

Title: FEDERAL RULES

Title: OF

Title: CIVIL PROCEDURE

Title: DECEMBER 1, 2022

Title: E PL

Title: RIB

Title: U M

NarrativeText: Printed for the use

Title: of

Title: THE COMMITTEE ON THE JUDICIARY

Title: HOUSE OF REPRESENTATIVES

Title: 117TH CONGRESS " 2nd Session

Title: COMMITTEE PRINT

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Title: COMMITTEE ON THE JUDICIARY

Title: ONE HUNDRED SEVENTEENTH CONGRESS

Title: JERROLD NADLER, New York, Chairman

UncategorizedText: ZOE LOFGREN, California SHEILA JACKSON LEE, Texas STEVE COHEN, Tennessee

UncategorizedText: JIM JORDAN, Ohio, Ranking Member STEVE CHABOT, Ohio LOUIE GOHMERT, Te

UncategorizedText: AMY RUTKIN, Majority Staff Director and Chief of Staff CHRISTOPHER HIXON, M

UncategorizedText: (II)

Title: FOREWORD

NarrativeText: This document contains the Federal Rules of Civil Procedure to- gether with forms, as

NarrativeText: For the convenience of the user, where a rule has been amended a reference to the da

Title: Chairman, Committee on the Judiciary.

UncategorizedText: DECEMBER 1, 2022.

UncategorizedText: (III)

Title: AUTHORITY FOR PROMULGATION OF RULES

Title: TITLE 28, UNITED STATES CODE

NarrativeText: § 2072. Rules of procedure and evidence; power to prescribe

NarrativeText: (a) The Supreme Court shall have the power to prescribe general rules of practice and

NarrativeText: (b) Such rules shall not abridge, enlarge or modify any sub- stantive right. All laws in c

NarrativeText: (c) Such rules may define when a ruling of a district court is

NarrativeText: final for the purposes of appeal under section 1291 of this title. (Added Pub. L. 100–7

NarrativeText: § 2073. Rules of procedure and evidence; method of prescribing

NarrativeText: (a)(1) The Judicial Conference shall prescribe and publish the procedures for the cons

NarrativeText: (2) The Judicial Conference may authorize the appointment of committees to assist th

NarrativeText: (b) The Judicial Conference shall authorize the appointment of a standing committee

NarrativeText: (c)(1) Each meeting for the transaction of business under this chapter by any committe

UncategorizedText: (V)

Title: VI

Title: AUTHORITY FOR PROMULGATION OF RULES

NarrativeText: (2) Any meeting for the transaction of business under this chap- ter, by a committee a

NarrativeText: (d) In making a recommendation under this section or under section 2072 or 2075, the

NarrativeText: (e) Failure to comply with this section does not invalidate a rule

NarrativeText: prescribed under section 2072 or 2075 of this title.

UncategorizedText: (Added Pub. L. 100–702, title IV, § 401(a), Nov. 19, 1988, 102 Stat. 4649, eff. Dec

Title: § 2074. Rules of procedure and evidence; submission to Congress;

Title: effective date

NarrativeText: (a) The Supreme Court shall transmit to the Congress not later than May 1 of the year

NarrativeText: (b) Any such rule creating, abolishing, or modifying an evidentiary privilege shall have

UncategorizedText: (Added Pub. L. 100–702, title IV, § 401(a), Nov. 19, 1988, 102 Stat. 4649, eff. Dec

Title: HISTORICAL NOTE

NarrativeText: The Supreme Court prescribes rules of civil procedure for the district courts pursuant to

NarrativeText: By act of June 19, 1934, ch. 651, 48 Stat. 1064 (subsequently 28 United States Code, §

NarrativeText: Under a 1949 amendment to 28 U.S.C., § 2072, the Chief Justice of the United States,

NarrativeText: The original rules, pursuant to act of June 19, 1934, were adopted by order of the Court

NarrativeText: Rule 81(a)(6) was abrogated by order of the Court on December 28, 1939, transmitted

NarrativeText: Further amendments were adopted by the Court by order dated December 27, 1946, tra

NarrativeText: Additional amendments were adopted by the Court by order dated December 29, 1948

UncategorizedText: (VII)

Title: VIII

Title: HISTORICAL NOTE

UncategorizedText: Doc. 33, 81st Cong.). The amendments affected Rules 1, 17, 22, 24, 25, 27, 37, 45

NarrativeText: Amendment to Rule 81(a)(7) and new Rule 71A and Forms 28 and 29 were adopted by

NarrativeText: Additional amendments were adopted by the Court by order dated April 17, 1961, trans

NarrativeText: Additional amendments were adopted by the Court by order dated January 21, 1963, t

NarrativeText: Additional amendments were adopted by the Court by order dated February 28, 1966, t

NarrativeText: In addition, Rule 6(c) of the Rules of Civil Procedure promul- gated by the Court on Dec

NarrativeText: Additional amendments were adopted by the Court by order dated December 4, 1967, t

Title: HISTORICAL NOTE

NarrativeText: Additional amendments were adopted by the Court by order dated March 30, 1970, tra

NarrativeText: On March 1, 1971, the Court adopted additional amendments, which were transmitted

NarrativeText: Further amendments were proposed by the Court in its orders dated November 20 and

NarrativeText: On April 29, 1980, the Court adopted additional amendments, which were transmitted

NarrativeText: Amendments to Rule 4 were adopted by the Court by order dated April 28, 1982, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 28, 1983, trans

Title: IX

Title: X

Title: HISTORICAL NOTE

ListItem: 1983. The amendments included new Rules 26(g), 53(f), 72 through 76 and new Official For

NarrativeText: Additional amendments were adopted by the Court by order dated April 25, 1988, trans

NarrativeText: Section 7047(b) of Public Law 100–690 (approved November 18, 1988, 102 Stat. 4401)

NarrativeText: Additional amendments were adopted by the Court by order dated April 30, 1991, trans

NarrativeText: Section 11 of Pub. L. 102–198 (approved December 9, 1991, 105 Stat. 1626) amended

Title: HISTORICAL NOTE

NarrativeText: be effective; and provided that Form 18–A, abrogated by the Su- preme Court in the tra

NarrativeText: Additional amendments were adopted by the Court by order dated April 22, 1993, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 27, 1995, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 23, 1996, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 11, 1997, trans

NarrativeText: An additional amendment was adopted by the Court by order dated April 24, 1998, tran

NarrativeText: Additional amendments were adopted by the Court by order dated April 26, 1999, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 17, 2000, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 23, 2001, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 29, 2002, trans

Title: XI

Title: XII

Title: HISTORICAL NOTE

NarrativeText: Additional amendments were adopted by the Court by order dated March 27, 2003, tra

NarrativeText: Additional amendments were adopted by the Court by order dated April 25, 2005, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 12, 2006, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 30, 2007, trans

NarrativeText: An additional amendment was adopted by the Court by order dated April 23, 2008, tran

NarrativeText: Additional amendments were adopted by the Court by order dated April 28, 2010, trans

Title: HISTORICAL NOTE

NarrativeText: An additional amendment was adopted by the Court by order dated April 25, 2014, tran

NarrativeText: Additional amendments were adopted by the Court by order dated April 29, 2015, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 28, 2016, trans

NarrativeText: An additional amendment was adopted by the Court by order dated April 27, 2017, tran

NarrativeText: Additional amendments were adopted by the Court by order dated April 26, 2018, trans

NarrativeText: Additional amendments were adopted by the Court by order dated April 11, 2022, trans

Title: Committee Notes

NarrativeText: Committee Notes prepared by the Committee on Rules of Prac- tice and Procedure an

Title: XIII

Title: TABLE OF CONTENTS

UncategorizedText: Foreword A

Title: RULES

Title: TITLE I. SCOPE OF RULES; FORM OF ACTION

UncategorizedText: Rule 1. Scope and Purpose Rule

Title: MOTIONS, AND ORDERS

UncategorizedText: Rule 3. Commencing an Action Rule

Title: TITLE III. PLEADINGS AND MOTIONS

UncategorizedText: Rule 7. Pleadings Allowed; Form of Motions and Other Papers Rule

Title: Rule 12. Defenses and Objections: When and How Presented; Motion for

UncategorizedText: Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial H

Title: TITLE IV. PARTIES

UncategorizedText: Rule 17. Plaintiff and Defendant; Capacity; Public Officers Rule

Title: TITLE V. DISCLOSURES AND DISCOVERY

UncategorizedText: Rule 26. Duty to Disclose; General Provisions Governing Discovery Rule

UncategorizedText: Tangible Things, or Entering onto Land, for Inspection and Other Purposes

UncategorizedText: (XV)

Title: Page III V VII

UncategorizedText: 1 1

UncategorizedText: 1 1 8 8

UncategorizedText: 11 11 12

UncategorizedText: 14 14 15 16 17

UncategorizedText: 18

UncategorizedText: 19 21 22 24 25

UncategorizedText: 27 28 29 29 30 30 31 35 36 36 37

UncategorizedText: 37 46 47 48 48 52 53 55

UncategorizedText: 56

Title: XVI

Title: CONTENTS

Title: TITLE V. DISCLOSURES AND DISCOVERY—Continued

UncategorizedText: Rule 35. Physical and Mental Examinations Rule 3

UncategorizedText: Sanctions Rule 37. Discovery

Title: TITLE VI. TRIALS

UncategorizedText: Rule 38. Right to a Jury Trial; Demand Rule 39. Jury Trial

NarrativeText: a New Trial; Conditional Ruling Rule 51. Instructions

UncategorizedText: Findings Rule 53. Master's Report

Title: TITLE VII. JUDGMENT

UncategorizedText: Rule 54. Judgment; Costs Rule 55. Default Judgment

UncategorizedText: Pending Appeal Rule 63. Judgment on the Pleadings

Title: TITLE VIII. PROVISIONAL AND FINAL REMEDIES

UncategorizedText: Rule 64. Seizing a Person or Property Rule 65. Injunctions

Title: TITLE IX. SPECIAL PROCEEDINGS

UncategorizedText: Rule 71.1. Condemning Real or Personal Property Rule 72. Receiverships

UncategorizedText: TITLE X. DISTRICT COURTS AND CLERKS: CONDUCTING BUSINESS;

Title: ISSUING ORDERS

Title: Rule 77. Conducting Business; Clerk's Authority; Notice of an Order or

UncategorizedText: Judgment Rule 78. Hearings

Title: TITLE XI. GENERAL PROVISIONS

NarrativeText: Rule 81. Applicability of the Rules in General; Removed Actions Rule 82. Ju

Title: Page 58 59

UncategorizedText: 60

UncategorizedText: 64 64 65 65 66 66 66 67 67 71 72 72 72

UncategorizedText: 73 74

UncategorizedText: 75 76

UncategorizedText: 78 80 80 82 82 83 83 84 84

UncategorizedText: 85 86

UncategorizedText: 86 86 88 88 88 89 89 90 90

UncategorizedText: 90 94 95

UncategorizedText: 96 97 97 98

UncategorizedText: 98 100 100

Title: CONTENTS

Title: TITLE XI. GENERAL PROVISIONS—Continued

UncategorizedText: Rule 85. Title Rule 8

Title: APPENDIX OF FORMS

Title: [Abrogated.]

Title: SUPPLEMENTAL RULES FOR ADMIRALTY OR MARITIME CLAIMS AND ASSET FORFEITURE AC

UncategorizedText: Rule A. Scope of Rules R

Title: SUPPLEMENTAL RULES FOR SOCIAL SECURITY ACTIONS UNDER 42 U.S.C. § 405(g)

UncategorizedText: Rule 1. Review of Social Security Decisions Under 42 U.S.C. § 405(g)

Title: XVII

UncategorizedText: Page 100 101

UncategorizedText: 104 104 105 107 108 111 114

UncategorizedText: 119 120 120 120 120 121 121 121

Title: RULES OF CIVIL PROCEDURE

Title: FOR THE

Title: UNITED STATES DISTRICT COURTS 1

NarrativeText: Effective September 16, 1938, as amended to December 1, 2022

Title: TITLE I. SCOPE OF RULES; FORM OF ACTION

Title: Rule 1. Scope and Purpose

NarrativeText: These rules govern the procedure in all civil actions and proceedings in the United States.

UncategorizedText: (As amended Dec. 29, 1948, eff. Oct. 20, 1949; Feb. 28, 1966, eff. July 1, 1966; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 2. One Form of Action

NarrativeText: There is one form of action—the civil action.

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: TITLE II. COMMENCING AN ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

Title: Rule 3. Commencing an Action

NarrativeText: A civil action is commenced by filing a complaint with the

Title: court.

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 4. Summons

Title: (a) CONTENTS; AMENDMENTS.

Title: (1) Contents. A summons must:

NarrativeText: (A) name the court and the parties; (B) be directed to the defendant; (C) state the name of the plaintiff;

NarrativeText: or—if unrepresented—of the plaintiff;

NarrativeText: (D) state the time within which the defendant must appear.

Title: pear and defend;

NarrativeText: (E) notify the defendant that a failure to appear and defend will result in a default judgment.

NarrativeText: (F) be signed by the clerk; and (G) bear the court's seal.

Title: 1 Title amended December 29, 1948, effective October 20, 1949.

UncategorizedText: (1)

Title: Rule 4

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (2) Amendments. The court may permit a summons to be

NarrativeText: amended.

NarrativeText: (b) ISSUANCE. On or after filing the complaint, the plaintiff may present a summons to the court.

Title: (c) SERVICE.

NarrativeText: (1) In General. A summons must be served with a copy of the complaint. The plaintiff must

NarrativeText: (2) By Whom. Any person who is at least 18 years old and not

NarrativeText: a party may serve a summons and complaint.

NarrativeText: (3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court

Title: (d) WAIVING SERVICE.

NarrativeText: (1) Requesting a Waiver. An individual, corporation, or association that is subject to service

NarrativeText: (i) to the individual defendant; or (ii) for a defendant subject to service under Rule 4(h)

NarrativeText: (B) name the court where the complaint was filed; (C) be accompanied by a copy of the

NarrativeText: (D) inform the defendant, using the form appended to this Rule 4, of the consequences

NarrativeText: (E) state the date when the request is sent; (F) give the defendant a reasonable time to

NarrativeText: (G) be sent by first-class mail or other reliable means. (2) Failure to Waive. If a defendant

NarrativeText: (A) the expenses later incurred in making service; and (B) the reasonable expenses, in

NarrativeText: any motion required to collect those service expenses.

UncategorizedText: 2

UncategorizedText: 3

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 4

NarrativeText: (3) Time to Answer After a Waiver. A defendant who, before being served with process

NarrativeText: (4) Results of Filing a Waiver. When the plaintiff files a waiver, proof of service is not

NarrativeText: (5) Jurisdiction and Venue Not Waived. Waiving service of a summons does not waive

NarrativeText: (e) SERVING AN INDIVIDUAL WITHIN A JUDICIAL DISTRICT OF THE UNITED STATES.

NarrativeText: (1) following state law for serving a summons in an action brought in courts of general

NarrativeText: (2) doing any of the following:

NarrativeText: (A) delivering a copy of the summons and of the com-

Title: **plaint to the individual personally;**

NarrativeText: (B) leaving a copy of each at the individual's dwelling or usual place of abode with some

NarrativeText: (C) delivering a copy of each to an agent authorized by

NarrativeText: appointment or by law to receive service of process. (f) SERVING AN INDIVIDUAL IN A

NarrativeText: (1) by any internationally agreed means of service that is reasonably calculated to give

NarrativeText: (2) if there is no internationally agreed means, or if an inter- national agreement allows

NarrativeText: (A) as prescribed by the foreign country's law for service in that country in an action in

Title: (B) as the foreign authority directs in response to a let-

Title: ter rogatory or letter of request; or

NarrativeText: (C) unless prohibited by the foreign country's law, by:

NarrativeText: (i) delivering a copy of the summons and of the com-

Title: plaint to the individual personally; or

NarrativeText: (ii) using any form of mail that the clerk addresses and sends to the individual and tha

NarrativeText: (3) by other means not prohibited by international agree-

Title: ment, as the court orders.

NarrativeText: (g) SERVING A MINOR OR AN INCOMPETENT PERSON. A minor or an incompetent per

Title: Rule 4

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: must be served by following state law for serving a summons or like process on such a

NarrativeText: (h) SERVING A CORPORATION, PARTNERSHIP, OR ASSOCIATION. Un- less federal law

Title: (1) in a judicial district of the United States:

NarrativeText: (A) in the manner prescribed by Rule 4(e)(1) for serving

Title: an individual; or

NarrativeText: (B) by delivering a copy of the summons and of the com- plaint to an officer, a managi

NarrativeText: (2) at a place not within any judicial district of the United States, in any manner prescri

Title: (i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORA-

UncategorizedText: TIONS, OFFICERS, OR EMPLOYEES.

NarrativeText: (1) United States. To serve the United States, a party must: (A)(i) deliver a copy of the

NarrativeText: (B) send a copy of each by registered or certified mail to the Attorney General of the U

NarrativeText: (C) if the action challenges an order of a nonparty agency or officer of the United States

NarrativeText: (2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a U

NarrativeText: (4) Extending Time. The court must allow a party a reason-

NarrativeText: able time to cure its failure to:

UncategorizedText: 4

UncategorizedText: 5

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 4

NarrativeText: (A) serve a person required to be served under Rule 4(i)(2), if the party has served eith

NarrativeText: (B) serve the United States under Rule 4(i)(3), if the

NarrativeText: party has served the United States officer or employee.

Title: (j) SERVING A FOREIGN, STATE, OR LOCAL GOVERNMENT.

NarrativeText: (1) Foreign State. A foreign state or its political subdivision, agency, or instrumentality

NarrativeText: (2) State or Local Government. A state, a municipal corporation, or any other state-cr

NarrativeText: (A) delivering a copy of the summons and of the com-

Title: plaint to its chief executive officer; or

NarrativeText: (B) serving a copy of each in the manner prescribed by that state's law for serving a su

Title: (k) TERRITORIAL LIMITS OF EFFECTIVE SERVICE.

NarrativeText: (1) In General. Serving a summons or filing a waiver of serv-

Title: ice establishes personal jurisdiction over a defendant:

NarrativeText: (A) who is subject to the jurisdiction of a court of gen- eral jurisdiction in the state whe

NarrativeText: (B) who is a party joined under Rule 14 or 19 and is served within a judicial district of t

NarrativeText: (C) when authorized by a federal statute.

NarrativeText: (2) Federal Claim Outside State-Court Jurisdiction. For a claim that arises under feder

NarrativeText: (A) the defendant is not subject to jurisdiction in any

Title: state's courts of general jurisdiction; and

NarrativeText: (B) exercising jurisdiction is consistent with the United

Title: States Constitution and laws.

Title: (l) PROVING SERVICE.

NarrativeText: (1) Affidavit Required. Unless service is waived, proof of serv- ice must be made to the

NarrativeText: (2) Service Outside the United States. Service not within any judicial district of the Un

NarrativeText: (A) if made under Rule 4(f)(1), as provided in the applica-

Title: ble treaty or convention; or

NarrativeText: (B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other

NarrativeText: (3) Validity of Service; Amending Proof. Failure to prove serv- ice does not affect the v

NarrativeText: (m) TIME LIMIT FOR SERVICE. If a defendant is not served within 90 days after the cor

Title: Rule 4

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: own after notice to the plaintiff—must dismiss the action without prejudice against tha

Title: (n) ASSERTING JURISDICTION OVER PROPERTY OR ASSETS.

NarrativeText: (1) Federal Law. The court may assert jurisdiction over prop- erty if authorized by a fed

NarrativeText: (2) State Law. On a showing that personal jurisdiction over a defendant cannot be obta

UncategorizedText: (As amended Jan. 21, 1963, eff. July 1, 1963; Feb. 28, 1966, eff. July 1, 1966; Ap

Title: RULE 4 NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF

UncategorizedText: SUMMONS.

NarrativeText: (Caption) To (name the defendant or—if the defendant is a corporation, part- nership, c

NarrativeText: WHY ARE YOU GETTING THIS? A lawsuit has been filed against you, or the entity you r

NarrativeText: This is not a summons, or an official notice from the court. It is a request that, to avoid

NarrativeText: WHAT HAPPENS NEXT? If you return the signed waiver, I will file it with the court. The

UncategorizedText: 6

UncategorizedText: 7

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 4

NarrativeText: If you do not return the signed waiver within the time indicated, I will arrange to have

NarrativeText: Please read the enclosed statement about the duty to avoid un-

Title: necessary expenses.

NarrativeText: I certify that this request is being sent to you on the date below. Date:||||||| |||||||||

UncategorizedText: RULE 4 WAIVER OF THE SERVICE OF SUMMONS.

Title: (Caption)

NarrativeText: To (name the plaintiff's attorney or the unrepresented plaintiff): I have received your re

NarrativeText: I, or the entity I represent, agree to save the expense of serving

Title: a summons and complaint in this case.

NarrativeText: I understand that I, or the entity I represent, will keep all de- fenses or objections to the

NarrativeText: I also understand that I, or the entity I represent, must file and serve an answer or a mo

UncategorizedText: Date:||||||| ||||| (Signature of the attorney or unrepresented party) |||

Title: Rule 4.1

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (Attach the following)

Title: DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS

NarrativeText: Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate

NarrativeText: “Good cause” does not include a belief that the lawsuit is groundless, or that it has be

NarrativeText: If the waiver is signed and returned, you can still make these and all other defenses an

NarrativeText: If you waive service, then you must, within the time specified on the waiver form, serve

Title: Rule 4.1. Serving Other Process

NarrativeText: (a) IN GENERAL. Process—other than a summons under Rule 4 or a subpoena under R

NarrativeText: (b) ENFORCING ORDERS: COMMITTING FOR CIVIL CONTEMPT. An order committing a

UncategorizedText: (As added Apr. 22, 1993, eff. Dec. 1, 1993; amended Apr. 30, 2007, eff. Dec. 1, 20

Title: Rule 5. Serving and Filing Pleadings and Other Papers

Title: (a) SERVICE: WHEN REQUIRED.

