

Instructions to Make a Motion to Restrict Abusive Litigation (The Parties Must Have or Had an Intimate Partner Relationship)

Important! Read Before Using this Packet of Forms.

ND Legal Self Help Center staff and court employees can't help you fill out the form(s).

ND Legal Self Help Center forms aren't official court forms. You're not required to use Center forms and judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted by North Dakota judges and courts.

If you're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. If you're unsure if forms and instructions suit your circumstances, consult a lawyer. Go to ndcourts.gov/legal-self-help/finding-a-lawyer for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules can be found at ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

These instructions and forms aren't a complete statement of the law. They cover the basic procedure for asking a North Dakota state court for an order restricting abusive litigation against a party who has or had an intimate partner relationship with the person filed the abusive litigation. The Center isn't responsible for any consequences that may result from the forms or information provided.

Use these forms and instructions at your own risk.

What is Abusive Litigation?

Abusive litigation is any motion, pleading, petition, or other North Dakota state court filing in which:

- The parties have or had an intimate partner relationship, **or** a court determined under [North Dakota Century Code Section 14-07.1-02](#) that the relationship between parties was enough to issue a domestic violence restraining order (*an intimate partner is a spouse, former spouse, have a child together, or have or had a dating relationship*);

And

- A court of North Dakota or another state issued an order against the party who filed the abusive litigation that found they committed an act of domestic violence or disorderly conduct against the other party, **or** the party who filed the abusive litigation has a prior conviction under [North Dakota Century Code Chapter 12.1-17](#) relating to domestic violence against the other party;

And

- The party who filed the motion, pleading, petition, or other North Dakota state court filing is using the litigation to harass, intimidate, maintain contact with, or retaliate against the other party;

And

- At least one of the following is true:
 - Claims, allegations, and other legal contentions made in the litigation aren't warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;
 - Allegations and other factual contentions made in the litigation lack evidentiary support;
 - The actions comprising the basis of the litigation have previously been filed or litigated in one or more other courts or jurisdictions and have been disposed of unfavorably against the party who filed, initiated, advanced, or continued the litigation; **or**
 - The party who filed the litigation has been previously sanctioned for filing, initiating, advancing, or continuing litigation found to be frivolous, [vexatious](#), intransigent, or brought in bad faith.

Who May Use These Forms?

You may use these forms if you can say “Yes” to all of the following:

- You’re a self-represented party in the case.
- You have or had an intimate partner relationship with the party who filed the litigation, or a court decided under [North Dakota Century Code Section 14-07.1-02](#) the relationship between you was enough to issue a domestic violence restraining order.
- A North Dakota court or another state court issued an order against the party who filed the litigation that found they committed domestic violence or disorderly conduct against you, or the party who filed the abusive litigation has a prior conviction under [North Dakota Century Code Chapter 12.1-17](#) relating to domestic violence against you.
- You can believe you can prove to the judge or judicial referee, by a preponderance of the evidence, that the litigation is abusive. (See the “What is Abusive Litigation” section above for what you must prove.)

Can I Use This Form Set to Ask for Attorney’s Fees?

No. This form set doesn’t include the option to ask to require the party who filed abusive litigation against you to pay the reasonable attorney’s fees incurred when responding the abusive litigation.

This form set allows you to ask for payment of other costs you incurred when responding to the abusive litigation as a self-represented party.

Why am I Required to Make a Motion?

[Rule 8.15 of the North Dakota Rules of Court](#) requires that the party asking the judge or judicial referee for protection from abusive litigation make the request with a formal, written motion.

A motion is the way to ask a judge or judicial referee for an order in a court case. Only the judge or judicial referee can decide whether to grant the motion and issue the order.

- This form set includes the documents that are generally required when you make a formal, written motion.

See [Rule 3.2 of the North Dakota Rules of Court](#) for the requirements for making a motion.

Who are the Parties in this Motion?

