**

The Clerk of the Court shall promptly provide a copy of the summons to the plaintiff, together with notice that if the plaintiff fails to appear at the Court at the time set for the trial, the case will be dismissed. The trial shall be set at a date that will allow each party at least 7 days, after the pleadings are closed, to prepare.

**§ 935.94 Answer.**

(a) The defendant may, at his election, file an answer to the complaint.

(b) The defendant may file a counterclaim, setoff, or any reasonable affirmative defense.

(c) If the defendant elects to file a counterclaim, setoff, or affirmative defense, the Court shall promptly send a copy of it to the plaintiff.

**§ 935.95 Proceedings; record; judgment.**

(a) The presiding Judge is responsible for the making of an appropriate record of each civil action.

(b) All persons shall give their testimony under oath or affirmation. The Chief Judge shall prescribe the oath and affirmation that may be administered by any Judge or the Clerk of the Court.

(c) Each party may present witnesses and other forms of evidence. In addition, the presiding Judge may informally investigate any controversy, in