NarrativeText: (1) In General. Unless these rules provide otherwise, each of

NarrativeText: the following papers must be served on every party:

NarrativeText: (A) an order stating that service is required; (B) a pleading filed after the original comp

NarrativeText: (C) a discovery paper required to be served on a party,

Title: unless the court orders otherwise;

NarrativeText: (D) a written motion, except one that may be heard ex

Title: parte; and

UncategorizedText: 8

UncategorizedText: 9

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 5

NarrativeText: (E) a written notice, appearance, demand, or offer of

Title: judgment, or any similar paper.

NarrativeText: (2) If a Party Fails to Appear. No service is required on a party who is in default for fail

NarrativeText: (3) Seizing Property. If an action is begun by seizing property and no person is or need

Title: (b) SERVICE: HOW MADE.

NarrativeText: (1) Serving an Attorney. If a party is represented by an attor- ney, service under this rul

NarrativeText: (2) Service in General. A paper is served under this rule by:

NarrativeText: (A) handing it to the person; (B) leaving it:

NarrativeText: (i) at the person's office with a clerk or other person in charge or, if no one is in charge

NarrativeText: (ii) if the person has no office or the office is closed, at the person's dwelling or usual

NarrativeText: (C) mailing it to the person's last known address—in

NarrativeText: which event service is complete upon mailing;

NarrativeText: (D) leaving it with the court clerk if the person has no

NarrativeText: known address;

NarrativeText: (E) sending it to a registered user by filing it with the court's electronic-filing system or

NarrativeText: (F) delivering it by any other means that the person con- sented to in writing—in which

NarrativeText: (3) Using Court Facilities. [Abrogated (Apr. 26, 2018, eff. Dec.

UncategorizedText: 1, 2018.)]

Title: (c) SERVING NUMEROUS DEFENDANTS.

NarrativeText: (1) In General. If an action involves an unusually large num- ber of defendants, the cou

NarrativeText: (A) defendants' pleadings and replies to them need not be

NarrativeText: served on other defendants;

NarrativeText: (B) any crossclaim, counterclaim, avoidance, or affirmative defense in those pleadings

NarrativeText: (C) filing any such pleading and serving it on the plain-

NarrativeText: tiff constitutes notice of the pleading to all parties.

NarrativeText: (2) Notifying Parties. A copy of every such order must be

NarrativeText: served on the parties as the court directs.

Title: Rule 5

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: (d) FILING.

Title: (1) Required Filings; Certificate of Service.

NarrativeText: (A) Papers after the Complaint. Any paper after the complaint that is required to be s

NarrativeText: (B) Certificate of Service. No certificate of service is required when a paper is served

NarrativeText: (i) if the paper is filed, a certificate of service must be filed with it or within a reasonable

NarrativeText: (ii) if the paper is not filed, a certificate of service need not be filed unless filing is requ

NarrativeText: (2) Nonelectronic Filing. A paper not filed electronically is

NarrativeText: filed by delivering it:

NarrativeText: (A) to the clerk; or (B) to a judge who agrees to accept it for filing, and who must then

Title: (3) Electronic Filing and Signing.

NarrativeText: (A) By a Represented Person—Generally Required; Excep- tions. A person represented

NarrativeText: quired. A person not represented by an attorney:

NarrativeText: (i) may file electronically only if allowed by court

Title: order or by local rule; and

NarrativeText: (ii) may be required to file electronically only by court order, or by a local rule that inclu

NarrativeText: (C) Signing. A filing made through a person's electronic- filing account and authorized

NarrativeText: (D) Same as a Written Paper. A paper filed electronically

NarrativeText: is a written paper for purposes of these rules.

NarrativeText: (4) Acceptance by the Clerk. The clerk must not refuse to file a paper solely because it

UncategorizedText: (As amended Jan. 21, 1963, eff. July 1, 1963; Mar. 30, 1970, eff. July 1, 1970; Ap

UncategorizedText: 10

UncategorizedText: 11

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 5.2

Title: Rule 5.1. Constitutional Challenge to a Statute—Notice, Certifi-

Title: cation, and Intervention

NarrativeText: (a) NOTICE BY A PARTY. A party that files a pleading, written motion, or other paper d

NarrativeText: (1) file a notice of constitutional question stating the ques-

NarrativeText: tion and identifying the paper that raises it, if:

NarrativeText: (A) a federal statute is questioned and the parties do not include the United States, on

NarrativeText: (B) a state statute is questioned and the parties do not include the state, one of its age

NarrativeText: (2) serve the notice and paper on the Attorney General of the United States if a federal

NarrativeText: (c) INTERVENTION; FINAL DECISION ON THE MERITS. Unless the court sets a later tim

UncategorizedText: (As added Apr. 12, 2006, eff. Dec. 1, 2006; amended Apr. 30, 2007, eff. Dec. 1, 20

Title: Rule 5.2. Privacy Protection For Filings Made with the Court

NarrativeText: (a) REDACTED FILINGS. Unless the court orders otherwise, in an electronic or paper fil

Title: (1) the last four digits of the social-security number and tax-

Title: payer-identification number;

NarrativeText: (2) the year of the individual's birth; (3) the minor's initials; and (4) the last four digits o

NarrativeText: tion requirement does not apply to the following:

NarrativeText: (1) a financial-account number that identifies the property

Title: allegedly subject to forfeiture in a forfeiture proceeding;

NarrativeText: (2) the record of an administrative or agency proceeding; (3) the official record of a sta

NarrativeText: subject to the redaction requirement when originally filed;

NarrativeText: (5) a filing covered by Rule 5.2(c) or (d); and

Title: Rule 6

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (6) a pro se filing in an action brought under 28 U.S.C. §§ 2241,

UncategorizedText: 2254, or 2255.

NarrativeText: (c) LIMITATIONS ON REMOTE ACCESS TO ELECTRONIC FILES; SOCIAL- SECURITY AF

NarrativeText: (1) the parties and their attorneys may have remote elec- tronic access to any part of t

NarrativeText: (2) any other person may have electronic access to the full record at the courthouse, b

NarrativeText: (A) the docket maintained by the court; and (B) an opinion, order, judgment, or other di

NarrativeText: (d) FILINGS MADE UNDER SEAL. The court may order that a filing be made under seal

NarrativeText: (e) PROTECTIVE ORDERS. For good cause, the court may by order

Title: in a case:

NarrativeText: (1) require redaction of additional information; or (2) limit or prohibit a nonparty's rem

NarrativeText: a document filed with the court.

NarrativeText: (f) OPTION FOR ADDITIONAL UNREDACTED FILING UNDER SEAL. A person making a r

NarrativeText: (g) OPTION FOR FILING A REFERENCE LIST. A filing that contains redacted informatio

NarrativeText: (h) WAIVER OF PROTECTION OF IDENTIFIERS. A person waives the protection of Rule

UncategorizedText: (As added Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 6. Computing and Extending Time; Time for Motion Papers

NarrativeText: (a) COMPUTING TIME. The following rules apply in computing any time period specific

NarrativeText: (1) Period Stated in Days or a Longer Unit. When the period is

NarrativeText: stated in days or a longer unit of time:

NarrativeText: (A) exclude the day of the event that triggers the period; (B) count every day, including

Title: Sundays, and legal holidays; and

UncategorizedText: 12

UncategorizedText: 13

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 6

NarrativeText: (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal

NarrativeText: (2) Period Stated in Hours. When the period is stated in hours: (A) begin counting imm

NarrativeText: event that triggers the period;

NarrativeText: (B) count every hour, including hours during intermedi-

Title: ate Saturdays, Sundays, and legal holidays; and

NarrativeText: (C) if the period would end on a Saturday, Sunday, or legal holiday, the period continue

NarrativeText: (3) Inaccessibility of the Clerk's Office. Unless the court orders

NarrativeText: otherwise, if the clerk's office is inaccessible:

NarrativeText: (A) on the last day for filing under Rule 6(a)(1), then the time for filing is extended to th

NarrativeText: (B) during the last hour for filing under Rule 6(a)(2), then the time for filing is extended

NarrativeText: (4) "Last Day" Defined. Unless a different time is set by a

NarrativeText: statute, local rule, or court order, the last day ends:

Title: (A) for electronic filing, at midnight in the court's time

Title: zone; and

NarrativeText: (B) for filing by other means, when the clerk's office is

NarrativeText: scheduled to close.

NarrativeText: (5) "Next Day" Defined. The "next day" is determined by continuing to count forward w

UncategorizedText: (A) the day set aside by statute for observing New Year's Day, Martin Luther King

NarrativeText: (B) any day declared a holiday by the President or Con-

Title: gress; and

NarrativeText: (C) for periods that are measured after an event, any other day declared a holiday by th

Title: (b) EXTENDING TIME.

NarrativeText: (1) In General. When an act may or must be done within a specified time, the court ma

NarrativeText: (B) on motion made after the time has expired if the

NarrativeText: party failed to act because of excusable neglect.

NarrativeText: (2) Exceptions. A court must not extend the time to act under

UncategorizedText: Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b).

Title: (c) MOTIONS, NOTICES OF HEARING, AND AFFIDAVITS.

NarrativeText: (1) In General. A written motion and notice of the hearing must be served at least 14 d

Title: Rule 7

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (A) when the motion may be heard ex parte; (B) when these rules set a different time; c

NarrativeText: cause, apply for ex parte—sets a different time.

NarrativeText: (2) Supporting Affidavit. Any affidavit supporting a motion must be served with the motion.

NarrativeText: (d) ADDITIONAL TIME AFTER CERTAIN KINDS OF SERVICE. When a party may or must

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; F

Title: TITLE III. PLEADINGS AND MOTIONS

Title: Rule 7. Pleadings Allowed; Form of Motions and Other Papers

NarrativeText: (a) PLEADINGS. Only these pleadings are allowed:

NarrativeText: (1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designa

Title: claim;

UncategorizedText: (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third

Title: (b) MOTIONS AND OTHER PAPERS.

NarrativeText: (1) In General. A request for a court order must be made by

Title: motion. The motion must:

NarrativeText: (A) be in writing unless made during a hearing or trial; (B) state with particularity the g

Title: order; and

Title: (C) state the relief sought.

NarrativeText: (2) Form. The rules governing captions and other matters of

NarrativeText: form in pleadings apply to motions and other papers.

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; A

Title: Rule 7.1. Disclosure Statement

Title: (a) WHO MUST FILE; CONTENTS.

NarrativeText: (1) Nongovernmental Corporations. A nongovernmental corporate party or a nongove

NarrativeText: (A) identifies any parent corporation and any publicly

NarrativeText: held corporation owning 10% or more of its stock; or

NarrativeText: (B) states that there is no such corporation.

UncategorizedText: 14

UncategorizedText: 15

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 8

NarrativeText: (2) Parties or Intervenor in a Diversity Case. In an action in which jurisdiction is based

NarrativeText: (A) when the action is filed in or removed to federal

Title: court, and

NarrativeText: (B) when any later event occurs that could affect the

NarrativeText: court's jurisdiction under § 1332(a).

NarrativeText: (b) TIME TO FILE; SUPPLEMENTAL FILING. A party, intervenor, or

NarrativeText: proposed intervenor must:

NarrativeText: (1) file the disclosure statement with its first appearance, pleading, petition, motion, re

NarrativeText: (2) promptly file a supplemental statement if any required

Title: information changes.

UncategorizedText: (As added Apr. 29, 2002, eff. Dec. 1, 2002; amended Apr. 30, 2007, eff. Dec. 1, 20

Title: Rule 8. General Rules of Pleading

NarrativeText: (a) CLAIM FOR RELIEF. A pleading that states a claim for relief

NarrativeText: must contain:

NarrativeText: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the co

NarrativeText: (2) a short and plain statement of the claim showing that the

NarrativeText: pleader is entitled to relief; and

NarrativeText: (3) a demand for the relief sought, which may include relief

Title: in the alternative or different types of relief.

Title: (b) DEFENSES; ADMISSIONS AND DENIALS.

NarrativeText: (1) In General. In responding to a pleading, a party must:

Title: (A) state in short and plain terms its defenses to each

NarrativeText: claim asserted against it; and

NarrativeText: (B) admit or deny the allegations asserted against it by

NarrativeText: an opposing party.

NarrativeText: (2) Denials—Responding to the Substance. A denial must fairly

Title: respond to the substance of the allegation.

NarrativeText: (3) General and Specific Denials. A party that intends in good faith to deny all the alleg

NarrativeText: (4) Denying Part of an Allegation. A party that intends in good faith to deny only part o

NarrativeText: (5) Lacking Knowledge or Information. A party that lacks knowledge or information su

NarrativeText: (6) Effect of Failing to Deny. An allegation—other than one relating to the amount of da

Title: Rule 9

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: pleading is required and the allegation is not denied. If a re- sponsive pleading is not r

Title: (c) AFFIRMATIVE DEFENSES.

NarrativeText: (1) In General. In responding to a pleading, a party must af- firmatively state any avoid

ListItem: accord and satisfaction; • arbitration and award; • assumption of risk; • contributory negligence

NarrativeText: (2) Mistaken Designation. If a party mistakenly designates a defense as a counterclaim

UncategorizedText: MENTS; INCONSISTENCY.

NarrativeText: (1) In General. Each allegation must be simple, concise, and

NarrativeText: direct. No technical form is required.

NarrativeText: (2) Alternative Statements of a Claim or Defense. A party may set out 2 or more statements

NarrativeText: (3) Inconsistent Claims or Defenses. A party may state as many separate claims or defenses

NarrativeText: (e) CONSTRUING PLEADINGS. Pleadings must be construed so as to

NarrativeText: do justice.

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr.

Title: Rule 9. Pleading Special Matters

Title: (a) CAPACITY OR AUTHORITY TO SUE; LEGAL EXISTENCE.

NarrativeText: (1) In General. Except when required to show that the court

NarrativeText: has jurisdiction, a pleading need not allege:

NarrativeText: (A) a party's capacity to sue or be sued; (B) a party's authority to sue or be sued in a re

Title: tive capacity; or

NarrativeText: (C) the legal existence of an organized association of per-

NarrativeText: sons that is made a party.

UncategorizedText: 16

UncategorizedText: 17

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 10

NarrativeText: (2) Raising Those Issues. To raise any of those issues, a party must do so by a specific

NarrativeText: (b) FRAUD OR MISTAKE; CONDITIONS OF MIND. In alleging fraud or mistake, a party m

NarrativeText: (c) CONDITIONS PRECEDENT. In pleading conditions precedent, it suffices to allege g

NarrativeText: (d) OFFICIAL DOCUMENT OR ACT. In pleading an official document or official act, it su

NarrativeText: (e) JUDGMENT. In pleading a judgment or decision of a domestic or foreign court, a ju

NarrativeText: (f) TIME AND PLACE. An allegation of time or place is material

NarrativeText: when testing the sufficiency of a pleading.

NarrativeText: (g) SPECIAL DAMAGES. If an item of special damage is claimed,

NarrativeText: it must be specifically stated.

Title: (h) ADMIRALTY OR MARITIME CLAIM.

NarrativeText: (1) How Designated. If a claim for relief is within the admiralty or maritime jurisdiction

NarrativeText: (2) Designation for Appeal. A case that includes an admiralty or maritime claim within

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Dec. 4, 1967, eff. July 1, 1968; Mar.

Title: Rule 10. Form of Pleadings

NarrativeText: (a) CAPTION; NAMES OF PARTIES. Every pleading must have a caption with the court

NarrativeText: (b) PARAGRAPHS; SEPARATE STATEMENTS. A party must state its claims or defenses

Title: Rule 11

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (c) ADOPTION BY REFERENCE; EXHIBITS. A statement in a pleading may be adopted by

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

Title: tations to the Court; Sanctions

NarrativeText: (a) SIGNATURE. Every pleading, written motion, and other paper must be signed by at

NarrativeText: (b) REPRESENTATIONS TO THE COURT. By presenting to the court a pleading, written

NarrativeText: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary

NarrativeText: (2) the claims, defenses, and other legal contentions are warranted by existing law or

NarrativeText: (3) the factual contentions have evidentiary support or, if specifically so identified, will

NarrativeText: (4) the denials of factual contentions are warranted on the evidence or, if specifically s

Title: (c) SANCTIONS.

NarrativeText: (1) In General. If, after notice and a reasonable opportunity to respond, the court deter

NarrativeText: (2) Motion for Sanctions. A motion for sanctions must be made separately from any o

UncategorizedText: 18

UncategorizedText: 19

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 12

NarrativeText: party the reasonable expenses, including attorney's fees, in- curred for the motion.

NarrativeText: (3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or pa

NarrativeText: (5) Limitations on Monetary Sanctions. The court must not im-

NarrativeText: pose a monetary sanction:

NarrativeText: (A) against a represented party for violating Rule

UncategorizedText: 11(b)(2); or

NarrativeText: (B) on its own, unless it issued the show-cause order under Rule 11(c)(3) before volun

NarrativeText: (6) Requirements for an Order. An order imposing a sanction must describe the sanction.

NarrativeText: (d) INAPPLICABILITY TO DISCOVERY. This rule does not apply to disclosures and discovery.

UncategorizedText: (As amended Apr. 28, 1983, eff. Aug. 1, 1983; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 28, 1987, eff. Aug. 1, 1987).

UncategorizedText: Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment of Acquittal.

Title: (a) TIME TO SERVE A RESPONSIVE PLEADING.

NarrativeText: (1) In General. Unless another time is specified by this rule or a federal statute, the time for a responsive pleading is:

NarrativeText: (A) A defendant must serve an answer:

NarrativeText: (i) within 21 days after being served with the summons and complaint; or

Title: (ii) if it has timely waived service under Rule 4(d), within 60 days after the request for a responsive pleading is served on it.

NarrativeText: (ii) if it has timely waived service under Rule 4(d), within 60 days after the request for a responsive pleading is served on it.

NarrativeText: (B) A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading in which the claim or defense is asserted.

NarrativeText: (C) A party must serve a reply to an answer within 21 days after being served with an answer.

NarrativeText: (2) United States and Its Agencies, Officers, or Employees Sued in an Official Capacity. A responsive pleading must be filed by the United States or its agency, officer, or employee.

Title: Rule 12

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 21 days after being served with the pleading in which the claim or defense is asserted.

NarrativeText: (3) United States Officers or Employees Sued in an Individual Capacity. A United State

NarrativeText: (4) Effect of a Motion. Unless the court sets a different time, serving a motion under th

NarrativeText: (A) if the court denies the motion or postpones its dis- position until trial, the responsi

NarrativeText: (B) if the court grants a motion for a more definite statement, the responsive pleading

NarrativeText: (1) lack of subject-matter jurisdiction; (2) lack of personal jurisdiction; (3) improper ve

Title: and

NarrativeText: (7) failure to join a party under Rule 19.

NarrativeText: A motion asserting any of these defenses must be made before pleading if a responsi

NarrativeText: (c) MOTION FOR JUDGMENT ON THE PLEADINGS. After the pleadings are closed—but

NarrativeText: (d) RESULT OF PRESENTING MATTERS OUTSIDE THE PLEADINGS. If, on a motion unc

NarrativeText: (e) MOTION FOR A MORE DEFINITE STATEMENT. A party may move for a more definit

UncategorizedText: 20

UncategorizedText: 21

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 13

NarrativeText: (f) MOTION TO STRIKE. The court may strike from a pleading an insufficient defense c

NarrativeText: (1) on its own; or (2) on motion made by a party either before responding to the pleading.

Title: (g) JOINING MOTIONS.

NarrativeText: (1) Right to Join. A motion under this rule may be joined with

NarrativeText: any other motion allowed by this rule.

NarrativeText: (2) Limitation on Further Motions. Except as provided in Rule 12(h)(2) or (3), a party may not

Title: (h) WAIVING AND PRESERVING CERTAIN DEFENSES.

NarrativeText: (1) When Some Are Waived. A party waives any defense listed

UncategorizedText: in Rule 12(b)(2)–(5) by:

NarrativeText: (A) omitting it from a motion in the circumstances de-

NarrativeText: scribed in Rule 12(g)(2); or

NarrativeText: (B) failing to either:

NarrativeText: (i) make it by motion under this rule; or (ii) include it in a responsive pleading or in an answer.

NarrativeText: (2) When to Raise Others. Failure to state a claim upon which relief can be granted, to

NarrativeText: (A) in any pleading allowed or ordered under Rule 7(a); (B) by a motion under Rule 12(c).

NarrativeText: (3) Lack of Subject-Matter Jurisdiction. If the court determines at any time that it lacks

NarrativeText: (i) HEARING BEFORE TRIAL. If a party so moves, any defense listed in Rule 12(b)(1)–

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; F

Title: Rule 13. Counterclaim and Crossclaim

Title: (a) COMPULSORY COUNTERCLAIM.

NarrativeText: (1) In General. A pleading must state as a counterclaim any claim that—at the time of i

NarrativeText: (A) arises out of the transaction or occurrence that is

NarrativeText: the subject matter of the opposing party's claim; and

NarrativeText: (B) does not require adding another party over whom the

NarrativeText: court cannot acquire jurisdiction.

Title: (2) Exceptions. The pleader need not state the claim if:

NarrativeText: (A) when the action was commenced, the claim was the

NarrativeText: subject of another pending action; or

Title: Rule 14

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (B) the opposing party sued on its claim by attachment or other process that did not es

NarrativeText: (b) PERMISSIVE COUNTERCLAIM. A pleading may state as a coun- terclaim against an

NarrativeText: (c) RELIEF SOUGHT IN A COUNTERCLAIM. A counterclaim need not diminish or defeat

NarrativeText: (d) COUNTERCLAIM AGAINST THE UNITED STATES. These rules do not expand the right to

NarrativeText: (f) [ABROGATED.] (g) CROSSCLAIM AGAINST A COPARTY. A pleading may state as a

NarrativeText: (h) JOINING ADDITIONAL PARTIES. Rules 19 and 20 govern the addi-

Title: tion of a person as a party to a counterclaim or crossclaim.