Plaintiff/Petitioner: The person listed as the Plaintiff or Petitioner in the case.

Defendant/Respondent: The person listed as the Defendant or Respondent in the case.

Moving Party: The self-represented Plaintiff/Petitioner or Defendant/Respondent asking for protection from abusive litigation by making the Motion to Restrict Abusive Litigation.

Filing Party: (Also called the **Non-moving Party**) The Plaintiff/Petitioner or Defendant/Respondent who filed the abusive litigation against the Moving Party. In other words, the party isn't bringing the motion and must answer the motion.

Does Filing the Motion Put a Hold on the Litigation?

Yes. Filing a Motion to Restrict Abuse Litigation automatically stays, or suspends, the Filing Party's motion, pleading, petition, or other North Dakota state court filing in the case.

The litigation is on hold until the judge or judicial referee issues an order saying whether the litigation is abusive.

What Happens if the Judge or Judicial Referee Decides You Proved the Litigation Meets the Requirements for Abusive Litigation?

If the judge or judicial referee decides that all or part of the Filing Party's litigation is abusive litigation, the abusive litigation is dismissed with prejudice. "Dismissed with prejudice" means the Filing Party can't file that specific litigation again.

- If the judge or judicial referee decides part of the Filing Party's litigation **wasn't** abusive, that part is allowed to move forward.

The Filing Party is ordered to pay the Moving Party costs of the abusive litigation. The judge or judicial referee decides the amount the Filing Party must pay and includes the amount in the order.

The Filing Party is ordered to pay the Moving Party's reasonable attorney's fees and costs associated with responding to the abusive litigation. The judge or judicial referee decides the amount the Filing Party must pay and includes the amount in the order.

- **You can't use this form set** if you want to ask the judge or judicial referee to order the filing party to pay attorney's fees.

The Filing Party is required to get permission from the judge or judicial referee before they can start any new litigation against the Moving Party.

Steps to Make a Motion to Restrict Abusive Litigation

Step 1 – Complete Form 1, Form 2, Form 3, Form 4, Form 5, Form 6 and Form 7.

Complete the following forms in the packet:

- Form 1: Notice of Motion to Restrict Abusive Litigation;
- Form 2: Motion to Restrict Abusive Litigation;
- Form 3: Brief in Support of Motion to Restrict Abusive Litigation;
- Form 4: Declaration in Support of Motion to Restrict Abusive Litigation;
- Form 5: Declaration of All Costs of Abusive Litigation;
- Form 6: Findings of Fact and Order Restricting Abusive Litigation (Proposed); and
- Form 7: Restricting Abusive Litigation (Proposed).

You must complete all 7 forms.

Form 1: Notice of Motion to Restrict Abusive Litigation

This form is your required written notice to all other parties in the case.

Top of Form (Caption): Fill in the County, Judicial District, Plaintiff (or Petitioner) name(s), Defendant (or Respondent) name(s) and case number of the case in which the abusive litigation is filed.

Use the District Court Case Search at ndcourts.gov/public-access to find the information for the Caption.

Review Paragraphs 1 and 2.

Date and Signature: Complete the date and signature block.

- Fill in the date you signed this document and sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space below the address lines.
- Fill in the telephone number and email address.

Form 2: Motion to Restrict Abusive Litigation

This form is your required written request to the judge or judicial referee for an order.

Top of Form (Caption): Fill in the caption exactly as it appears in Form 1: Notice of Motion.

Complete Paragraph 1 of the form.

Review Paragraphs 2, 3 and 4.

- You **can't use this form set** if you want to ask the judge or judicial referee to order the filing party to pay attorney's fees.

Date and Signature: Complete the date and signature block.

- Fill in the date you signed this document and sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space below the address lines.
- Fill in the telephone number and email address.