NarrativeText: (i) SEPARATE TRIALS; SEPARATE JUDGMENTS. If the court orders separate trials and

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; F

Title: Rule 14. Third-Party Practice

Title: (a) WHEN A DEFENDING PARTY MAY BRING IN A THIRD PARTY.

NarrativeText: (1) Timing of the Summons and Complaint. A defending party may, as third-party plaintiff,

NarrativeText: (2) Third-Party Defendant's Claims and Defenses. The person served with the summons

NarrativeText: (A) must assert any defense against the third-party

Title: plaintiff's claim under Rule 12;

NarrativeText: (B) must assert any counterclaim against the third-party plaintiff under Rule 13(a), and

UncategorizedText: 22

UncategorizedText: 23

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 14

Title: any crossclaim against another third-party defendant under Rule 13(g);

NarrativeText: (C) may assert against the plaintiff any defense that the

NarrativeText: third-party plaintiff has to the plaintiff's claim; and

NarrativeText: (D) may also assert against the plaintiff any claim arising out of the transaction or oc

NarrativeText: (3) Plaintiff's Claims Against a Third-Party Defendant. The plaintiff may assert against

NarrativeText: (4) Motion to Strike, Sever, or Try Separately. Any party may move to strike the third-pa

NarrativeText: (5) Third-Party Defendant's Claim Against a Nonparty. A third- party defendant may pr

NarrativeText: (6) Third-Party Complaint In Rem. If it is within the admiralty or maritime jurisdiction,

NarrativeText: (b) WHEN A PLAINTIFF MAY BRING IN A THIRD PARTY. When a claim is asserted against a defendant, the defendant may bring in a third party who is also alleged to be liable for the claim. This is known as a third-party claim. The defendant must file a motion to bring in the third party, and the court will decide whether to allow it. If the court allows the third party to be added, the defendant must file a complaint against the third party. The third party then has the opportunity to defend themselves against the claim. This process can be complex and time-consuming, but it is an important part of the litigation process.

Title: (c) ADMIRALTY OR MARITIME CLAIM.

NarrativeText: (1) Scope of Impleader. If a plaintiff asserts an admiralty or maritime claim under Rule

NarrativeText: (2) Defending Against a Demand for Judgment for the Plaintiff. The third-party plaintiff

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; F

Title: Rule 15

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 15. Amended and Supplemental Pleadings

Title: (a) AMENDMENTS BEFORE TRIAL.

NarrativeText: (1) Amending as a Matter of Course. A party may amend its

NarrativeText: pleading once as a matter of course within:

NarrativeText: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading

NarrativeText: (2) Other Amendments. In all other cases, a party may amend its pleading only with the

NarrativeText: (3) Time to Respond. Unless the court orders otherwise, any required response to an a

Title: (b) AMENDMENTS DURING AND AFTER TRIAL.

NarrativeText: (1) Based on an Objection at Trial. If, at trial, a party objects that evidence is not within

NarrativeText: (2) For Issues Tried by Consent. When an issue not raised by the pleadings is tried by t

Title: (c) RELATION BACK OF AMENDMENTS.

NarrativeText: (1) When an Amendment Relates Back. An amendment to a pleading relates back to th

NarrativeText: (A) the law that provides the applicable statute of limi-

NarrativeText: tations allows relation back;

NarrativeText: (B) the amendment asserts a claim or defense that arose out of the conduct, transacti

NarrativeText: (C) the amendment changes the party or the naming of the party against whom a claim

NarrativeText: (i) received such notice of the action that it will not

NarrativeText: be prejudiced in defending on the merits; and

NarrativeText: (ii) knew or should have known that the action would have been brought against it, but

NarrativeText: (2) Notice to the United States. When the United States or a United States officer or ag

UncategorizedText: 24

UncategorizedText: 25

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 16

NarrativeText: amendment, the notice requirements of Rule 15(c)(1)(C)(i) and (ii) are satisfied if, duri

NarrativeText: (d) SUPPLEMENTAL PLEADINGS. On motion and reasonable notice, the court may, on

UncategorizedText: (As amended Jan. 21, 1963, eff. July 1, 1963; Feb. 28, 1966, eff. July 1, 1966; Ma

Title: Rule 16. Pretrial Conferences; Scheduling; Management

NarrativeText: (a) PURPOSES OF A PRETRIAL CONFERENCE. In any action, the court may order the at

NarrativeText: (1) expediting disposition of the action; (2) establishing early and continuing control s

NarrativeText: will not be protracted because of lack of management;

NarrativeText: (3) discouraging wasteful pretrial activities; (4) improving the quality of the trial throug

Title: preparation; and

Title: (5) facilitating settlement.

Title: (b) SCHEDULING.

NarrativeText: (1) Scheduling Order. Except in categories of actions exempt- ed by local rule, the dist

NarrativeText: unrepresented parties at a scheduling conference.

NarrativeText: (2) Time to Issue. The judge must issue the scheduling order as soon as practicable, b

Title: (3) Contents of the Order.

NarrativeText: (A) Required Contents. The scheduling order must limit the time to join other parties, a

NarrativeText: (B) Permitted Contents. The scheduling order may:

NarrativeText: (i) modify the timing of disclosures under Rules 26(a)

UncategorizedText: and 26(e)(1);

NarrativeText: (ii) modify the extent of discovery; (iii) provide for disclosure, discovery, or preservatio

NarrativeText: of electronically stored information;

NarrativeText: (iv) include any agreements the parties reach for as- serting claims of privilege or of p

Title: Rule 16

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: preparation material after information is produced, including agreements reached un

NarrativeText: (v) direct that before moving for an order relating to discovery, the movant must requ

Title: (vi) set dates for pretrial conferences and for trial;

Title: and

NarrativeText: (vii) include other appropriate matters.

NarrativeText: (4) Modifying a Schedule. A schedule may be modified only for

Title: good cause and with the judge's consent.

Title: (c) ATTENDANCE AND MATTERS FOR CONSIDERATION AT A PRETRIAL

UncategorizedText: CONFERENCE.

NarrativeText: (1) Attendance. A represented party must authorize at least one of its attorneys to ma

NarrativeText: (A) formulating and simplifying the issues, and eliminat-

NarrativeText: ing frivolous claims or defenses;

NarrativeText: (B) amending the pleadings if necessary or desirable; (C) obtaining admissions and st

NarrativeText: (D) avoiding unnecessary proof and cumulative evidence, and limiting the use of testin

NarrativeText: (E) determining the appropriateness and timing of sum-

Title: mary adjudication under Rule 56;

NarrativeText: (F) controlling and scheduling discovery, including orders affecting disclosures and c

NarrativeText: (G) identifying witnesses and documents, scheduling the filing and exchange of any pr

NarrativeText: (H) referring matters to a magistrate judge or a master; (I) settling the case and using

NarrativeText: (J) determining the form and content of the pretrial

Title: order;

NarrativeText: (K) disposing of pending motions; (L) adopting special procedures for managing poten

NarrativeText: (M) ordering a separate trial under Rule 42(b) of a claim, counterclaim, crossclaim, thi

NarrativeText: (N) ordering the presentation of evidence early in the trial on a manageable issue that

UncategorizedText: 26

UncategorizedText: 27

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 17

NarrativeText: be the basis for a judgment as a matter of law under Rule 50(a) or a judgment on parti

NarrativeText: (O) establishing a reasonable limit on the time allowed

Title: to present evidence; and

Title: (P) facilitating in other ways the just, speedy, and inex-

Title: pensive disposition of the action.

NarrativeText: (d) PRETRIAL ORDERS. After any conference under this rule, the court should issue an

NarrativeText: (e) FINAL PRETRIAL CONFERENCE AND ORDERS. The court may hold a final pretrial c

Title: (f) SANCTIONS.

NarrativeText: (1) In General. On motion or on its own, the court may issue including those authorized

Title: any 37(b)(2)(A)(ii)–(vii), if a party or its attorney:

UncategorizedText: just orders,

NarrativeText: (A) fails to appear at a scheduling or other pretrial con-

Title: ference;

NarrativeText: (B) is substantially unprepared to participate—or does

NarrativeText: not participate in good faith—in the conference; or

NarrativeText: (C) fails to obey a scheduling or other pretrial order. (2) Imposing Fees and Costs. Inst

UncategorizedText: (As amended Apr. 28, 1983, eff. Aug. 1, 1983; Mar. 2, 1987, eff. Aug. 1, 1987; Apr

Title: TITLE IV. PARTIES

Title: Rule 17. Plaintiff and Defendant; Capacity; Public Officers

Title: (a) REAL PARTY IN INTEREST.

NarrativeText: (1) Designation in General. An action must be prosecuted in the name of the real party

NarrativeText: (A) an executor; (B) an administrator; (C) a guardian; (D) a bailee; (E) a trustee of an ex

NarrativeText: been made for another's benefit; and (G) a party authorized by statute.

NarrativeText: (2) Action in the Name of the United States for Another's Use or Benefit. When a feder

Title: Rule 18

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (3) Joinder of the Real Party in Interest. The court may not dismiss an action for failure

NarrativeText: (b) CAPACITY TO SUE OR BE SUED. Capacity to sue or be sued is

NarrativeText: determined as follows:

NarrativeText: (1) for an individual who is not acting in a representative ca-

Title: pacity, by the law of the individual's domicile;

NarrativeText: (2) for a corporation, by the law under which it was orga-

NarrativeText: nized; and

UncategorizedText: (3) for all other parties, by the law of the state where the

NarrativeText: court is located, except that:

NarrativeText: (A) a partnership or other unincorporated association with no such capacity under tha

NarrativeText: (1) With a Representative. The following representatives may sue or defend on behalf

UncategorizedText: (A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary.

NarrativeText: (2) Without a Representative. A minor or an incompetent person who does not have a

NarrativeText: (d) PUBLIC OFFICER'S TITLE AND NAME. A public officer who sues or is sued in an official

Title: Rule 18. Joinder of Claims

NarrativeText: (a) IN GENERAL. A party asserting a claim, counterclaim, crossclaim, or third-party claim

UncategorizedText: 28

UncategorizedText: 29

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 20

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 22, 1993, eff. Dec. 1, 1993)

Title: Rule 19. Required Joinder of Parties

Title: (a) PERSONS REQUIRED TO BE JOINED IF FEASIBLE.

NarrativeText: (1) Required Party. A person who is subject to service of process and whose joinder will

NarrativeText: (A) in that person's absence, the court cannot accord

NarrativeText: complete relief among existing parties; or

NarrativeText: (B) that person claims an interest relating to the subject of the action and is so situated

NarrativeText: (i) as a practical matter impair or impede the per-

NarrativeText: son's ability to protect the interest; or

NarrativeText: (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or

NarrativeText: (2) Joinder by Court Order. If a person has not been joined as required, the court must

NarrativeText: (3) Venue. If a joined party objects to venue and the joinder would make venue impropr

NarrativeText: (b) WHEN JOINDER IS NOT FEASIBLE. If a person who is required to be joined if feasib

NarrativeText: (1) the extent to which a judgment rendered in the person's

NarrativeText: absence might prejudice that person or the existing parties;

NarrativeText: (2) the extent to which any prejudice could be lessened or

NarrativeText: avoided by:

NarrativeText: (A) protective provisions in the judgment; (B) shaping the relief; or (C) other measures

NarrativeText: (3) whether a judgment rendered in the person's absence

NarrativeText: would be adequate; and

NarrativeText: (4) whether the plaintiff would have an adequate remedy if

NarrativeText: the action were dismissed for nonjoinder.

NarrativeText: (c) PLEADING THE REASONS FOR NONJOINER. When asserting a

Title: claim for relief, a party must state:

NarrativeText: (1) the name, if known, of any person who is required to be

NarrativeText: joined if feasible but is not joined; and

NarrativeText: (2) the reasons for not joining that person.

NarrativeText: (d) EXCEPTION FOR CLASS ACTIONS. This rule is subject to Rule

UncategorizedText: 23.

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr

Title: Rule 20. Permissive Joinder of Parties

Title: (a) PERSONS WHO MAY JOIN OR BE JOINED.

Title: Rule 21

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (1) Plaintiffs. Persons may join in one action as plaintiffs if: (A) they assert any right to

Title: (B) any question of law or fact common to all plaintiffs

NarrativeText: will arise in the action.

NarrativeText: (2) Defendants. Persons—as well as a vessel, cargo, or other property subject to admin

NarrativeText: (A) any right to relief is asserted against them jointly, severally, or in the alternative with

Title: (B) any question of law or fact common to all defendants

NarrativeText: will arise in the action.

NarrativeText: (3) Extent of Relief. Neither a plaintiff nor a defendant need be interested in obtaining

NarrativeText: (b) PROTECTIVE MEASURES. The court may issue orders—including an order for sep

Title: Rule 21. Misjoinder and Nonjoinder of Parties

NarrativeText: Misjoinder of parties is not a ground for dismissing an action. On motion or on its own

Title: Rule 22. Interpleader

Title: (a) GROUNDS.

NarrativeText: (1) By a Plaintiff. Persons with claims that may expose a plaintiff to double or multiple

NarrativeText: (A) the claims of the several claimants, or the titles on which their claims depend, lack

NarrativeText: (B) the plaintiff denies liability in whole or in part to

Title: any or all of the claimants.

NarrativeText: (2) By a Defendant. A defendant exposed to similar liability may seek interpleader thro

UncategorizedText: 30

UncategorizedText: 31

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 23

UncategorizedText: (As amended Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 2, 1987, eff. Aug. 1, 1987; Apr.

Title: Rule 23. Class Actions

NarrativeText: (a) PREREQUISITES. One or more members of a class may sue or be sued as represent

Title: impracticable;

NarrativeText: (2) there are questions of law or fact common to the class; (3) the claims or defenses

Title: typical of the claims or defenses of the class; and

Title: (4) the representative parties will fairly and adequately pro-

NarrativeText: tect the interests of the class.

NarrativeText: (b) TYPES OF CLASS ACTIONS. A class action may be maintained

NarrativeText: if Rule 23(a) is satisfied and if:

NarrativeText: (1) prosecuting separate actions by or against individual

NarrativeText: class members would create a risk of:

NarrativeText: (A) inconsistent or varying adjudications with respect to individual class members tha

NarrativeText: (B) adjudications with respect to individual class mem- bers that, as a practical matter

NarrativeText: (2) the party opposing the class has acted or refused to act on grounds that apply generally to the class;

NarrativeText: (3) the court finds that the questions of law or fact common to class members predominate over those affecting individual members.

NarrativeText: (A) the class members' interests in individually controlling the prosecution or defense of separate actions;

NarrativeText: (B) the extent and nature of any litigation concerning the controversy already begun by or against class members;

NarrativeText: (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and (D) the likely difficulties in managing the litigation.

NarrativeText: (A) the class members' interests in individually controlling the prosecution or defense of separate actions;

NarrativeText: (B) the extent and nature of any litigation concerning the controversy already begun by or against class members;

NarrativeText: (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and (D) the likely difficulties in managing the litigation.

Title: (c) CERTIFICATION ORDER; NOTICE TO CLASS MEMBERS; JUDGMENT;

UncategorizedText: ISSUES CLASSES; SUBCLASSES.

Title: (1) Certification Order.

NarrativeText: (A) Time to Issue. At an early practicable time after a person sues or is sued as a class member, the court must determine whether to certify the class.

NarrativeText: (B) Defining the Class; Appointing Class Counsel. An order that certifies a class action must define the class or classes to be certified.

Title: Rule 23

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (C) Altering or Amending the Order. An order that grants or denies class certification may be altered or amended on the terms that the court sets.

Title: (2) Notice.

NarrativeText: (A) For (b)(1) or (b)(2) Classes. For any class certified under Rule 23(b)(1) or (b)(2), the

NarrativeText: (B) For (b)(3) Classes. For any class certified under Rule 23(b)(3)—or upon ordering no

NarrativeText: (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims

NarrativeText: through an attorney if the member so desires;

NarrativeText: (v) that the court will exclude from the class any

NarrativeText: member who requests exclusion;

NarrativeText: (vi) the time and manner for requesting exclusion;

Title: and

NarrativeText: (vii) the binding effect of a class judgment on mem-

Title: bers under Rule 23(c)(3).

Title: (3) Judgment. Whether or not favorable to the class, the judg-

Title: ment in a class action must:

NarrativeText: (A) for any class certified under Rule 23(b)(1) or (b)(2), in- clude and describe those w

NarrativeText: (B) for any class certified under Rule 23(b)(3), include and specify or describe those to

NarrativeText: (4) Particular Issues. When appropriate, an action may be brought or maintained as a c

NarrativeText: (5) Subclasses. When appropriate, a class may be divided into

NarrativeText: subclasses that are each treated as a class under this rule.

Title: (d) CONDUCTING THE ACTION.

NarrativeText: (1) In General. In conducting an action under this rule, the

NarrativeText: court may issue orders that:

NarrativeText: (A) determine the course of proceedings or prescribe measures to prevent undue repe

NarrativeText: (B) require—to protect class members and fairly conduct the action—giving appropriat

NarrativeText: (i) any step in the action; (ii) the proposed extent of the judgment; or (iii) the members

UncategorizedText: 32

UncategorizedText: 33

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 23

NarrativeText: intervene and present claims or defenses, or to other- wise come into the action;

NarrativeText: (C) impose conditions on the representative parties or on

Title: intervenors;

NarrativeText: (D) require that the pleadings be amended to eliminate allegations about representati

Title: (E) deal with similar procedural matters.

NarrativeText: (2) Combining and Amending Orders. An order under Rule 23(d)(1) may be altered or a

NarrativeText: (e) SETTLEMENT, VOLUNTARY DISMISSAL, OR COMPROMISE. The claims, issues, or

NarrativeText: (A) Information That Parties Must Provide to the Court. The parties must provide the c

NarrativeText: (B) Grounds for a Decision to Give Notice. The court must direct notice in a reasonable

NarrativeText: (i) approve the proposal under Rule 23(e)(2); and (ii) certify the class for purposes of j

Title: proposal.

NarrativeText: (2) Approval of the Proposal. If the proposal would bind class members, the court may

NarrativeText: (A) the class representatives and class counsel have ade-

NarrativeText: quately represented the class;

NarrativeText: (B) the proposal was negotiated at arm's length; (C) the relief provided for the class is

Title: into account:

NarrativeText: (i) the costs, risks, and delay of trial and appeal; (ii) the effectiveness of any proposed

NarrativeText: (iii) the terms of any proposed award of attorney's

NarrativeText: fees, including timing of payment; and

NarrativeText: (iv) any agreement required to be identified under

Title: Rule 23(e)(3); and

NarrativeText: (D) the proposal treats class members equitably relative

Title: to each other.

NarrativeText: (3) Identifying Agreements. The parties seeking approval must file a statement identifying

NarrativeText: (4) New Opportunity to Be Excluded. If the class action was previously certified under

Title: Rule 23

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: request exclusion to individual class members who had an earlier opportunity to request

Title: (5) Class-Member Objections.

NarrativeText: (A) In General. Any class member may object to the proposal if it requires court approval

NarrativeText: (B) Court Approval Required for Payment in Connection with an Objection. Unless approved

NarrativeText: (i) forgoing or withdrawing an objection, or (ii) forgoing, dismissing, or abandoning an

NarrativeText: from a judgment approving the proposal.

NarrativeText: (C) Procedure for Approval After an Appeal. If approval under Rule 23(e)(5)(B) has not been

NarrativeText: (f) APPEALS. A court of appeals may permit an appeal from an order granting or denying

Title: (g) CLASS COUNSEL.

NarrativeText: (1) Appointing Class Counsel. Unless a statute provides otherwise, a court that certifies

NarrativeText: (A) must consider:

NarrativeText: (i) the work counsel has done in identifying or inves-

NarrativeText: tigating potential claims in the action;

NarrativeText: (ii) counsel's experience in handling class actions, other complex litigation, and the typ

NarrativeText: (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will

NarrativeText: resenting the class;

NarrativeText: (B) may consider any other matter pertinent to counsel's ability to fairly and adequately

NarrativeText: (C) may order potential class counsel to provide informa- tion on any subject pertinent

NarrativeText: (D) may include in the appointing order provisions about the award of attorney's fees c

NarrativeText: (E) may make further orders in connection with the ap-

Title: pointment.

NarrativeText: (2) Standard for Appointing Class Counsel. When one applicant seeks appointment as

UncategorizedText: 34

UncategorizedText: 35

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 23.1

NarrativeText: that applicant only if the applicant is adequate under Rule 23(g)(1) and (4). If more than

NarrativeText: (3) Interim Counsel. The court may designate interim counsel to act on behalf of a putative

NarrativeText: (4) Duty of Class Counsel. Class counsel must fairly and ade-

NarrativeText: quately represent the interests of the class.

NarrativeText: (h) ATTORNEY'S FEES AND NONTAXABLE COSTS. In a certified class action, the court

NarrativeText: (1) A claim for an award must be made by motion under Rule 54(d)(2), subject to the p

NarrativeText: (2) A class member, or a party from whom payment is

NarrativeText: sought, may object to the motion.

NarrativeText: (3) The court may hold a hearing and must find the facts and

Title: state its legal conclusions under Rule 52(a).

NarrativeText: (4) The court may refer issues related to the amount of the award to a special master or

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr

Title: Rule 23.1. Derivative Actions

NarrativeText: (a) PREREQUISITES. This rule applies when one or more share- holders or members of

NarrativeText: (b) PLEADING REQUIREMENTS. The complaint must be verified and

Title: must:

NarrativeText: (1) allege that the plaintiff was a shareholder or member at the time of the transaction

NarrativeText: (2) allege that the action is not a collusive one to confer ju-

NarrativeText: risdiction that the court would otherwise lack; and

Title: (3) state with particularity:

NarrativeText: (A) any effort by the plaintiff to obtain the desired ac- tion from the directors or compa

NarrativeText: (B) the reasons for not obtaining the action or not mak-

NarrativeText: ing the effort.

NarrativeText: (c) SETTLEMENT, DISMISSAL, AND COMPROMISE. A derivative ac- tion may be settle

Title: Rule 23.2

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: with the court's approval. Notice of a proposed settlement, vol- untary dismissal, or co

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Mar. 2, 1987, eff. Aug. 1, 1987)

Title: Rule 23.2. Actions Relating to Unincorporated Associations

NarrativeText: This rule applies to an action brought by or against the mem- bers of an unincorporate

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Apr. 30, 2007, eff. Dec. 1, 2007)

Title: Rule 24. Intervention

NarrativeText: (a) INTERVENTION OF RIGHT. On timely motion, the court must

NarrativeText: permit anyone to intervene who:

NarrativeText: (1) is given an unconditional right to intervene by a federal

Title: statute; or

NarrativeText: (2) claims an interest relating to the property or transaction that is the subject of the a

Title: (b) PERMISSIVE INTERVENTION.

NarrativeText: (1) In General. On timely motion, the court may permit any-

NarrativeText: one to intervene who:

NarrativeText: (A) is given a conditional right to intervene by a federal

Title: statute; or

NarrativeText: (B) has a claim or defense that shares with the main ac-

Title: tion a common question of law or fact.

NarrativeText: (2) By a Government Officer or Agency. On timely motion, the court may permit a feder

Title: cer or agency; or

Title: (B) any regulation, order, requirement, or agreement is-

NarrativeText: sued or made under the statute or executive order.

NarrativeText: (3) Delay or Prejudice. In exercising its discretion, the court must consider whether the

NarrativeText: (c) NOTICE AND PLEADING REQUIRED. A motion to intervene must be served on the p

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949;

UncategorizedText: 36

UncategorizedText: 37

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 26

UncategorizedText: Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 12, 2006, eff.

Title: Rule 25. Substitution of Parties

Title: (a) DEATH.

NarrativeText: (1) Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not ext

NarrativeText: (2) Continuation Among the Remaining Parties. After a party's death, if the right sought

NarrativeText: (3) Service. A motion to substitute, together with a notice of hearing, must be served o

NarrativeText: (b) INCOMPETENCY. If a party becomes incompetent, the court may, on motion, permit

NarrativeText: (c) TRANSFER OF INTEREST. If an interest is transferred, the ac- tion may be continue

NarrativeText: (d) PUBLIC OFFICERS; DEATH OR SEPARATION FROM OFFICE. An ac- tion does not ab

Title: TITLE V. DISCLOSURES AND DISCOVERY

Title: Rule 26. Duty to Disclose; General Provisions Governing Discovery

NarrativeText: (a) REQUIRED DISCLOSURES. (1) Initial Disclosure.

NarrativeText: (A) In General. Except as exempted by Rule 26(a)(1)(B) or as otherwise stipulated or o

NarrativeText: (i) the name and, if known, the address and telephone number of each individual likely

Title: Rule 26

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: information—along with the subjects of that informa- tion—that the disclosing party m

NarrativeText: (ii) a copy—or a description by category and loca- tion—of all documents, electronically

NarrativeText: (iii) a computation of each category of damages claimed by the disclosing party—who

NarrativeText: (iv) for inspection and copying as under Rule 34, any insurance agreement under which

Title: (B) Proceedings Exempt from Initial Disclosure. The follow-

NarrativeText: ing proceedings are exempt from initial disclosure:

NarrativeText: (i) an action for review on an administrative record; (ii) a forfeiture action in rem arising

Title: statute;

NarrativeText: (iii) a petition for habeas corpus or any other pro- ceeding to challenge a criminal conv

NarrativeText: (v) an action to enforce or quash an administrative

Title: summons or subpoena;

NarrativeText: (vi) an action by the United States to recover benefit

Title: payments;

NarrativeText: (vii) an action by the United States to collect on a

NarrativeText: student loan guaranteed by the United States;

NarrativeText: (viii) a proceeding ancillary to a proceeding in an-

Title: other court; and

NarrativeText: (ix) an action to enforce an arbitration award.

NarrativeText: (C) Time for Initial Disclosures—In General. A party must make the initial disclosures a

NarrativeText: (D) Time for Initial Disclosures—For Parties Served or Joined Later. A party that is first

UncategorizedText: 38

UncategorizedText: 39

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 26

NarrativeText: (E) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its initial dis

Title: (2) Disclosure of Expert Testimony.

NarrativeText: (A) In General. In addition to the disclosures required by Rule 26(a)(1), a party must dis-

NarrativeText: (B) Witnesses Who Must Provide a Written Report. Unless otherwise stipulated or orde

Title: (i) a complete statement of all opinions the witness

NarrativeText: will express and the basis and reasons for them;

NarrativeText: (ii) the facts or data considered by the witness in

NarrativeText: forming them;

NarrativeText: (iii) any exhibits that will be used to summarize or

NarrativeText: support them;

NarrativeText: (iv) the witness's qualifications, including a list of

NarrativeText: all publications authored in the previous 10 years;

NarrativeText: (v) a list of all other cases in which, during the pre- vious 4 years, the witness testified

NarrativeText: (vi) a statement of the compensation to be paid for

Title: the study and testimony in the case.

NarrativeText: (C) Witnesses Who Do Not Provide a Written Report. Unless otherwise stipulated or or

NarrativeText: (i) the subject matter on which the witness is ex- pected to present evidence under Fed

Title: (ii) a summary of the facts and opinions to which the

NarrativeText: witness is expected to testify.

NarrativeText: (D) Time to Disclose Expert Testimony. A party must make these disclosures at the time

UncategorizedText: (i) at least 90 days before the date set for trial or for

NarrativeText: the case to be ready for trial; or

NarrativeText: (ii) if the evidence is intended solely to contradict or rebut evidence on the same subject

NarrativeText: (E) Supplementing the Disclosure. The parties must supplement

NarrativeText: these disclosures when required under Rule 26(e).

Title: (3) Pretrial Disclosures.

Title: Rule 26

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (A) In General. In addition to the disclosures required by Rule 26(a)(1) and (2), a party must

NarrativeText: (i) the name and, if not previously provided, the address and telephone number of each

NarrativeText: (ii) the designation of those witnesses whose testimony the party expects to present

NarrativeText: (iii) an identification of each document or other exhibit, including summaries of other

NarrativeText: (B) Time for Pretrial Disclosures; Objections. Unless the court orders otherwise, these

NarrativeText: (4) Form of Disclosures. Unless the court orders otherwise, all disclosures under Rule

Title: (b) DISCOVERY SCOPE AND LIMITS.

NarrativeText: (1) Scope in General. Unless otherwise limited by court order, the scope of discovery is

Title: (2) Limitations on Frequency and Extent.

NarrativeText: (A) When Permitted. By order, the court may alter the limits in these rules on the numb

NarrativeText: (B) Specific Limitations on Electronically Stored Informa- tion. A party need not provid

UncategorizedText: 40

UncategorizedText: 41

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 26

NarrativeText: order, the party from whom discovery is sought must show that the information is not

NarrativeText: (C) When Required. On motion or on its own, the court must limit the frequency or exte

NarrativeText: (i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained

NarrativeText: (ii) the party seeking discovery has had ample oppor- tunity to obtain the information b

NarrativeText: (iii) the proposed discovery is outside the scope per-

NarrativeText: mitted by Rule 26(b)(1).

Title: (3) Trial Preparation: Materials.

NarrativeText: (A) Documents and Tangible Things. Ordinarily, a party may not discover documents a

NarrativeText: (i) they are otherwise discoverable under Rule

UncategorizedText: 26(b)(1); and

NarrativeText: (ii) the party shows that it has substantial need for the materials to prepare its case an

NarrativeText: (B) Protection Against Disclosure. If the court orders dis- covery of those materials, it

NarrativeText: (C) Previous Statement. Any party or other person may, on request and without the rec

NarrativeText: (i) a written statement that the person has signed or

NarrativeText: otherwise adopted or approved; or

NarrativeText: (ii) a contemporaneous stenographic, mechanical, electrical, or other recording—or a t

NarrativeText: (A) Deposition of an Expert Who May Testify. A party may depose any person who has

Title: Rule 26

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: 26(a)(2)(B) requires a report from the expert, the deposition may be conducted only af

NarrativeText: (B) Trial-Preparation Protection for Draft Reports or Disclo- sures. Rules 26(b)(3)(A) an

NarrativeText: (C) Trial-Preparation Protection for Communications Be- tween a Party's Attorney and

Title: (i) relate to compensation for the expert's study or

Title: testimony;

NarrativeText: (ii) identify facts or data that the party's attorney provided and that the expert considered

NarrativeText: (iii) identify assumptions that the party's attorney provided and that the expert relied on

NarrativeText: (D) Expert Employed Only for Trial Preparation. Ordinarily, a party may not, by interrogatory or

NarrativeText: (i) as provided in Rule 35(b); or (ii) on showing exceptional circumstances under which a party

NarrativeText: (E) Payment. Unless manifest injustice would result, the party seeking discovery must

NarrativeText: court must require that the party seeking discovery:

NarrativeText: (i) pay the expert a reasonable fee for time spent in responding to discovery under Rule 35(b);

NarrativeText: (ii) for discovery under (D), also pay the other party a fair portion of the fees and expenses

NarrativeText: (i) expressly make the claim; and (ii) describe the nature of the documents, communications, or

NarrativeText: (B) Information Produced. If information produced in discovery is subject to a claim of confidentiality

UncategorizedText: 42

UncategorizedText: 43

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 26

NarrativeText: claim and the basis for it. After being notified, a party must promptly return, sequester

Title: (c) PROTECTIVE ORDERS.

NarrativeText: (1) In General. A party or any person from whom discovery is sought may move for a p

NarrativeText: (A) forbidding the disclosure or discovery; (B) specifying terms, including time and pla

Title: location of expenses, for the disclosure or discovery;

NarrativeText: (C) prescribing a discovery method other than the one

NarrativeText: selected by the party seeking discovery;

NarrativeText: (D) forbidding inquiry into certain matters, or limiting

Title: the scope of disclosure or discovery to certain matters;

NarrativeText: (E) designating the persons who may be present while

NarrativeText: the discovery is conducted;

NarrativeText: (F) requiring that a deposition be sealed and opened only

Title: on court order;

NarrativeText: (G) requiring that a trade secret or other confidential re- search, development, or comm

NarrativeText: (H) requiring that the parties simultaneously file speci- fied documents or information

NarrativeText: (2) Ordering Discovery. If a motion for a protective order is wholly or partly denied, the

NarrativeText: (3) Awarding Expenses. Rule 37(a)(5) applies to the award of

Title: expenses.

Title: (d) TIMING AND SEQUENCE OF DISCOVERY.

NarrativeText: (1) Timing. A party may not seek discovery from any source before the parties have co

Title: (2) Early Rule 34 Requests.

NarrativeText: (A) Time to Deliver. More than 21 days after the summons and complaint are served o

UncategorizedText: (i) to that party by any other party, and (ii) by that party to any plaintiff or to any o

NarrativeText: party that has been served.

Title: Rule 26

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (B) When Considered Served. The request is considered to

NarrativeText: have been served at the first Rule 26(f) conference.

NarrativeText: (3) Sequence. Unless the parties stipulate or the court orders otherwise for the parties

NarrativeText: (A) methods of discovery may be used in any sequence;

Title: and

NarrativeText: (B) discovery by one party does not require any other

NarrativeText: party to delay its discovery.

Title: (e) SUPPLEMENTING DISCLOSURES AND RESPONSES.

NarrativeText: (1) In General. A party who has made a disclosure under Rule 26(a)—or who has respo

NarrativeText: (A) in a timely manner if the party learns that in some material respect the disclosure o

NarrativeText: (B) as ordered by the court.

NarrativeText: (2) Expert Witness. For an expert whose report must be dis- closed under Rule 26(a)(2)

Title: (f) CONFERENCE OF THE PARTIES; PLANNING FOR DISCOVERY.

NarrativeText: (1) Conference Timing. Except in a proceeding exempted from initial disclosure under

NarrativeText: (2) Conference Content; Parties' Responsibilities. In conferring, the parties must consi

NarrativeText: (3) Discovery Plan. A discovery plan must state the parties'

Title: views and proposals on:

NarrativeText: (A) what changes should be made in the timing, form, or requirement for disclosures u

NarrativeText: (B) the subjects on which discovery may be needed, when discovery should be comple

UncategorizedText: 44

UncategorizedText: 45

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 26

NarrativeText: (C) any issues about disclosure, discovery, or preservation of electronically stored information

NarrativeText: (D) any issues about claims of privilege or of protection as trial-preparation materials,

NarrativeText: (E) what changes should be made in the limitations on discovery imposed under these

NarrativeText: (F) any other orders that the court should issue under

Title: Rule 26(c) or under Rule 16(b) and (c).

NarrativeText: (4) Expedited Schedule. If necessary to comply with its expedited schedule for Rule 1

NarrativeText: (A) require the parties' conference to occur less than 21 days before the scheduling co

NarrativeText: (B) require the written report outlining the discovery plan to be filed less than 14 days

UncategorizedText: (g) SIGNING DISCLOSURES AND DISCOVERY REQUESTS, RESPONSES,

UncategorizedText: AND OBJECTIONS.

NarrativeText: (1) Signature Required; Effect of Signature. Every disclosure under Rule 26(a)(1) or (a)

NarrativeText: (A) with respect to a disclosure, it is complete and cor-

NarrativeText: rect as of the time it is made; and

Title: (B) with respect to a discovery request, response, or ob-

NarrativeText: jection, it is:

NarrativeText: (i) consistent with these rules and warranted by existing law or by a nonfrivolous argument for legal change;

NarrativeText: (ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

NarrativeText: (iii) neither unreasonable nor unduly burdensome or expensive, considering the needs of the court, the interests of the parties, and the importance of the issues at stake in the litigation.

NarrativeText: (2) Failure to Sign. Other parties have no duty to act on an unsigned disclosure, request, or motion.

NarrativeText: (3) Sanction for Improper Certification. If a certification violates this rule without substantial justification, the court, on its own or on motion, must impose an appropriate sanction on the signer, the party on whose behalf the certification was made, or both.

Title: Rule 27

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: motion or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the certification was made, or both.

Title: Rule 27. Depositions to Perpetuate Testimony

Title: (a) BEFORE AN ACTION IS FILED.

NarrativeText: (1) Petition. A person who wants to perpetuate testimony about any matter cognizable in a United States district court may file a petition to take a deposition to perpetuate testimony.

NarrativeText: (A) that the petitioner expects to be a party to an action cognizable in a United States district court in which the deposition will be used;

NarrativeText: (B) the subject matter of the expected action and the petitioner's interest;

NarrativeText: (C) the facts that the petitioner wants to establish by the proposed testimony and the grounds for believing that the petitioner or another person may be unable to produce the testimony at a later time;

NarrativeText: (D) the name, address, and expected substance of the testimony;

NarrativeText: (E) the name, address, and expected substance of the testimony.

Title: timony of each deponent.

NarrativeText: (2) Notice and Service. At least 21 days before the hearing date, the petitioner must se

NarrativeText: (3) Order and Examination. If satisfied that perpetuating the testimony may prevent a t

UncategorizedText: 46

UncategorizedText: 47

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 28

NarrativeText: (4) Using the Deposition. A deposition to perpetuate testi- mony may be used under R

Title: (b) PENDING APPEAL.

NarrativeText: (1) In General. The court where a judgment has been rendered may, if an appeal has b

NarrativeText: (2) Motion. The party who wants to perpetuate testimony may move for leave to take t

NarrativeText: (A) the name, address, and expected substance of the tes-

Title: timony of each deponent; and

NarrativeText: (B) the reasons for perpetuating the testimony.

NarrativeText: (3) Court Order. If the court finds that perpetuating the testi- mony may prevent a failu

NarrativeText: (c) PERPETUATION BY AN ACTION. This rule does not limit a

NarrativeText: court's power to entertain an action to perpetuate testimony.

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949;

Title: Rule 28. Persons Before Whom Depositions May Be Taken

Title: (a) WITHIN THE UNITED STATES.

NarrativeText: (1) In General. Within the United States or a territory or insular possession subject to

NarrativeText: (A) an officer authorized to administer oaths either by federal law or by the law in the p

NarrativeText: pending to administer oaths and take testimony.

NarrativeText: (2) Definition of "Officer." The term "officer" in Rules 30, 31, and 32 includes a person

Title: (b) IN A FOREIGN COUNTRY.

NarrativeText: (1) In General. A deposition may be taken in a foreign coun-

Title: try:

NarrativeText: (A) under an applicable treaty or convention; (B) under a letter of request, whether or n

Title: "letter rogatory";

NarrativeText: (C) on notice, before a person authorized to administer oaths either by federal law or b

NarrativeText: (D) before a person commissioned by the court to admin-

NarrativeText: ister any necessary oath and take testimony.

Title: Rule 29

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (2) Issuing a Letter of Request or a Commission. A letter of re-

NarrativeText: quest, a commission, or both may be issued:

Title: (A) on appropriate terms after an application and notice

Title: of it; and

NarrativeText: (B) without a showing that taking the deposition in an-

NarrativeText: other manner is impracticable or inconvenient.

NarrativeText: (3) Form of a Request, Notice, or Commission. When a letter of request or any other de

NarrativeText: (4) Letter of Request—Admitting Evidence. Evidence obtained in response to a letter o

NarrativeText: (c) DISQUALIFICATION. A deposition must not be taken before a person who is any pa

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; A

Title: Rule 29. Stipulations About Discovery Procedure

NarrativeText: Unless the court orders otherwise, the parties may stipulate

Title: that:

NarrativeText: (a) a deposition may be taken before any person, at any time or place, on any notice, a

NarrativeText: (b) other procedures governing or limiting discovery be modified—but a stipulation ex-

UncategorizedText: (As amended Mar. 30, 1970, eff. July 1, 1970; Apr. 22, 1993, eff. Dec. 1, 1993; Ap

UncategorizedText: Rule 30. Depositions by Oral Examination (a) WHEN A DEPOSITION MAY BE TAK

NarrativeText: (1) Without Leave. A party may, by oral questions, depose any person, including a party,

NarrativeText: (2) With Leave. A party must obtain leave of court, and the court must grant leave to th

NarrativeText: (A) if the parties have not stipulated to the deposition

Title: and:

NarrativeText: (i) the deposition would result in more than 10 depositions being taken under this rule

UncategorizedText: 48

UncategorizedText: 49

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 30

Title: plaintiffs, or by the defendants, or by the third-party defendants;

NarrativeText: (ii) the deponent has already been deposed in the

Title: case; or

NarrativeText: (iii) the party seeks to take the deposition before the time specified in Rule 26(d), unle

NarrativeText: (B) if the deponent is confined in prison.

Title: (b) NOTICE OF THE DEPOSITION; OTHER FORMAL REQUIREMENTS.

NarrativeText: (1) Notice in General. A party who wants to depose a person by oral questions must give

NarrativeText: (2) Producing Documents. If a subpoena duces tecum is to be served on the deponent,

Title: (3) Method of Recording.

NarrativeText: (A) Method Stated in the Notice. The party who notices the deposition must state in the

NarrativeText: (4) By Remote Means. The parties may stipulate—or the court may on motion order—that

Title: (5) Officer's Duties.

NarrativeText: (A) Before the Deposition. Unless the parties stipulate otherwise, a deposition must be

NarrativeText: (i) the officer's name and business address; (ii) the date, time, and place of the deposition;

Title: motion to the deponent; and

NarrativeText: (v) the identity of all persons present.

Title: Rule 30

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (B) Conducting the Deposition; Avoiding Distortion. If the deposition is recorded nonsteno-

NarrativeText: (C) After the Deposition. At the end of a deposition, the officer must state on the record

NarrativeText: (6) Notice or Subpoena Directed to an Organization. In its notice or subpoena, a party

Title: (c) EXAMINATION AND CROSS-EXAMINATION; RECORD OF THE EXAM-

UncategorizedText: INATION; OBJECTIONS; WRITTEN QUESTIONS.

NarrativeText: (1) Examination and Cross-Examination. The examination and cross-examination of a

NarrativeText: (2) Objections. An objection at the time of the examination— whether to evidence, to a

NarrativeText: (3) Participating Through Written Questions. Instead of participating in the oral exam

Title: (d) DURATION; SANCTION; MOTION TO TERMINATE OR LIMIT.

UncategorizedText: 50

UncategorizedText: 51

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 30

NarrativeText: (1) Duration. Unless otherwise stipulated or ordered by the court, a deposition is limited

NarrativeText: (2) Sanction. The court may impose an appropriate sanction—including the reasonable

Title: (3) Motion to Terminate or Limit.

NarrativeText: (A) Grounds. At any time during a deposition, the deponent or a party may move to terminate

NarrativeText: (B) Order. The court may order that the deposition be terminated or may limit its scope

NarrativeText: (C) Award of Expenses. Rule 37(a)(5) applies to the award

Title: of expenses.

Title: (e) REVIEW BY THE WITNESS; CHANGES.

NarrativeText: (1) Review; Statement of Changes. On request by the deponent or a party before the d

NarrativeText: (A) to review the transcript or recording; and (B) if there are changes in form or substa

NarrativeText: (2) Changes Indicated in the Officer's Certificate. The officer must note in the certifica

Title: (f) CERTIFICATION AND DELIVERY; EXHIBITS; COPIES OF THE TRAN-

UncategorizedText: SCRIPT OR RECORDING; FILING.

NarrativeText: (1) Certification and Delivery. The officer must certify in writ- ing that the witness was

Title: (2) Documents and Tangible Things.