Form 3: Brief in Support of Motion to Restrict Abusive Litigation

This form is your required written explanation of how you, the moving party, meet the requirements of [North Dakota Century Code Chapter 14-07.6](#) and [Rule 8.15 of the North Dakota Rules of Court](#) for protection from abusive litigation.

Top of Form (Caption): Fill in the caption exactly as it appears in Form 1: Notice of Motion.

Review and complete all Paragraphs of the form.

- You **can't use this form set** if you want to ask the judge or judicial referee to order the filing party to pay attorney's fees.

Date and Signature: Complete the date and signature block.

- Fill in the date you signed this document and sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space below the address lines.
- Fill in the telephone number and email address.

Form 4: Declaration in Support of Motion to Restrict Abusive Litigation

This form is your required written statement of the facts that show how you, the moving party, meet the requirements of [North Dakota Century Code Chapter 14-07.6](#) and [Rule 8.15 of the North Dakota Rules of Court](#) for protection from abusive litigation.

The declaration must be dated and signed by you, the moving party.

Top of Form (Caption): Fill in the caption exactly as it appears in Form 1: Notice of Motion.

- Fill in your full name in the first sentence directly below the Caption.

Complete Paragraphs 1 through 6.

Review Paragraphs 7 and 8 carefully! You're stating under penalty of perjury that everything you stated in Form 4: Declaration in Support of Motion is true and correct.

Date and Signature: Complete the date and signature block.

- Fill in the date you signed this document.
- Fill in the city, county, state, and country where you signed this document.
- Sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space below the address lines.
- Fill in the telephone number and email address.

Form 5: Declaration of All Costs of Abusive Litigation

This form allows you, the moving party, to list and detail all of the costs you incurred that are associated with the abusive litigation. **You can't use this form set if you want the filing party to be ordered to pay attorney's fees. Attorney's fees can't be listed on this form.**

The declaration must be dated and signed by you, the moving party.

Top of Form (Caption): Fill in the caption exactly as it appears in Form 1: Notice of Motion.

- Fill in your full name in the first sentence directly below the Caption.

Complete Paragraphs 1 and 2.

- Paragraph 2 lists three common categories of costs. If you didn't incur a cost, type or write "Not Applicable" and list \$0 as the amount for the category.
- Use the rest of Paragraph 2 to list and describe other costs your incurred associated with the abusive litigation.
- Give enough information for the judge or judicial referee to understand how the cost is related to the abusive litigation and how you decided on the \$ amount.
 - Make copies of receipts or other documentation to serve and file with the motion documents.

Review Paragraph 3 carefully! You're stating under penalty of perjury that everything you stated in Form 5: Declaration of All Costs of Abusive Litigation is true and correct.

Date and Signature: Complete the date and signature block.

- Fill in the date you signed this document.
- Fill in the city, county, state, and country where you signed this document.
- Sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space below the address lines.
- Fill in the telephone number and email address.

Form 6: Findings of Fact and Order Restricting Abusive Litigation (Proposed)

This form is your proposed findings of fact and order. If the judge or judicial referee grants your motion, and uses your proposed order, the judge or judicial referee will complete and sign the order.

Findings of Fact are the judge's or judicial referee's determination of the facts they found to be true.

The Order is the judge's or judicial referee's decision on whether to limit access or availability to audio recordings of court proceedings in the case.

Top of Form (Caption): Fill in the caption exactly as it appears in Form 1: Notice of Motion.

Paragraph 1: Choose the same option as Paragraph 1 of Form 2: Motion.

Paragraphs 2 through 5: Leave blank.

Paragraph 3: Fill in the name of the Filing Party and your name (Moving Party).

Don't Date or Sign the Form.

If the judge or judicial referee uses your proposed order, the judge or judicial referee completes the rest of the form.

Form 7: Judgment Restricting Abusive Litigation (Proposed)

This form is your proposed judgment based on the findings of fact and order. If the judge or judicial referee grants your motion, and signs your proposed findings of fact and order, the clerk of court will complete and sign the judgment.

Top of Form (Caption): Fill in the caption exactly as it appears in Form 1: Notice of Motion.

Paragraph 3: Fill in the name of the Filing Party and your name (Moving Party).

Don't Date or Sign the Form.

Step 2 – Serve Completed Form 1 and Form 2 on All Other Parties.

Service is providing copies of your completed motion documents to the other parties in the case.

The judge or judicial referee won't act on your motion until you file proof of service. A declaration of service gives the court proof of service.

Make at least two copies of the following completed forms:

- Form 1: Notice of Motion to Restrict Abusive Litigation;
- Form 2: Motion to Restrict Abusive Litigation;
- Form 3: Brief in Support of Motion to Restrict Abusive Litigation;
- Form 4: Declaration in Support of Motion to Restrict Abusive Litigation;
- Form 5: Declaration of All Costs of Abusive Litigation;
- Form 6: Findings of Fact and Order Restricting Abusive Litigation (Proposed); and
- Form 7: Restricting Abusive Litigation (Proposed).

Keep one copy for your records. You arrange to serve the other copy or copies on the other party or parties. You file the originals with the Clerk of Court in Step 3.

Make at least two copies of all receipts or other documentation you referenced in Form 5: Declaration of All Costs of Abusive Litigation:

Keep the originals all receipts or other documentation for your records. You arrange to serve one copy on the other party or parties. You file the other copy with the Clerk of Court in Step 3.

Arrange to serve the copies on all other parties by mail:

- Put the copies in an envelope.
- Address the envelope with the other party's last known address.
- If you know the other party is currently represented by a lawyer, address the envelope with the lawyer's address.
- List your address as the return address on the envelope.
- Put the correct first class postage on the envelope.
 - Postage must be prepaid.
 - **It's very important to put the correct postage on the envelope.** If you don't, the envelope may be returned to you.
- Service by mail is complete upon mailing.

Form 8: Declaration of Service by Mail

The person who mailed the envelope must complete Form 8: Declaration of Service by Mail.

- If the envelope is mailed at a United States Post Office, the United States Post Office employee **doesn't** complete Form 8: Declaration of Service by Mail.

Complete the Caption exactly as it appears in Form 1: Notice of Motion.

- Follow the directions on the form.
- Make ONE COPY of the completed, dated, and signed Declaration of Service by Mail form for your records.

You file the original Declaration of Service by Mail with the Clerk of District Court in Step 3.

Service by mail is a common way to serve motion documents. However, there are other ways to serve your documents.

To the review other service options, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Scroll to the "Service After a District Court Civil Action Has Started" section of the webpage.

Step 3 – File the Original Forms with the Clerk of Court.

File the following original, completed forms with the Clerk of Court.

- Form 1: Notice of Motion to Restrict Abusive Litigation;
- Form 2: Motion to Restrict Abusive Litigation;
- Form 3: Brief in Support of Motion to Restrict Abusive Litigation;
- Form 4: Declaration in Support of Motion to Restrict Abusive Litigation;
- Form 5: Declaration of All Costs of Abusive Litigation;
 - File the copies of all receipts or other documentation you referenced in Form 5
- Form 6: Findings of Fact and Order Restricting Abusive Litigation (Proposed);
- Form 7: Restricting Abusive Litigation (Proposed); and
- Form 6: Declaration of Service for each party served.

Step 4 – The Filing Party has 14 or 17 Calendar Days to Answer.

The Filing Party has 14 or 17 calendar days to answer your motion in writing:

If you arranged to serve the Filing Party by hand delivery, they have 14 calendar days from the date of service to serve and file their written answer to your motion.

- The date of service is the date the motion was hand delivered.

If you arranged to serve by mail, the Filing Party has 17 calendar days from the date of service to serve and file their written answer to your motion.

- The date of service is the date the motion was mailed.

Calculating the deadline:

For information on how to calculate a service or filing deadline, see [Rule 6 of the North Dakota Rules of Civil Procedure](#).