NarrativeText: (A) Originals and Copies. Documents and tangible things produced for inspection durin

Title: Rule 31

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: the deposition. Any party may inspect and copy them. But if the person who produced

NarrativeText: (i) offer copies to be marked, attached to the deposi- tion, and then used as originals—

NarrativeText: (ii) give all parties a fair opportunity to inspect and copy the originals after they are ma

NarrativeText: (B) Order Regarding the Originals. Any party may move for an order that the originals be

NarrativeText: (3) Copies of the Transcript or Recording. Unless otherwise stipulated or ordered by the

NarrativeText: (4) Notice of Filing. A party who files the deposition must

Title: promptly notify all other parties of the filing.

NarrativeText: (g) FAILURE TO ATTEND A DEPOSITION OR SERVE A SUBPOENA; EXPENSES. A party

NarrativeText: (1) attend and proceed with the deposition; or (2) serve a subpoena on a nonparty deponent

NarrativeText: sequentially did not attend.

UncategorizedText: (As amended Jan. 21, 1963, eff. July 1, 1963; Mar. 30, 1970, eff. July 1, 1970; Mar.

UncategorizedText: Rule 31. Depositions by Written Questions (a) WHEN A DEPOSITION MAY BE TAKEN

NarrativeText: (1) Without Leave. A party may, by written questions, depose any person, including a party,

NarrativeText: (2) With Leave. A party must obtain leave of court, and the court must grant leave to the

NarrativeText: (A) if the parties have not stipulated to the deposition

Title: and:

NarrativeText: (i) the deposition would result in more than 10 depositions being taken under this rule

NarrativeText: (ii) the deponent has already been deposed in the

Title: case; or

UncategorizedText: 52

UncategorizedText: 53

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 32

NarrativeText: (iii) the party seeks to take a deposition before the

NarrativeText: time specified in Rule 26(d); or

NarrativeText: (B) if the deponent is confined in prison.

NarrativeText: (3) Service; Required Notice. A party who wants to depose a person by written question

NarrativeText: (5) Questions from Other Parties. Any questions to the deponent from other parties must

NarrativeText: (1) take the deponent's testimony in response to the ques-

Title: tions;

NarrativeText: (2) prepare and certify the deposition; and (3) send it to the party, attaching a copy of t

Title: and of the notice.

Title: (c) NOTICE OF COMPLETION OR FILING.

NarrativeText: (1) Completion. The party who noticed the deposition must

NarrativeText: notify all other parties when it is completed.

NarrativeText: (2) Filing. A party who files the deposition must promptly

Title: notify all other parties of the filing.

UncategorizedText: (As amended Mar. 30, 1970, eff. July 1, 1970; Mar. 2, 1987, eff. Aug. 1, 1987; Apr

Title: Rule 32. Using Depositions in Court Proceedings

Title: (a) USING DEPOSITIONS.

NarrativeText: (1) In General. At a hearing or trial, all or part of a deposi-

NarrativeText: tion may be used against a party on these conditions:

NarrativeText: (A) the party was present or represented at the taking of

NarrativeText: the deposition or had reasonable notice of it;

NarrativeText: (B) it is used to the extent it would be admissible under the Federal Rules of Evidence

NarrativeText: (C) the use is allowed by Rule 32(a)(2) through (8).

NarrativeText: (2) Impeachment and Other Uses. Any party may use a deposi- tion to contradict or im

Title: Rule 32

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (3) Deposition of Party, Agent, or Designee. An adverse party may use for any purpose

NarrativeText: (4) Unavailable Witness. A party may use for any purpose the deposition of a witness,

NarrativeText: (A) that the witness is dead; (B) that the witness is more than 100 miles from the place

NarrativeText: (C) that the witness cannot attend or testify because of

Title: age, illness, infirmity, or imprisonment;

NarrativeText: (D) that the party offering the deposition could not pro-

Title: cure the witness's attendance by subpoena; or

NarrativeText: (E) on motion and notice, that exceptional circumstances make it desirable—in the in-

Title: (5) Limitations on Use.

NarrativeText: (A) Deposition Taken on Short Notice. A deposition must not be used against a party v

NarrativeText: (B) Unavailable Deponent; Party Could Not Obtain an At- torney. A deposition taken wi

NarrativeText: (6) Using Part of a Deposition. If a party offers in evidence only part of a deposition, an

NarrativeText: (7) Substituting a Party. Substituting a party under Rule 25 does not affect the right to

NarrativeText: (b) OBJECTIONS TO ADMISSIBILITY. Subject to Rules 28(b) and 32(d)(3), an objection

NarrativeText: (c) FORM OF PRESENTATION. Unless the court orders otherwise, a party must provide

UncategorizedText: 54

UncategorizedText: 55

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 33

NarrativeText: party offers, but may provide the court with the testimony in non- transcript form as w

Title: (d) WAIVER OF OBJECTIONS.

NarrativeText: (1) To the Notice. An objection to an error or irregularity in a deposition notice is waive

NarrativeText: (2) To the Officer's Qualification. An objection based on dis- qualification of the office

NarrativeText: (A) before the deposition begins; or (B) promptly after the basis for disqualification be

Title: (3) To the Taking of the Deposition.

NarrativeText: (A) Objection to Competence, Relevance, or Materiality. An objection to a deponent's c

NarrativeText: (B) Objection to an Error or Irregularity. An objection to an error or irregularity at an ora

NarrativeText: (i) it relates to the manner of taking the deposition, the form of a question or answer, t

NarrativeText: (ii) it is not timely made during the deposition.

NarrativeText: (C) Objection to a Written Question. An objection to the form of a written question und

NarrativeText: (4) To Completing and Returning the Deposition. An objection to how the officer trans

UncategorizedText: (As amended Mar. 30, 1970, eff. July 1, 1970; Nov. 20, 1972, eff. July 1, 1975; Ap

Title: Rule 33. Interrogatories to Parties

Title: (a) IN GENERAL.

NarrativeText: (1) Number. Unless otherwise stipulated or ordered by the court, a party may serve on

Title: Rule 34

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (2) Scope. An interrogatory may relate to any matter that may be inquired into under R

Title: (b) ANSWERS AND OBJECTIONS.

NarrativeText: (1) Responding Party. The interrogatories must be answered:

NarrativeText: (A) by the party to whom they are directed; or (B) if that party is a public or private corp

NarrativeText: (2) Time to Respond. The responding party must serve its an- swers and any objection

NarrativeText: (3) Answering Each Interrogatory. Each interrogatory must, to the extent it is not objec

NarrativeText: (4) Objections. The grounds for objecting to an interrogatory must be stated with spec

NarrativeText: (5) Signature. The person who makes the answers must sign them, and the attorney w

NarrativeText: tent allowed by the Federal Rules of Evidence.

NarrativeText: (d) OPTION TO PRODUCE BUSINESS RECORDS. If the answer to an interrogatory may

NarrativeText: (1) specifying the records that must be reviewed, in suffi- cient detail to enable the int

NarrativeText: (2) giving the interrogating party a reasonable opportunity to examine and audit the re

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Mar. 30, 1970, eff. July 1, 1970; A

UncategorizedText: Rule 34. Producing Documents, Electronically Stored Information, and Tangible T

NarrativeText: (a) IN GENERAL. A party may serve on any other party a request

Title: within the scope of Rule 26(b):

NarrativeText: (1) to produce and permit the requesting party or its rep- resentative to inspect, copy, t

UncategorizedText: 56

UncategorizedText: 57

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 34

NarrativeText: (A) any designated documents or electronically stored information—including writings

NarrativeText: (B) any designated tangible things; or

NarrativeText: (2) to permit entry onto designated land or other property possessed or controlled by t

Title: (1) Contents of the Request. The request:

NarrativeText: (A) must describe with reasonable particularity each

NarrativeText: item or category of items to be inspected;

NarrativeText: (B) must specify a reasonable time, place, and manner for the inspection and for perfo

NarrativeText: cally stored information is to be produced.

Title: (2) Responses and Objections.

NarrativeText: (A) Time to Respond. The party to whom the request is directed must respond in writing.

NarrativeText: (B) Responding to Each Item. For each item or category, the response must either state:

NarrativeText: (C) Objections. An objection must state whether any responsive materials are being withheld.

NarrativeText: (D) Responding to a Request for Production of Electronically Stored Information. The response must:

NarrativeText: (E) Producing the Documents or Electronically Stored Information. Unless otherwise specified, the party must produce:

NarrativeText: (i) A party must produce documents as they are kept in the usual course of business or as they are organized.

Title: Rule 35

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (ii) If a request does not specify a form for producing electronically stored information, the party must produce it in the form or forms in which it is ordinarily maintained.

NarrativeText: (iii) A party need not produce the same electronically stored information by any particular method or format.

NarrativeText: cally stored information in more than one form.

NarrativeText: (c) NONPARTIES. As provided in Rule 45, a nonparty may be compelled to produce documents and electronically stored information.

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Mar. 30, 1970, eff. July 1, 1970; Apr. 22, 1993, eff. Dec. 1, 1993)

Title: Rule 35. Physical and Mental Examinations

Title: (a) ORDER FOR AN EXAMINATION.

NarrativeText: (1) In General. The court where the action is pending may order a party whose mental

Title: (2) Motion and Notice; Contents of the Order. The order:

NarrativeText: (A) may be made only on motion for good cause and on

NarrativeText: notice to all parties and the person to be examined; and

NarrativeText: (B) must specify the time, place, manner, conditions, and scope of the examination, as

Title: (b) EXAMINER'S REPORT.

NarrativeText: (1) Request by the Party or Person Examined. The party who moved for the examination

NarrativeText: (2) Contents. The examiner's report must be in writing and must set out in detail the ex

NarrativeText: (3) Request by the Moving Party. After delivering the reports, the party who moved for

NarrativeText: (4) Waiver of Privilege. By requesting and obtaining the exam- iner's report, or by depo

UncategorizedText: 58

UncategorizedText: 59

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 36

NarrativeText: (5) Failure to Deliver a Report. The court on motion may order—on just terms—that a p

NarrativeText: (6) Scope. This subdivision (b) applies also to an examination made by the parties' ag

UncategorizedText: (As amended Mar. 30, 1970, eff. July 1, 1970; Mar. 2, 1987, eff. Aug. 1, 1987; Pub

Title: Rule 36. Requests for Admission (a) SCOPE AND PROCEDURE.

NarrativeText: (1) Scope. A party may serve on any other party a written re- quest to admit, for purpos

Title: (A) facts, the application of law to fact, or opinions

Title: about either; and

Title: (B) the genuineness of any described documents.

NarrativeText: (2) Form; Copy of a Document. Each matter must be sepa- rately stated. A request to a

NarrativeText: (3) Time to Respond; Effect of Not Responding. A matter is ad- mitted unless, within 3

NarrativeText: (4) Answer. If a matter is not admitted, the answer must spe- cifically deny it or state i

NarrativeText: (5) Objections. The grounds for objecting to a request must be stated. A party must no

NarrativeText: (6) Motion Regarding the Sufficiency of an Answer or Objection. The requesting party

Title: Rule 37

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: a pretrial conference or a specified time before trial. Rule 37(a)(5) applies to an award

NarrativeText: (b) EFFECT OF AN ADMISSION; WITHDRAWING OR AMENDING IT. A matter admitted i

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Mar. 30, 1970, eff. July 1, 1970; M

Title: Rule 37. Failure to Make Disclosures or to Cooperate in Discovery;

Title: Sanctions

NarrativeText: (a) MOTION FOR AN ORDER COMPELLING DISCLOSURE OR DISCOVERY. (1) In General

NarrativeText: (2) Appropriate Court. A motion for an order to a party must be made in the court where

Title: (3) Specific Motions.

NarrativeText: (A) To Compel Disclosure. If a party fails to make a disclosure required by Rule 26(a)

NarrativeText: (B) To Compel a Discovery Response. A party seeking discovery may move for an order

NarrativeText: (i) a deponent fails to answer a question asked under

Title: Rule 30 or 31;

NarrativeText: (ii) a corporation or other entity fails to make a des-

Title: ignation under Rule 30(b)(6) or 31(a)(4);

NarrativeText: (iii) a party fails to answer an interrogatory submit-

NarrativeText: ted under Rule 33; or

NarrativeText: (iv) a party fails to produce documents or fails to respond that inspection will be per-

NarrativeText: (C) Related to a Deposition. When taking an oral deposition, the party asking a question

NarrativeText: (4) Evasive or Incomplete Disclosure, Answer, or Response. For purposes of this subdi-

Title: (5) Payment of Expenses; Protective Orders.

UncategorizedText: 60

UncategorizedText: 61

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 37

NarrativeText: (A) If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing). If the

NarrativeText: (ii) the opposing party's nondisclosure, response, or

NarrativeText: objection was substantially justified; or

NarrativeText: (iii) other circumstances make an award of expenses

Title: unjust.

NarrativeText: (B) If the Motion Is Denied. If the motion is denied, the court may issue any protective

NarrativeText: (C) If the Motion Is Granted in Part and Denied in Part. If the motion is granted in part a

Title: (b) FAILURE TO COMPLY WITH A COURT ORDER.

NarrativeText: (1) Sanctions Sought in the District Where the Deposition Is Taken. If the court where t

NarrativeText: (2) Sanctions Sought in the District Where the Action Is Pending. (A) For Not Obeying a

NarrativeText: (i) directing that the matters embraced in the order or other designated facts be taken

Title: Rule 37

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (ii) prohibiting the disobedient party from supporting or opposing designated claims

NarrativeText: obeyed;

NarrativeText: (v) dismissing the action or proceeding in whole or in

Title: part;

NarrativeText: (vi) rendering a default judgment against the disobe-

Title: dient party; or

NarrativeText: (vii) treating as contempt of court the failure to obey any order except an order to subr

NarrativeText: (B) For Not Producing a Person for Examination. If a party fails to comply with an order

NarrativeText: (C) Payment of Expenses. Instead of or in addition to the orders above, the court must

UncategorizedText: (c) FAILURE TO DISCLOSE, TO SUPPLEMENT AN EARLIER RESPONSE,

UncategorizedText: OR TO ADMIT.

NarrativeText: (1) Failure to Disclose or Supplement. If a party fails to provide information or identify

Title: (A) may order payment of the reasonable expenses, in-

NarrativeText: cluding attorney's fees, caused by the failure;

NarrativeText: (B) may inform the jury of the party's failure; and (C) may impose other appropriate sanctions.

NarrativeText: any of the orders listed in Rule 37(b)(2)(A)(i)–(vi).

NarrativeText: (2) Failure to Admit. If a party fails to admit what is requested under Rule 36 and if the party

NarrativeText: (A) the request was held objectionable under Rule 36(a); (B) the admission sought was not

Title: tance;

NarrativeText: (C) the party failing to admit had a reasonable ground to

NarrativeText: believe that it might prevail on the matter; or

NarrativeText: (D) there was other good reason for the failure to admit. (d) PARTY'S FAILURE TO ADMIT

Title: (1) In General.

UncategorizedText: 62

UncategorizedText: 63

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 37

NarrativeText: (A) Motion; Grounds for Sanctions. The court where the

NarrativeText: action is pending may, on motion, order sanctions if:

NarrativeText: (i) a party or a party's officer, director, or managing agent—or a person designated under

NarrativeText: (ii) a party, after being properly served with inter- rogatories under Rule 33 or a request for production of documents, fails to answer or respond to the request within the time specified in the request, or fails to answer or respond to the request in a timely manner, or fails to answer or respond to the request in a timely manner, or fails to answer or respond to the request in a timely manner,

NarrativeText: (B) Certification. A motion for sanctions for failing to answer or respond must include a certification that the party has made a good faith effort to answer or respond to the request in a timely manner, or fails to answer or respond to the request in a timely manner, or fails to answer or respond to the request in a timely manner,

NarrativeText: (2) Unacceptable Excuse for Failing to Act. A failure described in Rule 37(d)(1)(A) is not an acceptable excuse for failing to act.

NarrativeText: (3) Types of Sanctions. Sanctions may include any of the orders listed in Rule 37(b)(2).

NarrativeText: (e) FAILURE TO PRESERVE ELECTRONICALLY STORED INFORMATION. If electronically stored information is lost, destroyed, or otherwise made unavailable, the court, upon finding prejudice to another party from loss of the information, may order measures to be taken to preserve the information.

NarrativeText: (1) upon finding prejudice to another party from loss of the information, may order measures to be taken to preserve the information.

NarrativeText: (2) only upon finding that the party acted with the intent to deprive another party of the information.

NarrativeText: (A) presume that the lost information was unfavorable to the party;

Title: to the party;

NarrativeText: (B) instruct the jury that it may or must presume the information was unfavorable to the party; or

NarrativeText: formation was unfavorable to the party; or

NarrativeText: (C) dismiss the action or enter a default judgment. (f) FAILURE TO PARTICIPATE IN FR

UncategorizedText: (As amended Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 30, 1970, eff. July 1, 1970; A

Title: Rule 38

Title: FEDERAL RULES OF CIVIL PROCEDURE

UncategorizedText: 12, 2006, eff. Dec. 1, 2006; Apr. 30, 2007, eff. Dec. 1, 2007; Apr. 16, 2013, eff. De

Title: TITLE VI. TRIALS

Title: Rule 38. Right to a Jury Trial; Demand

NarrativeText: (a) RIGHT PRESERVED. The right of trial by jury as declared by the Seventh Amendment

UncategorizedText: (b) DEMAND. On any issue triable of right by a jury, a party may

Title: demand a jury trial by:

NarrativeText: (1) serving the other parties with a written demand—which may be included in a pleading

NarrativeText: (2) filing the demand in accordance with Rule 5(d).

NarrativeText: (c) SPECIFYING ISSUES. In its demand, a party may specify the issues that it wishes

NarrativeText: (d) WAIVER; WITHDRAWAL. A party waives a jury trial unless its demand is properly served

NarrativeText: (e) ADMIRALTY AND MARITIME CLAIMS. These rules do not create a right to a jury trial

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 22, 1991, eff. May 1, 1991)

Title: Rule 39. Trial by Jury or by the Court

NarrativeText: (a) WHEN A DEMAND IS MADE. When a jury trial has been demanded under Rule 38,

NarrativeText: (1) the parties or their attorneys file a stipulation to a

Title: nonjury trial or so stipulate on the record; or

NarrativeText: (2) the court, on motion or on its own, finds that on some or

NarrativeText: all of those issues there is no federal right to a jury trial.

NarrativeText: (b) WHEN NO DEMAND IS MADE. Issues on which a jury trial is not properly demanded

NarrativeText: (c) ADVISORY JURY; JURY TRIAL BY CONSENT. In an action not tri-

NarrativeText: able of right by a jury, the court, on motion or on its own: (1) may try any issue with an

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

UncategorizedText: 64

UncategorizedText: 65

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 41

Title: Rule 40. Scheduling Cases for Trial

NarrativeText: Each court must provide by rule for scheduling trials. The court must give priority to ac

NarrativeText: Rule 41. Dismissal of Actions (a) VOLUNTARY DISMISSAL. (1) By the Plaintiff.

NarrativeText: (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applica

NarrativeText: (i) a notice of dismissal before the opposing party serves either an answer or a motion

NarrativeText: (ii) a stipulation of dismissal signed by all parties

NarrativeText: who have appeared.

NarrativeText: (B) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice.

NarrativeText: (2) By Court Order; Effect. Except as provided in Rule 41(a)(1), an action may be dismissed on the merits after a motion for summary judgment is granted.

NarrativeText: (b) INVOLUNTARY DISMISSAL; EFFECT. If the plaintiff fails to prosecute or to comply with the court's orders, the court may dismiss the action.

NarrativeText: (c) DISMISSING A COUNTERCLAIM, CROSSCLAIM, OR THIRD-PARTY CLAIM. This rule applies to a claim that is asserted by a party against another party.

NarrativeText: (1) before a responsive pleading is served; or (2) if there is no responsive pleading, before the trial.

NarrativeText: introduced at a hearing or trial.

NarrativeText: (d) COSTS OF A PREVIOUSLY DISMISSED ACTION. If a plaintiff who previously dismissed an action in this court, the court may order the plaintiff to pay the costs of the previous action.

NarrativeText: (1) may order the plaintiff to pay all or part of the costs of the previous action.

Title: that previous action; and

NarrativeText: (2) may stay the proceedings until the plaintiff has complied.

NarrativeText: plied.

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; Feb. 22, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 42

Title: FEDERAL RULES OF CIVIL PROCEDURE

UncategorizedText: Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 42. Consolidation; Separate Trials

NarrativeText: (a) CONSOLIDATION. If actions before the court involve a common

Title: question of law or fact, the court may:

NarrativeText: (1) join for hearing or trial any or all matters at issue in the

Title: actions;

NarrativeText: (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 43. Taking Testimony

NarrativeText: (a) IN OPEN COURT. At trial, the witnesses' testimony must be taken in open court unl

NarrativeText: (b) AFFIRMATION INSTEAD OF AN OATH. When these rules require

Title: an oath, a solemn affirmation suffices.

NarrativeText: (c) EVIDENCE ON A MOTION. When a motion relies on facts outside the record, the co

NarrativeText: (d) INTERPRETER. The court may appoint an interpreter of its choosing; fix reasonable

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Nov. 20, 1972, and Dec. 18, 1972, e

Title: Rule 44. Proving an Official Record

Title: (a) MEANS OF PROVING.

NarrativeText: (1) Domestic Record. Each of the following evidences an offi- cial record—or an entry i

NarrativeText: (A) an official publication of the record; or (B) a copy attested by the officer with legal

UncategorizedText: (i) by a judge of a court of record in the district or

NarrativeText: political subdivision where the record is kept; or

UncategorizedText: 66

UncategorizedText: 67

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 45

NarrativeText: (ii) by any public officer with a seal of office and with official duties in the district or po

Title: (2) Foreign Record.