- Don't include the date of service.
- Count every calendar day, including Saturdays, Sundays, and North Dakota state holidays.
- If the last day of the deadline falls on a Saturday, Sunday, or North Dakota state holiday, the deadline continues to run until the end of the next day that isn't a Saturday, Sunday, or North Dakota state holiday.

Step 5 – The Judge or Judicial Referee Makes a Decision.

If the filing party serves and file a written answer brief within their deadline, they may request a hearing on the motion.

If the filing party requests a hearing, they must serve a notice of the time, date and location of the hearing on you.

Attend all hearings that are scheduled unless you receive permission from the court not to attend.

Following the hearing(s), the judge or judicial referee decides the motion on the events of the hearing and on the documents filed.

If the filing party doesn't request a hearing, or if they didn't request a hearing within the deadline required by [Rule 3.2 of the North Dakota Rules of Court](#), the judge or judicial referee decides the motion on the documents filed.

See the “What Happens if the Judge or Judicial Referee Decides the Litigation Meets the Requirements for Abusive Litigation” section above.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

Plaintiff/Petitioner,

vs

Defendant/Respondent.

)
) Case No. _____
)
) **Notice of Motion to Restrict**
) **Abusive Litigation**
)
)
)

1. **You Are Hereby Given Notice** that the Motion to Restrict Abusive Litigation in the above-captioned matter is submitted to the Court pursuant to [N.D.R.Ct. 3.2](#). The motion will be decided on the documents filed with the court unless oral argument or the taking of testimony is timely requested by a party or required by the Court.

2. **Please Take Further Notice** that you have 14 days after service of this Motion within which to serve and file a response or objection to the Court granting the attached motion. Upon the filing of an answer, or upon expiration of the time for filing, the Motion is considered submitted to the Court, unless a party timely requests oral argument or the taking of testimony.

Dated _____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

Plaintiff/Petitioner,
vs

Defendant/Respondent.

)
) Case No. _____
)
) **Motion to Restrict**
) **Abusive Litigation**
)
)

1. The moving party, the (*choose one*) Plaintiff/Petitioner Defendant/Respondent in the above-named case, makes this motion to dismiss the abusive litigation with prejudice, restrict the filing party from bringing any new litigation against the moving party without court approval, and to impose all costs of the abusive litigation against the filing party under [N.D.C.C. Chapter 14-07.6](#) and [N.D.R.Ct. 8.15](#).

2. This motion is based on the brief, the declaration in support of this motion, and the declaration of the moving party's costs, which are served and filed with the motion.

3. The moving party **was not** represented by an attorney when responding to the abusive litigation and **is not** requesting attorney's fees.

4. The moving party respectfully requests that this motion be decided on briefs under [N.D.R.Ct. 3.2](#).

Dated _____.

Signature

Printed Name

Address City, State, Zip Code

Telephone Number Email Address

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

Plaintiff/Petitioner,

vs

Defendant/Respondent.

)
) Case No. _____
)

) **Brief in Support of Motion to**
) **Restrict Abusive Litigation**
)

)
)
)
)
)

1. The moving party brings this motion under [N.D.C.C. Chapter 14-07.6](#) and [N.D.R.Ct. 8.15](#) to ask the Court to enter an Order dismissing the abusive litigation with prejudice, restricting the party who filed the abusive litigation from bringing any new litigation against the moving party without court approval, and imposing all costs of the abusive litigation against the party who filed the abusive litigation in this case.

2. Hereafter the party who filed the abusive litigation is referred to as “the filing party.”

Facts

3. The facts are stated in the Declaration in Support of Motion to Restrict Abusive Litigation.

Law and Argument

4. [Chapter 14-07.6 of the North Dakota Century Code](#) and [Rule 8.15 of the North Dakota Rules of Court](#) state that the court must dismiss the abusive litigation with prejudice if the court finds that any motion, pleading, petition, or other court filing constitutes abusive litigation. The court must impose all costs of the abusive litigation against the filing party. The court must also prohibit the filing party from bringing any new litigation against the moving party without court approval.