NarrativeText: (A) In General. Each of the following evidences a foreign official record—or an entry in

NarrativeText: (i) an official publication of the record; or (ii) the record—or a copy—that is attested by

NarrativeText: (B) Final Certification of Genuineness. A final certification must certify the genuineness

NarrativeText: (C) Other Means of Proof. If all parties have had a reason- able opportunity to investig

Title: cation; or

NarrativeText: (ii) permit the record to be evidenced by an attested

NarrativeText: summary with or without a final certification. (b) LACK OF A RECORD. A written statem

NarrativeText: (c) OTHER PROOF. A party may prove an official record—or an entry or lack of an entry

Title: Rule 44.1. Determining Foreign Law

NarrativeText: A party who intends to raise an issue about a foreign country's law must give notice by

Title: Rule 45. Subpoena (a) IN GENERAL.

Title: Rule 45

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: (1) Form and Contents.

NarrativeText: (A) Requirements—In General. Every subpoena must:

NarrativeText: (i) state the court from which it issued; (ii) state the title of the action and its civil-action

Title: number;

NarrativeText: (iii) command each person to whom it is directed to do the following at a specified time

NarrativeText: (iv) set out the text of Rule 45(d) and (e).

NarrativeText: (B) Command to Attend a Deposition—Notice of the Recording Method. A subpoena c

NarrativeText: (D) Command to Produce; Included Obligations. A command in a subpoena to produce

NarrativeText: (2) Issuing Court. A subpoena must issue from the court

NarrativeText: where the action is pending.

NarrativeText: (3) Issued by Whom. The clerk must issue a subpoena, signed but otherwise in blank, t

NarrativeText: (4) Notice to Other Parties Before Service. If the subpoena com- mands the production

Title: (b) SERVICE.

NarrativeText: (1) By Whom and How; Tendering Fees. Any person who is at least 18 years old and no

NarrativeText: (2) Service in the United States. A subpoena may be served at

Title: any place within the United States.

NarrativeText: (3) Service in a Foreign Country. 28 U.S.C. § 1783 governs issu- ing and serving a subp

UncategorizedText: 68

UncategorizedText: 69

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 45

NarrativeText: (4) Proof of Service. Proving service, when necessary, requires filing with the issuing c

Title: (c) PLACE OF COMPLIANCE.

NarrativeText: (1) For a Trial, Hearing, or Deposition. A subpoena may com- mand a person to attend

NarrativeText: (A) within 100 miles of where the person resides, is em-

NarrativeText: ployed, or regularly transacts business in person; or

NarrativeText: (B) within the state where the person resides, is employed, or regularly transacts business in person;

NarrativeText: (i) is a party or a party's officer; or (ii) is commanded to attend a trial and would not

Title: incur substantial expense.

NarrativeText: (2) For Other Discovery. A subpoena may command:

NarrativeText: (A) production of documents, electronically stored information, or tangible things at a

NarrativeText: (B) inspection of premises at the premises to be in-

NarrativeText: spected.

Title: (d) PROTECTING A PERSON SUBJECT TO A SUBPOENA; ENFORCE-

UncategorizedText: MENT.

NarrativeText: (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for

Title: (2) Command to Produce Materials or Permit Inspection.

NarrativeText: (A) Appearance Not Required. A person commanded to produce documents, electronically

NarrativeText: (B) Objections. A person commanded to produce documents or tangible things or to

NarrativeText: (i) At any time, on notice to the commanded person, the serving party may move the court

NarrativeText: (ii) These acts may be required only as directed in the order, and the order must protect

Title: Rule 45

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: neither a party nor a party's officer from significant expense resulting from compliance

Title: (3) Quashing or Modifying a Subpoena.

NarrativeText: (A) When Required. On timely motion, the court for the district where compliance is re-

NarrativeText: (i) fails to allow a reasonable time to comply; (ii) requires a person to comply beyond t

NarrativeText: graphical limits specified in Rule 45(c);

NarrativeText: (iii) requires disclosure of privileged or other pro-

Title: tected matter, if no exception or waiver applies; or

NarrativeText: (iv) subjects a person to undue burden.

NarrativeText: (B) When Permitted. To protect a person subject to or af- fected by a subpoena, the co

NarrativeText: (i) disclosing a trade secret or other confidential re-

Title: search, development, or commercial information; or

NarrativeText: (ii) disclosing an unretained expert's opinion or in- formation that does not describe sp

NarrativeText: (C) Specifying Conditions as an Alternative. In the circum- stances described in Rule 4

NarrativeText: (i) shows a substantial need for the testimony or ma- terial that cannot be otherwise m

NarrativeText: (ii) ensures that the subpoenaed person will be rea-

Title: sonably compensated. (e) DUTIES IN RESPONDING TO A SUBPOENA.

NarrativeText: (1) Producing Documents or Electronically Stored Information. These procedures appl

NarrativeText: (A) Documents. A person responding to a subpoena to produce documents must prod

NarrativeText: (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena

NarrativeText: (C) Electronically Stored Information Produced in Only One Form. The person respond

UncategorizedText: 70

UncategorizedText: 71

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 46

NarrativeText: the information is not reasonably accessible because of undue burden or cost. If that s

Title: (2) Claiming Privilege or Protection.

NarrativeText: (A) Information Withheld. A person withholding subpoe- naed information under a clai

NarrativeText: (i) expressly make the claim; and (ii) describe the nature of the withheld documents, c

NarrativeText: (B) Information Produced. If information produced in re- sponse to a subpoena is subj

NarrativeText: (f) TRANSFERRING A SUBPOENA-RELATED MOTION. When the court where complian

NarrativeText: (g) CONTEMPT. The court for the district where compliance is re- quired—and also, aft

Title: Rule 46. Objecting to a Ruling or Order

NarrativeText: A formal exception to a ruling or order is unnecessary. When the ruling or order is requ

Title: Rule 47

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: action that it wants the court to take or objects to, along with the grounds for the requ

Title: Rule 47. Selecting Jurors

NarrativeText: (a) EXAMINING JURORS. The court may permit the parties or their attorneys to examin

NarrativeText: (b) PEREMPTORY CHALLENGES. The court must allow the number

NarrativeText: of peremptory challenges provided by 28 U.S.C. § 1870.

NarrativeText: (c) EXCUSING A JUROR. During trial or deliberation, the court

NarrativeText: may excuse a juror for good cause. (As amended Feb. 28, 1966, eff. July 1, 1966; Apr.

Title: Rule 48. Number of Jurors; Verdict; Polling

NarrativeText: (a) NUMBER OF JURORS. A jury must begin with at least 6 and no more than 12 memb

NarrativeText: (b) VERDICT. Unless the parties stipulate otherwise, the verdict must be unanimous an

NarrativeText: (c) POLLING. After a verdict is returned but before the jury is discharged, the court mu

Title: Rule 49. Special Verdict; General Verdict and Questions

Title: (a) SPECIAL VERDICT.

NarrativeText: (1) In General. The court may require a jury to return only a special verdict in the form of

NarrativeText: (A) submitting written questions susceptible of a cat-

Title: egorical or other brief answer;

NarrativeText: (B) submitting written forms of the special findings that might properly be made under

NarrativeText: (C) using any other method that the court considers ap-

Title: propriate.

NarrativeText: (2) Instructions. The court must give the instructions and ex- planations necessary to

NarrativeText: (3) Issues Not Submitted. A party waives the right to a jury trial on any issue of fact raised

UncategorizedText: 72

UncategorizedText: 73

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 50

NarrativeText: but not submitted to the jury unless, before the jury retires, the party demands its submis-

Title: (b) GENERAL VERDICT WITH ANSWERS TO WRITTEN QUESTIONS.

NarrativeText: (1) In General. The court may submit to the jury forms for a general verdict, together with

NarrativeText: (2) Verdict and Answers Consistent. When the general verdict and the answers are con

NarrativeText: (3) Answers Inconsistent with the Verdict. When the answers are consistent with each

NarrativeText: (A) approve, for entry under Rule 58, an appropriate judgment according to the answer

NarrativeText: (B) direct the jury to further consider its answers and

Title: verdict; or

Title: (C) order a new trial.

NarrativeText: (4) Answers Inconsistent with Each Other and the Verdict. When the answers are incor

UncategorizedText: (As amended Jan. 21, 1963, eff. July 1, 1963; Mar. 2, 1987, eff. Aug. 1, 1987; Apr

UncategorizedText: Rule 50. Judgment as a Matter of Law in a Jury Trial; Related Mo-

Title: tion for a New Trial; Conditional Ruling

Title: (a) JUDGMENT AS A MATTER OF LAW.

NarrativeText: (1) In General. If a party has been fully heard on an issue dur- ing a jury trial and the co

NarrativeText: (A) resolve the issue against the party; and (B) grant a motion for judgment as a matte

NarrativeText: (2) Motion. A motion for judgment as a matter of law may be made at any time before

NarrativeText: (b) RENEWING THE MOTION AFTER TRIAL; ALTERNATIVE MOTION FOR A NEW TRIAL

Title: Rule 51

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: court's later deciding the legal questions raised by the motion. No later than 28 days a

NarrativeText: (1) allow judgment on the verdict, if the jury returned a ver-

Title: dict;

NarrativeText: (2) order a new trial; or (3) direct the entry of judgment as a matter of law.

Title: (c) GRANTING THE RENEWED MOTION; CONDITIONAL RULING ON A

UncategorizedText: MOTION FOR A NEW TRIAL.

NarrativeText: (1) In General. If the court grants a renewed motion for judgment as a matter of law, i

NarrativeText: (2) Effect of a Conditional Ruling. Conditionally granting the motion for a new trial doe

NarrativeText: (d) TIME FOR A LOSING PARTY'S NEW-TRIAL MOTION. Any motion for a new trial und

NarrativeText: (e) DENYING THE MOTION FOR JUDGMENT AS A MATTER OF LAW; REVERSAL ON AP

Title: Rule 51. Instructions to the Jury; Objections; Preserving a Claim

Title: of Error

Title: (a) REQUESTS.

NarrativeText: (1) Before or at the Close of the Evidence. At the close of the evidence or at any earlier

Title: dence, a party may:

NarrativeText: (A) file requests for instructions on issues that could not reasonably have been anticipated

UncategorizedText: 74

UncategorizedText: 75

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 52

NarrativeText: (B) with the court's permission, file untimely requests

Title: for instructions on any issue.

Title: (b) INSTRUCTIONS. The court:

NarrativeText: (1) must inform the parties of its proposed instructions and proposed action on the record

NarrativeText: (2) must give the parties an opportunity to object on the record and out of the jury's hearing

NarrativeText: (3) may instruct the jury at any time before the jury is discharged

NarrativeText: charged.

Title: (c) OBJECTIONS.

NarrativeText: (1) How to Make. A party who objects to an instruction or the failure to give an instruction

NarrativeText: (2) When to Make. An objection is timely if:

NarrativeText: (A) a party objects at the opportunity provided under

UncategorizedText: Rule 51(b)(2); or

NarrativeText: (B) a party was not informed of an instruction or action on a request before that oppo

Title: (d) ASSIGNING ERROR; PLAIN ERROR.

NarrativeText: (1) Assigning Error. A party may assign as error:

NarrativeText: (A) an error in an instruction actually given, if that

NarrativeText: party properly objected; or

NarrativeText: (B) a failure to give an instruction, if that party properly requested it and—unless the co

UncategorizedText: (As amended Mar. 2, 1987, eff. Aug. 1, 1987; Mar. 27, 2003, eff. Dec. 1, 2003; Ap

Title: Rule 52. Findings and Conclusions by the Court; Judgment on Par-

Title: tial Findings

Title: (a) FINDINGS AND CONCLUSIONS.

NarrativeText: (1) In General. In an action tried on the facts without a jury or with an advisory jury, the

NarrativeText: (2) For an Interlocutory Injunction. In granting or refusing an interlocutory injunction, th

NarrativeText: (3) For a Motion. The court is not required to state findings or conclusions when ruling

NarrativeText: (4) Effect of a Master's Findings. A master's findings, to the extent adopted by the cou

Title: Rule 53

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (5) Questioning the Evidentiary Support. A party may later question the sufficiency of t

NarrativeText: (6) Setting Aside the Findings. Findings of fact, whether based on oral or other evidence

NarrativeText: (b) AMENDED OR ADDITIONAL FINDINGS. On a party's motion filed no later than 28 da

NarrativeText: (c) JUDGMENT ON PARTIAL FINDINGS. If a party has been fully heard on an issue dur

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; A

Title: Rule 53. Masters

Title: (a) APPOINTMENT.

NarrativeText: (1) Scope. Unless a statute provides otherwise, a court may

Title: appoint a master only to:

NarrativeText: (A) perform duties consented to by the parties; (B) hold trial proceedings and make or

NarrativeText: (i) some exceptional condition; or (ii) the need to perform an accounting or resolve a

Title: difficult computation of damages; or

NarrativeText: (C) address pretrial and posttrial matters that cannot be effectively and timely address

NarrativeText: (2) Disqualification. A master must not have a relationship to the parties, attorneys, ac

NarrativeText: (3) Possible Expense or Delay. In appointing a master, the court must consider the fair

Title: (b) ORDER APPOINTING A MASTER.

UncategorizedText: 76

UncategorizedText: 77

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 53

NarrativeText: (1) Notice. Before appointing a master, the court must give the parties notice and an o

NarrativeText: (2) Contents. The appointing order must direct the master to

Title: proceed with all reasonable diligence and must state:

NarrativeText: (A) the master's duties, including any investigation or enforcement duties, and any lim

Title: (B) the circumstances, if any, in which the master may

NarrativeText: communicate ex parte with the court or a party;

NarrativeText: (C) the nature of the materials to be preserved and filed

Title: as the record of the master's activities;

NarrativeText: (D) the time limits, method of filing the record, other procedures, and standards for rev

NarrativeText: (E) the basis, terms, and procedure for fixing the mas-

Title: ter's compensation under Rule 53(g).

NarrativeText: (3) Issuing. The court may issue the order only after:

NarrativeText: (A) the master files an affidavit disclosing whether there is any ground for disqualification

NarrativeText: approval, waive the disqualification.

NarrativeText: (4) Amending. The order may be amended at any time after

NarrativeText: notice to the parties and an opportunity to be heard.

Title: (c) MASTER'S AUTHORITY.

NarrativeText: (1) In General. Unless the appointing order directs otherwise,

Title: a master may:

NarrativeText: (A) regulate all proceedings; (B) take all appropriate measures to perform the as-

NarrativeText: signed duties fairly and efficiently; and

NarrativeText: (C) if conducting an evidentiary hearing, exercise the appointing court's power to com-

NarrativeText: (2) Sanctions. The master may by order impose on a party any noncontempt sanction

NarrativeText: (d) MASTER'S ORDERS. A master who issues an order must file it and promptly serve a

NarrativeText: (e) MASTER'S REPORTS. A master must report to the court as required by the appointing

Title: (f) ACTION ON THE MASTER'S ORDER, REPORT, OR RECOMMENDATION.

UncategorizedText: TIONS.

NarrativeText: (1) Opportunity for a Hearing; Action in General. In acting on a master's order, report, or recommendation, the court must give the parties an opportunity to be heard.

NarrativeText: (2) Time to Object or Move to Adopt or Modify. A party may file objections to—or a motion to adopt or modify—the master's report, recommendations, or findings within the time fixed by the court or the master.

Title: Rule 54

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (3) Reviewing Factual Findings. The court must decide de novo all objections to findings of fact made by a master appointed under this rule.

NarrativeText: (A) the findings will be reviewed for clear error; or (B) the findings of a master appointed under this rule will be final.

NarrativeText: 53(a)(1)(A) or (C) will be final.

NarrativeText: (4) Reviewing Legal Conclusions. The court must decide de novo all objections to conclusions of law made by a master appointed under this rule.

NarrativeText: (5) Reviewing Procedural Matters. Unless the appointing order establishes a different standard of review, the court must review procedural matters made by a master appointed under this rule for error.

Title: (g) COMPENSATION.

NarrativeText: (1) Fixing Compensation. Before or after judgment, the court must fix the master's compensation.

NarrativeText: (2) Payment. The compensation must be paid either:

UncategorizedText: (A) by a party or parties; or (B) from a fund or subject matter of the action within the court's control.

Title: the court's control.

NarrativeText: (3) Allocating Payment. The court must allocate payment among the parties after consulting the master's recommendation.

NarrativeText: (h) APPOINTING A MAGISTRATE JUDGE. A magistrate judge is subject to this rule on the same basis as a master appointed under this rule.

UncategorizedText: (As amended Feb. 28, 1966, eff. July 1, 1966; Apr. 28, 1983, eff. Aug. 1, 1983; Mar.

Title: TITLE VII. JUDGMENT

Title: Rule 54. Judgment; Costs

NarrativeText: (a) DEFINITION; FORM. “Judgment” as used in these rules includes a decree and any

NarrativeText: (b) JUDGMENT ON MULTIPLE CLAIMS OR INVOLVING MULTIPLE PARTIES. When an

UncategorizedText: 78

UncategorizedText: 79

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 54

NarrativeText: does not end the action as to any of the claims or parties and may be revised at any time

NarrativeText: (c) DEMAND FOR JUDGMENT; RELIEF TO BE GRANTED. A default judgment must not c

Title: (d) COSTS; ATTORNEY’S FEES.

NarrativeText: (1) Costs Other Than Attorney’s Fees. Unless a federal statute, these rules, or a court o

Title: (2) Attorney’s Fees.

NarrativeText: (A) Claim to Be by Motion. A claim for attorney’s fees and related nontaxable expenses

NarrativeText: (B) Timing and Contents of the Motion. Unless a statute or

NarrativeText: a court order provides otherwise, the motion must:

NarrativeText: (i) be filed no later than 14 days after the entry of

Title: judgment;

NarrativeText: (ii) specify the judgment and the statute, rule, or

NarrativeText: other grounds entitling the movant to the award;

NarrativeText: (iii) state the amount sought or provide a fair esti-

Title: mate of it; and

NarrativeText: (iv) disclose, if the court so orders, the terms of any agreement about fees for the serv

NarrativeText: (C) Proceedings. Subject to Rule 23(h), the court must, on a party's request, give an op

NarrativeText: (D) Special Procedures by Local Rule; Reference to a Master or a Magistrate Judge. By

NarrativeText: (E) Exceptions. Subparagraphs (A)–(D) do not apply to claims for fees and expenses a

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Apr. 17, 1961, eff. July 19, 1961;

Title: Rule 55

Title: FEDERAL RULES OF CIVIL PROCEDURE

UncategorizedText: Apr. 29, 2002, eff. Dec. 1, 2002; Mar. 27, 2003, eff. Dec. 1, 2003; Apr. 30, 2007, ef

Title: Rule 55. Default; Default Judgment

NarrativeText: (a) ENTERING A DEFAULT. When a party against whom a judgment for affirmative relief is entered has failed to

NarrativeText: (1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by calculation,

NarrativeText: (2) By the Court. In all other cases, the party must apply to the court for a default judgment.

NarrativeText: (A) conduct an accounting; (B) determine the amount of damages; (C) establish the truth or falsity of any averment,

NarrativeText: (c) SETTING ASIDE A DEFAULT OR A DEFAULT JUDGMENT. The court may set aside a default judgment if the party

NarrativeText: (d) JUDGMENT AGAINST THE UNITED STATES. A default judgment may be entered against the United States only if

UncategorizedText: (As amended Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 2007, eff. Dec. 1, 2007; Mar. 2, 2009, eff. Dec. 1, 2009)

Title: Rule 56. Summary Judgment

NarrativeText: (a) MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY JUDGMENT. A party may move for summary judgment at any time

NarrativeText: (b) TIME TO FILE A MOTION. Unless a different time is set by local rule or the court orders otherwise, a motion for summary

Title: (c) PROCEDURES.

UncategorizedText: 80

UncategorizedText: 81

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 56

NarrativeText: (1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion

NarrativeText: (A) citing to particular parts of materials in the record, including depositions, documents,

NarrativeText: (B) showing that the materials cited do not establish the absence or presence of a genuine

NarrativeText: (2) Objection That a Fact Is Not Supported by Admissible Evidence. A party may object to

NarrativeText: (3) Materials Not Cited. The court need consider only the cited materials, but it may consider

NarrativeText: (d) WHEN FACTS ARE UNAVAILABLE TO THE NONMOVANT. If a non-movant shows by

NarrativeText: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations

Title: discovery; or

Title: (3) issue any other appropriate order.

NarrativeText: (e) FAILING TO PROPERLY SUPPORT OR ADDRESS A FACT. If a party fails to properly support

NarrativeText: (1) give an opportunity to properly support or address the

Title: fact;

NarrativeText: (2) consider the fact undisputed for purposes of the motion; (3) grant summary judgment

Title: (4) issue any other appropriate order.

NarrativeText: (f) JUDGMENT INDEPENDENT OF THE MOTION. After giving notice

NarrativeText: and a reasonable time to respond, the court may:

NarrativeText: (1) grant summary judgment for a nonmovant; (2) grant the motion on grounds not raised

NarrativeText: (g) FAILING TO GRANT ALL THE REQUESTED RELIEF. If the court does not grant all the

NarrativeText: (h) AFFIDAVIT OR DECLARATION SUBMITTED IN BAD FAITH. If satisfied that an affi-

Title: Rule 57

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: in bad faith or solely for delay, the court—after notice and a reasonable time to respo-

Title: Rule 57. Declaratory Judgment

NarrativeText: These rules govern the procedure for obtaining a declaratory judgment under 28 U.S.C.

Title: Rule 58. Entering Judgment

NarrativeText: (a) SEPARATE DOCUMENT. Every judgment and amended judgment must be set out

NarrativeText: (1) for judgment under Rule 50(b); (2) to amend or make additional findings under Rule

Title: Rule 59; or

Title: (5) for relief under Rule 60.

Title: (b) ENTERING JUDGMENT.

NarrativeText: (1) Without the Court's Direction. Subject to Rule 54(b) and unless the court orders o-

NarrativeText: (A) the jury returns a general verdict; (B) the court awards only costs or a sum certain;

NarrativeText: (2) Court's Approval Required. Subject to Rule 54(b), the court must promptly approve

NarrativeText: (A) the jury returns a special verdict or a general verdict

NarrativeText: with answers to written questions; or

NarrativeText: (B) the court grants other relief not described in this

Title: subdivision (b).