5. Abusive litigation is any motion, pleading, petition, or other court filing in which:
- a. The parties have or had an intimate partner relationship or any other person with a sufficient relationship to the abusing person as determined by the court under [\[North Dakota Century Code\] Section 14-07.1-02](#);
 - b. The filing party has been found by a court to have committed an act of domestic violence or disorderly conduct against the opposing party pursuant to a court order entered under [\[North Dakota Century Code\] Chapter 14-07.1, 14-09, or 12.1-32.2](#), or an equivalent ordinance from another state, provided the issuing court made a specific finding of domestic violence or disorderly conduct, or the filing party has a prior conviction relating to domestic violence against the opposing party under [\[North Dakota Century Code\] Chapter 12.1-17](#);
 - c. There is intent on the part of the filing party to harass, intimidate, maintain contact with, or retaliate against the opposing party; and
 - d. At least one of the following is true:
 - (1) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;
 - (2) Allegations and other factual contentions made in the litigation lack evidentiary support;
 - (3) The actions comprising the basis of the litigation previously have been filed or litigated in one or more other courts or jurisdictions and have been disposed of unfavorably against the party filing, initiating, advancing, or continuing the litigation; or
 - (4) The filing party has been sanctioned previously for filing, initiating, advancing, or continuing litigation found to be frivolous, vexatious, intransigent, or brought in bad faith.

(N.D. Cent. Code § 14-07.6-1(1) (2023))

6. As stated in the Declaration in Support of Motion to Restrict Abusive Litigation the moving party meets the requirements for the court to find by a preponderance of the evidence that the filing party's litigation in this case constitutes abusive litigation.

7. The moving party respectfully requests that the Court enter an Order:
- a. Dismissing the abusive litigation with prejudice;
 - b. Restricting the party who filed the abusive litigation from bringing any new litigation against the moving party without prior court approval; and
 - c. Imposing all costs of the abusive litigation against the filing party. The moving party's declaration of the costs incurred moving party are filed with this motion.
8. The moving party **was not** represented by an attorney when responding to the abusive litigation and **is not** requesting attorney's fees.

Dated _____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

 Plaintiff/Petitioner,
 vs

 Defendant/Respondent.

)
) Case No. _____
)
) **Declaration in Support of Motion to**
) **Restrict Abusive Litigation**
)
)
)

My name is _____. I understand that I must tell the truth.

1. I am the (*choose the same option as Paragraph 1 of your Motion*) Plaintiff/Petitioner
 Defendant/Respondent in this case.

2. The party who filed the abusive litigation against me in this case is the (*choose the option you **didn't** choose in Paragraph 1*) Plaintiff/Petitioner Defendant/Respondent.

Hereafter the party who filed the abusive litigation is referred to as "the filing party."

3. (*Choose one; Paragraph 3 continues on next page*):

The filing party and I have or had an intimate partner relationship (*an intimate partner is a spouse, former spouse, have a child together, or have or had a dating relationship*).

A court determined under [North Dakota Century Code Section 14-07.1-02](#) that the relationship between the filing party and I was sufficient to warrant the issuance of a domestic violence restraining order.

That facts that support the relationship are (*if you checkmarked the 1st box, explain which intimate partner relationship you have with the filing party. If you checkmarked the 2nd box, list*

the case number of the domestic violence protection order case, the date the domestic violence protection order was signed, and describe the sufficient relationship the court found):

4. (Choose one):

- A court issued an order against the filing party that found they committed an act of domestic violence or disorderly conduct against me. The name of the court that issued the order is _____, which is located in (state) _____. The case or file number is _____. The date the order was issued is _____. A copy of the order is filed with this motion.
- The filing party has a prior conviction under [North Dakota Century Code Chapter 12.1-17](#) relating to domestic violence against me. The case number of the conviction is _____. A copy of the conviction is filed with this motion.

5. Based on the following facts, by bringing this abusive litigation the filing party intends to harass me, intimidate me, maintain contact with me, or retaliate against me (*describe the facts that show the filing party's intent to harass, intimidate, maintain contact, or retaliate against you*):

6. Based on the following facts, one or more of the following are true (*select all that apply, you must select at least one option; Paragraph 6 continues on next page*):

- The claims, allegations, and other legal contentions made by the filing party in the motion, pleading, petition, or other court filing are not warranted by (1) existing law; or (2) by a reasonable argument for the extension, modification, or reversal of existing law; or (3) by the establishment of new law.
- The allegations and other factual contentions made by the filing party in the motion, pleading, petition, or other court filing lack evidentiary support.
- The actions comprising the basis of the motion, pleading, petition, or other court filing have been filed or litigated in one or more courts or jurisdictions and have been disposed of unfavorably against the filing party.
- The filing party has been sanctioned previously for filing, initiating, advancing, or continuing litigation found to be frivolous, vexatious, intransigent, or brought in bad faith.

(For each option you choose above, describe the facts related to each option. If you refer to documents, such as court orders, file a copy of the document with your motion.)

(Paragraph 6, continued.)

7. I **was not** represented by an attorney when responding to the abusive litigation.
8. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

Signature

Printed Name

Address City, State, Zip Code

Telephone Number Email Address

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

 Plaintiff/Petitioner,
 vs

 Defendant/Respondent.

)
) Case No. _____
)
) **Declaration of All Costs**
) **of Abusive Litigation**
)
)
)

Use this form to provide a detailed list of all costs you incurred that are associated with the abusive litigation.

*This form **can't** be used to request attorney's fees.*

The judge or judicial referee assigned to your case reviews this form, along with all of the forms you're required to file for a motion to restrict abusive litigation.

The judge or judicial referee decides whether you've given enough information about the costs to require the party who filed the abusive litigation to pay the full payment you request, partial payment, or no payment.

My name is _____ . I understand that I must tell the truth.

1. I am the (choose the same option as Paragraph 1 of your Motion) Plaintiff/Petitioner Defendant/Respondent in this case.
2. Following are all of the costs I incurred responding to the abusive litigation:

Description of Cost <i>(information about each cost to show it's related to responding to the abusive litigation. File a copy of any documentation, such as receipts, you mention in your description):</i>	Date(s) Cost Incurred:	\$ Amount:
Filing Fees:		\$

Description of Cost <i>(information about each cost to show it's related to responding to the abusive litigation. File a copy of any documentation, such as receipts, you mention in your description):</i>	Date(s) Cost Incurred:	\$ Amount:
Service Costs:		\$
Copying Costs:		\$
		\$
		\$
		\$

Description of Cost <i>(information about each cost to show it's related to responding to the abusive litigation. File a copy of any documentation, such as receipts, you mention in your description):</i>	Date(s) Cost Incurred:	\$ Amount:
		\$
		\$
Total of All Costs		\$

3. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this declaration is true and correct.

Signed on _____ (date) in _____ (city),
 _____ (county), _____ (state), _____ (country).

 Signature

 Printed Name

 Address City, State, Zip Code

 Telephone Number Email Address

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

Plaintiff/Petitioner,
vs

Defendant/Respondent.

)
) Case No. _____
)
) **Findings of Fact and Order**
) **Restricting Abusive Litigation**
)
)
)

1. The moving party, the (*choose one*) Plaintiff/Petitioner Defendant/Respondent, submitted a Motion to Restrict Abusive Litigation under [N.D.C.C. Chapter 14-07.6](#) and [N.D.R.Ct. 8.15](#). The Court considered the motion and decided it on briefs under Rule 3.2 of the North Dakota Rules of Court.