NarrativeText: (c) TIME OF ENTRY. For purposes of these rules, judgment is en-

NarrativeText: tered at the following times:

NarrativeText: (1) if a separate document is not required, when the judg-

NarrativeText: ment is entered in the civil docket under Rule 79(a); or

NarrativeText: (2) if a separate document is required, when the judgment is entered in the civil docket

NarrativeText: (A) it is set out in a separate document; or (B) 150 days have run from the entry in the

NarrativeText: set out in a separate document as required by Rule 58(a).

UncategorizedText: 82

UncategorizedText: 83

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 60

NarrativeText: (e) COST OR FEE AWARDS. Ordinarily, the entry of judgment may not be delayed, nor t

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; A

Title: Rule 59. New Trial; Altering or Amending a Judgment

Title: (a) IN GENERAL.

NarrativeText: (1) Grounds for New Trial. The court may, on motion, grant a new trial on all or some o

NarrativeText: (A) after a jury trial, for any reason for which a new trial has heretofore been granted in

NarrativeText: (B) after a nonjury trial, for any reason for which a re- hearing has heretofore been gran

NarrativeText: (2) Further Action After a Nonjury Trial. After a nonjury trial, the court may, on motion f

NarrativeText: (b) TIME TO FILE A MOTION FOR A NEW TRIAL. A motion for a new trial must be filed

NarrativeText: (c) TIME TO SERVE AFFIDAVITS. When a motion for a new trial is based on affidavits,

NarrativeText: (d) NEW TRIAL ON THE COURT'S INITIATIVE OR FOR REASONS NOT IN THE MOTION.

NarrativeText: (e) MOTION TO ALTER OR AMEND A JUDGMENT. A motion to alter or amend a judgm

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Feb. 28, 1966, eff. July 1, 1966; A

Title: Rule 60. Relief from a Judgment or Order

NarrativeText: (a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. T

Title: Rule 61

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: on motion or on its own, with or without notice. But after an appeal has been docketed

NarrativeText: (b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion

NarrativeText: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence

NarrativeText: (3) fraud (whether previously called intrinsic or extrinsic),

NarrativeText: misrepresentation, or misconduct by an opposing party;

NarrativeText: (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged;

NarrativeText: (6) any other reason that justifies relief.

Title: (c) TIMING AND EFFECT OF THE MOTION.

NarrativeText: (1) Timing. A motion under Rule 60(b) must be made within a reasonable time—and for

NarrativeText: (2) Effect on Finality. The motion does not affect the judgment's

NarrativeText: judgment's finality or suspend its operation.

NarrativeText: (d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a

NarrativeText: court's power to:

NarrativeText: (1) entertain an independent action to relieve a party from

Title: a judgment, order, or proceeding;

NarrativeText: (2) grant relief under 28 U.S.C. § 1655 to a defendant who was

NarrativeText: not personally notified of the action; or

NarrativeText: (3) set aside a judgment for fraud on the court.

NarrativeText: (e) **BILLS AND WRITS ABOLISHED.** The following are abolished: bills of review, bills in

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949;

Title: Rule 61. Harmless Error

NarrativeText: Unless justice requires otherwise, no error in admitting or excluding evidence—or any

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 62. Stay of Proceedings to Enforce a Judgment

NarrativeText: (a) **AUTOMATIC STAY.** Except as provided in Rule 62(c) and (d), execution on a judgment

NarrativeText: (b) **STAY BY BOND OR OTHER SECURITY.** At any time after judgment is entered, a party

UncategorizedText: 84

UncategorizedText: 85

Title: **FEDERAL RULES OF CIVIL PROCEDURE**

Title: Rule 62.1

NarrativeText: or other security. The stay takes effect when the court approves the bond or other security

NarrativeText: (c) **STAY OF AN INJUNCTION, RECEIVERSHIP, OR PATENT ACCOUNTING ORDER.** Upon

Title: (1) an interlocutory or final judgment in an action for an in-

Title: junction or receivership; or

NarrativeText: (2) a judgment or order that directs an accounting in an ac-

Title: tion for patent infringement.

NarrativeText: (d) INJUNCTION PENDING AN APPEAL. While an appeal is pending from an interlocu-

NarrativeText: (1) by that court sitting in open session; or (2) by the assent of all its judges, as eviden

Title: natures.

NarrativeText: (e) STAY WITHOUT BOND ON AN APPEAL BY THE UNITED STATES, ITS OFFICERS, OR

NarrativeText: (f) STAY IN FAVOR OF A JUDGMENT DEBTOR UNDER STATE LAW. If a judgment is a l

NarrativeText: (g) APPELLATE COURT'S POWER NOT LIMITED. This rule does not limit the power of t

NarrativeText: (1) to stay proceedings—or suspend, modify, restore, or grant

NarrativeText: an injunction—while an appeal is pending; or

NarrativeText: (2) to issue an order to preserve the status quo or the effec-

NarrativeText: tiveness of the judgment to be entered.

NarrativeText: (h) STAY WITH MULTIPLE CLAIMS OR PARTIES. A court may stay the enforcement of

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949;

Title: Rule 62.1. Indicative Ruling on a Motion for Relief That is Barred

NarrativeText: by a Pending Appeal

NarrativeText: (a) RELIEF PENDING APPEAL. If a timely motion is made for relief that the court lacks

Title: Rule 63

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would g

NarrativeText: (b) NOTICE TO THE COURT OF APPEALS. The movant must prompt- ly notify the circu

NarrativeText: (c) REMAND. The district court may decide the motion if the

Title: court of appeals remands for that purpose.

UncategorizedText: (As added Mar. 26, 2009, eff. Dec. 1, 2009.)

Title: Rule 63. Judge's Inability to Proceed

NarrativeText: If a judge conducting a hearing or trial is unable to proceed, any other judge may proceed

UncategorizedText: (As amended Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Dec. 1, 1991; Apr

Title: TITLE VIII. PROVISIONAL AND FINAL REMEDIES

Title: Rule 64. Seizing a Person or Property

NarrativeText: (a) REMEDIES UNDER STATE LAW—IN GENERAL. At the commence- ment of and throu

ListItem: arrest; • attachment; • garnishment; • replevin; • sequestration; and • other corresponding or

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 65. Injunctions and Restraining Orders

Title: (a) PRELIMINARY INJUNCTION.

NarrativeText: (1) Notice. The court may issue a preliminary injunction only

Title: on notice to the adverse party.

NarrativeText: (2) Consolidating the Hearing with the Trial on the Merits. Before or after beginning t

UncategorizedText: 86

UncategorizedText: 87

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 65

NarrativeText: that would be admissible at trial becomes part of the trial record and need not be repe

Title: (b) TEMPORARY RESTRAINING ORDER.

NarrativeText: (1) Issuing Without Notice. The court may issue a temporary restraining order without

NarrativeText: (A) specific facts in an affidavit or a verified complaint clearly show that immediate an

NarrativeText: (B) the movant's attorney certifies in writing any efforts made to give notice and the re

NarrativeText: (2) Contents; Expiration. Every temporary restraining order issued without notice must

NarrativeText: (3) Expediting the Preliminary-Injunction Hearing. If the order is issued without notice,

NarrativeText: (4) Motion to Dissolve. On 2 days' notice to the party who obtained the order without

NarrativeText: (c) SECURITY. The court may issue a preliminary injunction or a temporary restraining

Title: (d) CONTENTS AND SCOPE OF EVERY INJUNCTION AND RESTRAINING

UncategorizedText: ORDER.

NarrativeText: (1) Contents. Every order granting an injunction and every

NarrativeText: restraining order must:

NarrativeText: (A) state the reasons why it issued; (B) state its terms specifically; and (C) describe in

NarrativeText: (2) Persons Bound. The order binds only the following who re-

Title: ceive actual notice of it by personal service or otherwise:

NarrativeText: (A) the parties; (B) the parties' officers, agents, servants, employees, and

Title: attorneys; and

Title: Rule 65.1

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (C) other persons who are in active concert or participa-

NarrativeText: tion with anyone described in Rule 65(d)(2)(A) or (B). (e) OTHER LAWS NOT MODIFIED

Title: following:

NarrativeText: (1) any federal statute relating to temporary restraining or- ders or preliminary injuncti

NarrativeText: (2) 28 U.S.C. § 2361, which relates to preliminary injunctions in actions of interpleader

NarrativeText: heard and decided by a three-judge district court.

NarrativeText: (f) COPYRIGHT IMPOUNDMENT. This rule applies to copyright-im-

UncategorizedText: poundment proceedings. (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29

Title: Rule 65.1. Proceedings Against a Security Provider

NarrativeText: Whenever these rules (including the Supplemental Rules for Ad- miralty or Maritime C

Title: Rule 66. Receivers

NarrativeText: These rules govern an action in which the appointment of a re- ceiver is sought or a re

Title: Rule 67. Deposit into Court

NarrativeText: (a) DEPOSITING PROPERTY. If any part of the relief sought is a money judgment or the

NarrativeText: (b) INVESTING AND WITHDRAWING FUNDS. Money paid into court under this rule mus

UncategorizedText: 88

UncategorizedText: 89

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 69

NarrativeText: with 28 U.S.C. §§ 2041 and 2042 and any like statute. The money must be deposited in

UncategorizedText: (As amended Dec. 29, 1948, eff. Oct. 20, 1949; Apr. 28, 1983, eff. Aug. 1, 1983; A

Title: Rule 68. Offer of Judgment

NarrativeText: (a) MAKING AN OFFER; JUDGMENT ON AN ACCEPTED OFFER. At least 14 days before

NarrativeText: (b) UNACCEPTED OFFER. An unaccepted offer is considered with- drawn, but it does not

NarrativeText: (c) OFFER AFTER LIABILITY IS DETERMINED. When one party's li- ability to another has

NarrativeText: (d) PAYING COSTS AFTER AN UNACCEPTED OFFER. If the judgment that the offeree f

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Feb. 28, 1966, eff. July 1, 1966; M

Title: Rule 69. Execution

Title: (a) IN GENERAL.

NarrativeText: (1) Money Judgment; Applicable Procedure. A money judgment is enforced by a writ of

NarrativeText: (2) Obtaining Discovery. In aid of the judgment or execution, the judgment creditor or a

NarrativeText: (b) AGAINST CERTAIN PUBLIC OFFICERS. When a judgment has been entered against

NarrativeText: 1 Now editorially reclassified 2 U.S.C. 5503.

Title: Rule 70

Title: FEDERAL RULES OF CIVIL PROCEDURE

UncategorizedText: (As amended Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 30, 1970, eff. July 1, 1970; M

Title: Rule 70. Enforcing a Judgment for a Specific Act

NarrativeText: (a) PARTY'S FAILURE TO ACT; ORDERING ANOTHER TO ACT. If a judgment requires a

NarrativeText: (b) VESTING TITLE. If the real or personal property is within the district, the court—inst

NarrativeText: (c) OBTAINING A WRIT OF ATTACHMENT OR SEQUESTRATION. On ap- plication by a

NarrativeText: (d) OBTAINING A WRIT OF EXECUTION OR ASSISTANCE. On applica- tion by a party w

NarrativeText: (e) HOLDING IN CONTEMPT. The court may also hold the disobe-

Title: dient party in contempt.

UncategorizedText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 71. Enforcing Relief For or Against a Nonparty

NarrativeText: When an order grants relief for a nonparty or may be enforced against a nonparty, the

UncategorizedText: (As amended Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: TITLE IX. SPECIAL PROCEEDINGS

Title: Rule 71.1. Condemning Real or Personal Property

NarrativeText: (a) APPLICABILITY OF OTHER RULES. These rules govern proceedings to condemn real property.

NarrativeText: (b) JOINDER OF PROPERTIES. The plaintiff may join separate pieces of property in a single action.

Title: (c) COMPLAINT.

NarrativeText: (1) Caption. The complaint must contain a caption as provided in Rule 10(a). The plaintiff must

NarrativeText: (2) Contents. The complaint must contain a short and plain

Title: statement of the following:

NarrativeText: (A) the authority for the taking; (B) the uses for which the property is to be taken; (C) a

UncategorizedText: 90

UncategorizedText: 91

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 71.1

NarrativeText: (E) for each piece of property, a designation of each defendant who has been joined as a

NarrativeText: (3) Parties. When the action commences, the plaintiff need join as defendants only those

NarrativeText: (4) Procedure. Notice must be served on all defendants as provided in Rule 71.1(d), v

Title: (d) PROCESS.

NarrativeText: (1) Delivering Notice to the Clerk. On filing a complaint, the plaintiff must promptly deliver

Title: (2) Contents of the Notice.

NarrativeText: (A) Main Contents. Each notice must name the court, the title of the action, and the de

NarrativeText: (i) that the action is to condemn property; (ii) the interest to be taken; (iii) the authority

NarrativeText: (vi) that the failure to so serve an answer constitutes consent to the taking and to the c

NarrativeText: may file a notice of appearance.

NarrativeText: (B) Conclusion. The notice must conclude with the name, telephone number, and e-ma

Title: (3) Serving the Notice.

NarrativeText: (A) Personal Service. When a defendant whose address is known resides within the Un

Title: Rule 71.1

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: United States, personal service of the notice (without a copy of the complaint) must be

Title: (B) Service by Publication.

NarrativeText: (i) A defendant may be served by publication only when the plaintiff's attorney files a c

NarrativeText: (ii) Service by publication is complete on the date of the last publication. The plaintiff's

NarrativeText: (4) Effect of Delivery and Service. Delivering the notice to the clerk and serving it have

NarrativeText: (5) Amending the Notice; Proof of Service and Amending the Proof. Rule 4(a)(2) gover

Title: (e) APPEARANCE OR ANSWER.

NarrativeText: (1) Notice of Appearance. A defendant that has no objection or defense to the taking of

NarrativeText: (2) Answer. A defendant that has an objection or defense to the taking must serve an a

NarrativeText: (A) identify the property in which the defendant claims

Title: an interest;

UncategorizedText: (B) state the nature and extent of the interest; and (C) state all the defendant's ob

Title: the taking.

NarrativeText: (3) Waiver of Other Objections and Defenses; Evidence on Com- pensation. A defendan

UncategorizedText: 92

UncategorizedText: 93

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 71.1

NarrativeText: (f) AMENDING PLEADINGS. Without leave of court, the plaintiff may—as often as it wa

NarrativeText: (g) SUBSTITUTING PARTIES. If a defendant dies, becomes incom- petent, or transfers

Title: (h) TRIAL OF THE ISSUES.

NarrativeText: (1) Issues Other Than Compensation; Compensation. In an ac- tion involving eminent c

NarrativeText: (A) by any tribunal specially constituted by a federal

NarrativeText: statute to determine compensation; or

NarrativeText: (B) if there is no such tribunal, by a jury when a party demands one within the time to a

NarrativeText: (2) Appointing a Commission; Commission's Powers and Report. (A) Reasons for App

NarrativeText: (B) Alternate Commissioners. The court may appoint up to two additional persons to s

NarrativeText: (C) Examining the Prospective Commissioners. Before mak- ing its appointments, the

NarrativeText: (D) Commission's Powers and Report. A commission has the powers of a master unde

Title: (i) DISMISSAL OF THE ACTION OR A DEFENDANT.

Title: (1) Dismissing the Action.

Title: Rule 72

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (A) By the Plaintiff. If no compensation hearing on a piece of property has begun, and

NarrativeText: (B) By Stipulation. Before a judgment is entered vesting the plaintiff with title or a less

NarrativeText: (C) By Court Order. At any time before compensation has been determined and paid, th

NarrativeText: (2) Dismissing a Defendant. The court may at any time dis- miss a defendant who was

NarrativeText: stated in the notice, stipulation, or court order.

Title: (j) DEPOSIT AND ITS DISTRIBUTION.

NarrativeText: (1) Deposit. The plaintiff must deposit with the court any money required by law as a condition for filing a complaint.

NarrativeText: (2) Distribution; Adjusting Distribution. After a deposit, the court and attorneys must enter an order for the distribution of the deposit.

NarrativeText: (k) CONDEMNATION UNDER A STATE'S POWER OF EMINENT DOMAIN. This rule governs the procedure for the condemnation of real property.

NarrativeText: (l) COSTS. Costs are not subject to Rule 54(d).

UncategorizedText: (As added Apr. 30, 1951, eff. Aug. 1, 1951; amended Jan. 21, 1963, eff. July 1, 1963)

Title: Rule 72. Magistrate Judges: Pretrial Order

NarrativeText: (a) NONDISPOSITIVE MATTERS. When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge for a pretrial order, the magistrate judge must promptly conduct the required proceedings.

UncategorizedText: 94

UncategorizedText: 95

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 73

NarrativeText: judge to hear and decide, the magistrate judge must promptly conduct the required proceedings.

Title: (b) DISPOSITIVE MOTIONS AND PRISONER PETITIONS.

NarrativeText: (1) Findings and Recommendations. A magistrate judge must promptly conduct the required proceedings.

NarrativeText: (2) Objections. Within 14 days after being served with a copy of the recommended disposition, a party may file objections.

NarrativeText: (3) Resolving Objections. The district judge must determine de novo any part of the m

UncategorizedText: (As added Apr. 28, 1983, eff. Aug. 1, 1983; amended Apr. 30, 1991, eff. Dec. 1, 19

Title: Rule 73. Magistrate Judges: Trial by Consent; Appeal

NarrativeText: (a) TRIAL BY CONSENT. When authorized under 28 U.S.C. § 636(c), a magistrate judge

Title: (b) CONSENT PROCEDURE.

NarrativeText: (1) In General. When a magistrate judge has been designated to conduct civil actions o

Title: Rule 74

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (2) Reminding the Parties About Consenting. A district judge, magistrate judge, or othe

NarrativeText: (3) Vacating a Referral. On its own for good cause—or when a party shows extraordina

UncategorizedText: Rule 74. [Abrogated (Apr. 11, 1997, eff. Dec. 1, 1997).]

UncategorizedText: Rule 75. [Abrogated (Apr. 11, 1997, eff. Dec. 1, 1997).]

UncategorizedText: Rule 76. [Abrogated (Apr. 11, 1997, eff. Dec. 1, 1997).]

Title: TITLE X. DISTRICT COURTS AND CLERKS: CONDUCTING BUSINESS; ISSUING ORDERS

Title: Rule 77. Conducting Business; Clerk's Authority; Notice of an

Title: Order or Judgment

NarrativeText: (a) WHEN COURT IS OPEN. Every district court is considered always open for filing and

NarrativeText: (b) PLACE FOR TRIAL AND OTHER PROCEEDINGS. Every trial on the merits must be conducted

Title: (c) CLERK'S OFFICE HOURS; CLERK'S ORDERS.

NarrativeText: (1) Hours. The clerk's office—with a clerk or deputy on duty—must be open during business

NarrativeText: (2) Orders. Subject to the court's power to suspend, alter, or

NarrativeText: rescind the clerk's action for good cause, the clerk may:

NarrativeText: (A) issue process; (B) enter a default; (C) enter a default judgment under Rule 55(b)(1)

Title: court's action.

UncategorizedText: 96

UncategorizedText: 97

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 79

Title: (d) SERVING NOTICE OF AN ORDER OR JUDGMENT.

NarrativeText: (1) Service. Immediately after entering an order or judgment, the clerk must serve notice

NarrativeText: (2) Time to Appeal Not Affected by Lack of Notice. Lack of notice of the entry does not

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; D

Title: Rule 78. Hearing Motions; Submission on Briefs

NarrativeText: (a) PROVIDING A REGULAR SCHEDULE FOR ORAL HEARINGS. A court may establish r

NarrativeText: (b) PROVIDING FOR SUBMISSION ON BRIEFS. By rule or order, the court may provide f

UncategorizedText: (As amended Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: Rule 79. Records Kept by the Clerk

Title: (a) CIVIL DOCKET.

NarrativeText: (1) In General. The clerk must keep a record known as the “civil docket” in the form an

NarrativeText: (2) Items to be Entered. The following items must be marked with the file number and

NarrativeText: (A) papers filed with the clerk; (B) process issued, and proofs of service or other return

NarrativeText: showing execution; and

Title: (C) appearances, orders, verdicts, and judgments.

NarrativeText: (3) Contents of Entries; Jury Trial Demanded. Each entry must briefly show the nature

NarrativeText: (b) CIVIL JUDGMENTS AND ORDERS. The clerk must keep a copy of every final judgm

Title: Rule 80

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: these in the form and manner prescribed by the Director of the Administrative Office o

NarrativeText: (c) INDEXES; CALENDARS. Under the court's direction, the clerk

Title: must:

NarrativeText: (1) keep indexes of the docket and of the judgments and or-

NarrativeText: ders described in Rule 79(b); and

NarrativeText: (2) prepare calendars of all actions ready for trial, distin-

NarrativeText: guishing jury trials from nonjury trials.

NarrativeText: (d) OTHER RECORDS. The clerk must keep any other records re- quired by the Director

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949;

Title: Rule 80. Stenographic Transcript as Evidence

NarrativeText: If stenographically reported testimony at a hearing or trial is admissible in evidence at

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Apr. 30, 2007, eff. Dec. 1, 2007.)

Title: TITLE XI. GENERAL PROVISIONS

Title: Rule 81. Applicability of the Rules in General; Removed Actions

Title: (a) APPLICABILITY TO PARTICULAR PROCEEDINGS.

NarrativeText: (1) Prize Proceedings. These rules do not apply to prize pro-

NarrativeText: ceedings in admiralty governed by 10 U.S.C. §§ 7651–7681.

NarrativeText: (2) Bankruptcy. These rules apply to bankruptcy proceedings to the extent provided by

NarrativeText: (3) Citizenship. These rules apply to proceedings for admission to citizenship to the

NarrativeText: (4) Special Writs. These rules apply to proceedings for habeas corpus and for quo war

NarrativeText: (A) is not specified in a federal statute, the Rules Governing Section 2254 Cases, or t

NarrativeText: (B) has previously conformed to the practice in civil ac-

Title: tions.