Findings of Fact

2. The Court finds by a preponderance of the evidence that (*choose one*) the entire litigation part of the litigation pending before the Court constitutes abusive litigation based on the following specific facts:

- 3.** The moving party submitted their declaration of all costs of the abusive litigation.
- 4.** The moving party was not represented by an attorney when responding to the abusive litigation and is not requesting attorney's fees.

It is Hereby Ordered:

5. (Choose one):

- The entire litigation pending before the court is abusive litigation and is dismissed with prejudice.
- Part of the litigation pending before the court is abusive litigation and is dismissed with prejudice, specifically:

The following part(s) of the litigation pending before the court is/are non-abusive and may proceed:

6. The filing party, (*name of filing party*) _____, shall pay \$_____ to the moving party, (*name of moving party*) _____, for all costs of the abusive litigation incurred by the moving party.

7. The filing party is prohibited from commencing any new litigation against the moving party without first obtaining leave of the Court. New litigation means any motion, pleading, petition, or other court filing.

8. The moving party is relieved from responding to any new litigation commenced by the filing party, unless the Court reviews the new litigation, determines the filing has merit, and gives the filing party written permission to commence the new litigation.

9. **Let judgment be entered accordingly.**

By the Court:

District Court Judge

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

Plaintiff/Petitioner,

vs

Defendant/Respondent.

)
) Case No. _____
)
) **Judgment Restricting**
) **Abusive Litigation**
)
)
)

1. The above-entitled matter came before the Court as a Motion to Restrict Abusive Litigation under [N.D.C.C. Chapter 14-07.6](#) and [N.D.R.Ct. 8.15](#). The Court, after having reviewed the entire file and record in this proceeding, and the Court having ordered entry of Judgment,

It is Hereby Ordered, Adjudged and Decreed as Follows:

2. *(Choose one):*

The entire litigation pending before the court is abusive litigation and is dismissed with prejudice.

Part of the litigation pending before the court is abusive litigation and is dismissed with prejudice, specifically:

The following part(s) of the litigation pending before the court is/are non-abusive and may proceed:

3. The filing party, (*name of filing party*) _____,
shall pay \$_____ to the moving party, (*name of moving party*)
_____, for all costs of the abusive litigation incurred by the
moving party.

4. The filing party is prohibited from commencing any new litigation against the moving party without first obtaining leave of the Court. New litigation means any motion, pleading, petition, or other court filing.

5. The moving party is relieved from responding to any new litigation commenced by the filing party, unless the Court reviews the new litigation, determines the filing has merit, and gives the filing party written permission to commence the new litigation.

Witness the Honorable _____, Judge of the District Court,
_____ County, North Dakota; and by my hand and seal of said District
Court this _____.

Clerk of the District Court,
_____, County, North Dakota

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

Plaintiff/Petitioner,

vs

Defendant/Respondent.

)
) Case No. _____

) **Declaration of Service by Mail**

)
)
)
)
)

The person serving court documents by mail states:

1. My name is _____ (*name of person who mailed documents*). I am at least 18 years of age.

2. List of Court Documents Served:

(Use "Other" to write the title of each document served that is not already listed. Otherwise, write "Not Applicable" on the "Other" line.)

- Notice of Motion to Dismiss Abusive Litigation
- Motion to Dismiss Abusive Litigation
- Brief in Support of Motion to Dismiss Abusive Litigation
- Declaration in Support of Motion to Dismiss Abusive Litigation
- Declaration of All Costs of Abusive Litigation
- Proposed Findings of Facts and Order Restricting Abusive Litigation
- Proposed Judgment Restricting Abusive Litigation
- Other: _____
- Other: _____

3. **Service by Mail:** I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person(s) listed in Paragraph 5.

4. Date of Service by Mail:

Date Court Documents Were Served by Mail: _____

5. Person(s) Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Signature of Person Who Mailed Documents)

(Printed Name)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)