NarrativeText: (5) Proceedings Involving a Subpoena. These rules apply to proceedings to compel tes

UncategorizedText: 98

UncategorizedText: 99

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 81

NarrativeText: (A) 7 U.S.C. §§ 292, 499g(c), for reviewing an order of the

Title: Secretary of Agriculture;

NarrativeText: (B) 9 U.S.C., relating to arbitration; (C) 15 U.S.C. § 522, for reviewing an order of the Se

Title: of the Interior;

NarrativeText: (D) 15 U.S.C. § 715d(c), for reviewing an order denying a

Title: certificate of clearance;

NarrativeText: (E) 29 U.S.C. §§ 159, 160, for enforcing an order of the Na-

Title: tional Labor Relations Board;

NarrativeText: (F) 33 U.S.C. §§ 918, 921, for enforcing or reviewing a com- pensation order under the

NarrativeText: (G) 45 U.S.C. § 159, for reviewing an arbitration award in

Title: a railway-labor dispute.

NarrativeText: (b) SCIRE FACIAS AND MANDAMUS. The writs of scire facias and mandamus are abo-

Title: (c) REMOVED ACTIONS.

NarrativeText: (1) Applicability. These rules apply to a civil action after it

NarrativeText: is removed from a state court.

NarrativeText: (2) Further Pleading. After removal, repleading is unneces- sary unless the court order

NarrativeText: (A) 21 days after receiving—through service or other- wise—a copy of the initial pleading

NarrativeText: (B) 21 days after being served with the summons for an

NarrativeText: initial pleading on file at the time of service; or (C) 7 days after the notice of removal is

Title: (3) Demand for a Jury Trial.

NarrativeText: (A) As Affected by State Law. A party who, before re- moval, expressly demanded a jury

NarrativeText: (B) Under Rule 38. If all necessary pleadings have been served at the time of removal,

NarrativeText: (i) it files a notice of removal; or (ii) it is served with a notice of removal filed by an-

Title: other party.

Title: (d) LAW APPLICABLE.

NarrativeText: (1) "State Law" Defined. When these rules refer to state law, the term "law" includes th

NarrativeText: (2) "State" Defined. The term "state" includes, where appro- priate, the District of Colu

Title: Rule 82

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (3) "Federal Statute" Defined in the District of Columbia. In the United States District C

UncategorizedText: (As amended Dec. 28, 1939, eff. Apr. 3, 1941; Dec. 27, 1946, eff. Mar. 19, 1948; D

Title: Rule 82. Jurisdiction and Venue Unaffected

NarrativeText: These rules do not extend or limit the jurisdiction of the district courts or the venue of

Title: Rule 83. Rules by District Courts; Judge's Directives

Title: (a) LOCAL RULES.

NarrativeText: (1) In General. After giving public notice and an opportunity for comment, a district co

NarrativeText: (2) Requirement of Form. A local rule imposing a requirement of form must not be enf

NarrativeText: (b) PROCEDURE WHEN THERE IS NO CONTROLLING LAW. A judge may regulate practice

UncategorizedText: Rule 84. [Abrogated (Apr. 29, 2015, eff. Dec. 1, 2015).]

Title: Rule 85. Title

NarrativeText: These rules may be cited as the Federal Rules of Civil Procedure.

NarrativeText: (As amended Apr. 30, 2007, eff. Dec. 1, 2007.)

UncategorizedText: 100

UncategorizedText: 101

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 86

Title: Rule 86. Effective Dates

NarrativeText: (a) IN GENERAL. These rules and any amendments take effect at the time specified by

NarrativeText: (1) proceedings in an action commenced after their effective

Title: date; and

NarrativeText: (2) proceedings after that date in an action then pending un-

Title: less:

NarrativeText: (A) the Supreme Court specifies otherwise; or (B) the court determines that applying the

NarrativeText: ticular action would be infeasible or work an injustice. (b) DECEMBER 1, 2007 AMEND

UncategorizedText: (As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949;

Title: APPENDIX OF FORMS

UncategorizedText: [Abrogated (Apr. 29, 2015, eff. Dec. 1, 2015).]

UncategorizedText: (103)

Title: Rule A

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: SUPPLEMENTAL RULES FOR ADMIRALTY OR MARITIME CLAIMS AND ASSET FORFEITURE AC

Title: Rule A. Scope of Rules

Title: (1) These Supplemental Rules apply to:

UncategorizedText: (A) the procedure in admiralty and maritime claims within the meaning of Rule 90

UncategorizedText: (i) maritime attachment and garnishment, (ii) actions in rem, (iii) possessory, pet

Title: ity;

NarrativeText: (B) forfeiture actions in rem arising from a federal statute;

Title: and

NarrativeText: (C) the procedure in statutory condemnation proceedings analogous to maritime action

NarrativeText: (2) The Federal Rules of Civil Procedure also apply to the fore- going proceedings exce

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Apr. 12, 2006, eff. Dec. 1, 20

Title: Rule B. In Personam Actions: Attachment and Garnishment

UncategorizedText: (1) WHEN AVAILABLE; COMPLAINT, AFFIDAVIT, JUDICIAL AUTHOR-

NarrativeText: IZATION, AND PROCESS. In an in personam action:

NarrativeText: (a) If a defendant is not found within the district when a verified complaint praying for

NarrativeText: (b) The plaintiff or the plaintiff's attorney must sign and file with the complaint an affi

NarrativeText: (c) If the plaintiff or the plaintiff's attorney certifies that exigent circumstances make c

Title: 1 Title amended April 12, 2006, effective December 1, 2006.

UncategorizedText: 104

UncategorizedText: 105

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule C

NarrativeText: (d)(i) If the property is a vessel or tangible property on board a vessel, the summons, p

NarrativeText: (ii) If the property is other tangible or intangible property, the summons, process, and a

NarrativeText: (e) The plaintiff may invoke state-law remedies under Rule 64 for seizure of person or

NarrativeText: (2) NOTICE TO DEFENDANT. No default judgment may be entered

NarrativeText: except upon proof—which may be by affidavit—that:

NarrativeText: (a) the complaint, summons, and process of attachment or garnishment have been served

NarrativeText: (b) the plaintiff or the garnishee has mailed to the defendant the complaint, summons,

NarrativeText: (c) the plaintiff or the garnishee has tried diligently to give

NarrativeText: notice of the action to the defendant but could not do so.

UncategorizedText: (3) ANSWER.

NarrativeText: (a) By Garnishee. The garnishee shall serve an answer, together with answers to any

NarrativeText: (b) By Defendant. The defendant shall serve an answer within 30 days after process has

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Apr. 29, 1985, eff. Aug. 1, 1985)

Title: Rule C. In Rem Actions: Special Provisions

NarrativeText: (1) WHEN AVAILABLE. An action in rem may be brought:

NarrativeText: (a) To enforce any maritime lien; (b) Whenever a statute of the United States provides

Title: maritime action in rem or a proceeding analogous thereto.

NarrativeText: Except as otherwise provided by law a party who may proceed in rem may also, or in the

NarrativeText: Statutory provisions exempting vessels or other property owned or possessed by or on

Title: Rule C

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: or seizure are not affected by this rule. When a statute so provides, an action against

Title: (2) COMPLAINT. In an action in rem the complaint must:

NarrativeText: (a) be verified; (b) describe with reasonable particularity the property that

NarrativeText: is the subject of the action; and

NarrativeText: (c) state that the property is within the district or will be

NarrativeText: within the district while the action is pending.

UncategorizedText: (3) JUDICIAL AUTHORIZATION AND PROCESS.

Title: (a) Arrest Warrant.

NarrativeText: (i) The court must review the complaint and any supporting papers. If the conditions

NarrativeText: (ii) If the plaintiff or the plaintiff's attorney certifies that exigent circumstances make c

Title: (b) Service.

NarrativeText: (i) If the property that is the subject of the action is a vessel or tangible property on bo

NarrativeText: (ii) If the property that is the subject of the action is other property, tangible or intangib

NarrativeText: (c) Deposit in Court. If the property that is the subject of the action consists in whole o

NarrativeText: (d) Supplemental Process. The clerk may upon application issue supplemental process.

NarrativeText: (4) NOTICE. No notice other than execution of process is required when the property is

UncategorizedText: 106

UncategorizedText: 107

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule D

NarrativeText: This rule does not affect the notice requirements in an action to foreclose a preferred

NarrativeText: (5) ANCILLARY PROCESS. In any action in rem in which process has been served as pro-

UncategorizedText: (6) RESPONSIVE PLEADING; INTERROGATORIES.

NarrativeText: (a) Statement of Interest; Answer. In an action in rem:

NarrativeText: (i) a person who asserts a right of possession or any ownership interest in the property

NarrativeText: (ii) the statement of right or interest must describe the interest in the property that sup-

NarrativeText: (iii) an agent, bailee, or attorney must state the authority to file a statement of right o

NarrativeText: (iv) a person who asserts a right of possession or any ownership interest must serve a

NarrativeText: (b) Interrogatories. Interrogatories may be served with the complaint in an in rem action

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Apr. 29, 1985, eff. Aug. 1, 1985)

Title: Rule D. Possessory, Petitory, and Partition Actions

NarrativeText: In all actions for possession, partition, and to try title main- tainable according to the c

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966.)

Title: Rule E

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule E. Actions in Rem and Quasi in Rem: General Provisions

NarrativeText: (1) APPLICABILITY. Except as otherwise provided, this rule ap- plies to actions in pers

UncategorizedText: (2) COMPLAINT; SECURITY.

NarrativeText: (a) Complaint. In actions to which this rule is applicable the complaint shall state the c

NarrativeText: (b) Security for Costs. Subject to the provisions of Rule 54(d) and of relevant statutes,

UncategorizedText: (3) PROCESS.

NarrativeText: (a) In admiralty and maritime proceedings process in rem or of maritime attachment a

NarrativeText: (b) Issuance and Delivery. Issuance and delivery of process in rem, or of maritime atta

Title: (4) EXECUTION OF PROCESS; MARSHAL'S RETURN; CUSTODY OF

UncategorizedText: PROPERTY; PROCEDURES FOR RELEASE.

NarrativeText: (a) In General. Upon issuance and delivery of the process, or, in the case of summons

NarrativeText: (b) Tangible Property. If tangible property is to be attached or arrested, the marshal or

NarrativeText: (c) Intangible Property. If intangible property is to be attached or arrested the marshal

UncategorizedText: 108

UncategorizedText: 109

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule E

NarrativeText: the garnishee or other obligor a copy of the complaint and process requiring the garnis

NarrativeText: (d) Directions With Respect to Property in Custody. The marshal or other person or o

NarrativeText: (e) Expenses of Seizing and Keeping Property; Deposit. These rules do not alter the pr

NarrativeText: (f) Procedure for Release From Arrest or Attachment. Whenever property is arrested o

UncategorizedText: (5) RELEASE OF PROPERTY.

NarrativeText: (a) Special Bond. Whenever process of maritime attachment and garnishment or proce

NarrativeText: (b) General Bond. The owner of any vessel may file a general bond or stipulation, with

NarrativeText: 2 Repealed by Pub. L. 98–89, § 4(b), Aug. 26, 1983, 97 Stat. 600, section 1 of which en

Title: Shipping.

Title: Rule E

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: stayed so long as the amount secured by such bond or stipulation is at least double t

NarrativeText: If a special bond or stipulation is given in a particular case, the liability on the general l

NarrativeText: (c) Release by Consent or Stipulation; Order of Court or Clerk; Costs. Any vessel, cargo

NarrativeText: (d) Possessory, Petitory, and Partition Actions. The foregoing provisions of this subdiv

NarrativeText: (6) REDUCTION OR IMPAIRMENT OF SECURITY. Whenever security is taken the court

NarrativeText: (a) When a person who has given security for damages in the original action asserts a

UncategorizedText: 110

UncategorizedText: 111

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule F

NarrativeText: (b) The plaintiff is required to give security under Rule E(7)(a) when the United States c

NarrativeText: (8) RESTRICTED APPEARANCE. An appearance to defend against an admiralty and ma

NarrativeText: (9) DISPOSITION OF PROPERTY; SALES. (a) Interlocutory Sales; Delivery.

NarrativeText: (i) On application of a party, the marshal, or other per- son having custody of the prop

NarrativeText: (A) the attached or arrested property is perishable, or liable to deterioration, decay, or

NarrativeText: (B) the expense of keeping the property is excessive

Title: or disproportionate; or

NarrativeText: (C) there is an unreasonable delay in securing release

Title: of the property.

NarrativeText: (ii) In the circumstances described in Rule E(9)(a)(i), the court, on motion by a defendant

NarrativeText: (b) Sales, Proceeds. All sales of property shall be made by the marshal or a deputy marshal

NarrativeText: (10) PRESERVATION OF PROPERTY. When the owner or another person remains in possession

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Apr. 29, 1985, eff. Aug. 1, 1985)

Title: Rule F. Limitation of Liability

NarrativeText: (1) TIME FOR FILING COMPLAINT; SECURITY. Not later than six months after receipt of

Title: Rule F

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: of claimants, a sum equal to the amount or value of the owner's interest in the vessel and

NarrativeText: (2) COMPLAINT. The complaint shall set forth the facts on the basis of which the right

NarrativeText: (3) CLAIMS AGAINST OWNER; INJUNCTION. Upon compliance by the owner with the requirements

NarrativeText: (4) NOTICE TO CLAIMANTS. Upon the owner's compliance with subdivision (1) of this rule

UncategorizedText: 112

UncategorizedText: 113

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule F

NarrativeText: four successive weeks prior to the date fixed for the filing of claims. The plaintiff not l

NarrativeText: (5) CLAIMS AND ANSWER. Claims shall be filed and served on or before the date spec

NarrativeText: (6) INFORMATION TO BE GIVEN CLAIMANTS. Within 30 days after the date specified i

NarrativeText: (7) INSUFFICIENCY OF FUND OR SECURITY. Any claimant may by motion demand that

NarrativeText: (8) OBJECTIONS TO CLAIMS: DISTRIBUTION OF FUND. Any interested party may ques

NarrativeText: (9) VENUE; TRANSFER. The complaint shall be filed in any dis- trict in which the vesse

Title: Rule G

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: against the owner, the proceedings may be had in the district in which the vessel may

UncategorizedText: (As added Feb. 28, 1966, eff. July 1, 1966; amended Mar. 2, 1987, eff. Aug. 1, 198

Title: Rule G. Forfeiture Actions In Rem

NarrativeText: (1) SCOPE. This rule governs a forfeiture action in rem arising from a federal statute. T

Title: (2) COMPLAINT. The complaint must:

NarrativeText: (a) be verified; (b) state the grounds for subject-matter jurisdiction, in rem

Title: jurisdiction over the defendant property, and venue;

NarrativeText: (c) describe the property with reasonable particularity; (d) if the property is tangible, st

NarrativeText: (e) identify the statute under which the forfeiture action is

Title: brought; and

NarrativeText: (f) state sufficiently detailed facts to support a reasonable belief that the government

UncategorizedText: (3) JUDICIAL AUTHORIZATION AND PROCESS.

NarrativeText: (a) Real Property. If the defendant is real property, the gov-

NarrativeText: ernment must proceed under 18 U.S.C. § 985.

NarrativeText: (b) Other Property; Arrest Warrant. If the defendant is not real

Title: property:

NarrativeText: (i) the clerk must issue a warrant to arrest the property if it is in the government's poss

NarrativeText: (iii) a warrant is not necessary if the property is subject

Title: to a judicial restraining order.

Title: (c) Execution of Process.

NarrativeText: (i) The warrant and any supplemental process must be delivered to a person or organization.

NarrativeText: (ii) The authorized person or organization must execute the warrant and any supplemental process.

UncategorizedText: 114

UncategorizedText: 115

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule G

NarrativeText: (A) the property is in the government's possession,

Title: custody, or control; or

NarrativeText: (B) the court orders a different time when the complaint is under seal, the action is stayed,

NarrativeText: (iii) The warrant and any supplemental process may be executed within the district or,

NarrativeText: (iv) If executing a warrant on property outside the United States is required, the warrant may be executed by a person authorized to do so.

UncategorizedText: (4) NOTICE.

Title: (a) Notice by Publication.

NarrativeText: (i) When Publication Is Required. A judgment of forfeiture may be entered only if the court finds that

NarrativeText: (A) the defendant property is worth less than \$1,000 and direct notice is sent under Rule 64(d)(2)(B); or

NarrativeText: (B) the court finds that the cost of publication exceeds the property's value and that direct notice is sent under Rule 64(d)(2)(B); or

NarrativeText: (ii) Content of the Notice. Unless the court orders other-

Title: wise, the notice must:

NarrativeText: (A) describe the property with reasonable particular-

Title: ity;

NarrativeText: (B) state the times under Rule G(5) to file a claim

NarrativeText: and to answer; and

NarrativeText: (C) name the government attorney to be served with

Title: the claim and answer.

NarrativeText: (iii) Frequency of Publication. Published notice must ap-

Title: pear:

NarrativeText: (A) once a week for three consecutive weeks; or (B) only once if, before the action was

NarrativeText: (iv) Means of Publication. The government should select from the following options a

Title: Rule G

Title: FEDERAL RULES OF CIVIL PROCEDURE

NarrativeText: (B) if the property is outside the United States, publication in a newspaper generally c

NarrativeText: (C) instead of (A) or (B), posting a notice on an official internet government forfeiture

Title: (b) Notice to Known Potential Claimants.

NarrativeText: (i) Direct Notice Required. The government must send notice of the action and a copy

NarrativeText: (A) the date when the notice is sent; (B) a deadline for filing a claim, at least 35 days a

NarrativeText: the notice is sent;

NarrativeText: (C) that an answer or a motion under Rule 12 must be filed no later than 21 days after

NarrativeText: served with the claim and answer.

Title: (iii) Sending Notice.

NarrativeText: (A) The notice must be sent by means reasonably cal-

NarrativeText: culated to reach the potential claimant.

NarrativeText: (B) Notice may be sent to the potential claimant or to the attorney representing the po

NarrativeText: (C) Notice sent to a potential claimant who is incar-

NarrativeText: cerated must be sent to the place of incarceration.

NarrativeText: (D) Notice to a person arrested in connection with an offense giving rise to the forfeitu

NarrativeText: (E) Notice to a person from whom the property was seized who is not incarcerated wh

NarrativeText: (iv) When Notice Is Sent. Notice by the following means is sent on the date when it is p

NarrativeText: (v) Actual Notice. A potential claimant who had actual notice of a forfeiture action may

NarrativeText: (5) RESPONSIVE PLEADINGS. (a) Filing a Claim.

NarrativeText: (i) A person who asserts an interest in the defendant property may contest the forfeiture

UncategorizedText: 116

UncategorizedText: 117

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule G

NarrativeText: (A) identify the specific property claimed; (B) identify the claimant and state the claimant's

Title: interest in the property;

NarrativeText: (C) be signed by the claimant under penalty of per-

Title: jury; and

NarrativeText: (D) be served on the government attorney designated

Title: under Rule G(4)(a)(ii)(C) or (b)(ii)(D).

NarrativeText: (ii) Unless the court for good cause sets a different time,

NarrativeText: the claim must be filed:

NarrativeText: (A) by the time stated in a direct notice sent under

Title: Rule G(4)(b);

NarrativeText: (B) if notice was published but direct notice was not sent to the claimant or the claimant's attorney:

NarrativeText: (C) if notice was not published and direct notice was

NarrativeText: not sent to the claimant or the claimant's attorney:

NarrativeText: (1) if the property was in the government's possession, custody, or control when the claim was filed;

NarrativeText: (2) if the property was not in the government's possession, custody, or control when the claim was filed;

NarrativeText: (iii) A claim filed by a person asserting an interest as a bailee must identify the bailor, and the claimant must identify the property.

NarrativeText: (b) Answer. A claimant must serve and file an answer to the complaint or a motion under Rule 12(b) within 30 days of the date the claimant is served with the complaint.

UncategorizedText: (6) SPECIAL INTERROGATORIES.

NarrativeText: (a) Time and Scope. The government may serve special interrogatories limited to the issues in the complaint or answer.

NarrativeText: (b) Answers or Objections. Answers or objections to these interrogatories must be served within 30 days of the date the interrogatories are served.

NarrativeText: (c) Government's Response Deferred. The government need not respond to a claimant's special interrogatories until the claimant has answered or objected to the government's special interrogatories.

Title: Rule G

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: (7) PRESERVING, PREVENTING CRIMINAL USE, AND DISPOSING OF

UncategorizedText: PROPERTY; SALES.

NarrativeText: (a) Preserving and Preventing Criminal Use of Property. When the government does not preserve or prevent the criminal use of property, the claimant may seek a judgment of summary judgment in favor of the claimant.

Title: (b) Interlocutory Sale or Delivery.

NarrativeText: (i) Order to Sell. On motion by a party or a person having custody of the property, the

NarrativeText: (A) the property is perishable or at risk of deterioration, decay, or injury by being detained;

NarrativeText: (B) the expense of keeping the property is excessive

NarrativeText: or is disproportionate to its fair market value;

NarrativeText: (C) the property is subject to a mortgage or to taxes

NarrativeText: on which the owner is in default; or

NarrativeText: (D) the court finds other good cause.

NarrativeText: (ii) Who Makes the Sale. A sale must be made by a United States agency that has authority

NarrativeText: (iii) Sale Procedures. The sale is governed by 28 U.S.C. §§ 2001, 2002, and 2004, unless the court

NarrativeText: (iv) Sale Proceeds. Sale proceeds are a substitute res subject to forfeiture in place of the property

NarrativeText: (v) Delivery on a Claimant's Motion. The court may order that the property be delivered to the

NarrativeText: (c) Disposing of Forfeited Property. Upon entry of a forfeiture judgment, the property of the

UncategorizedText: (8) MOTIONS.

NarrativeText: (a) Motion To Suppress Use of the Property as Evidence. If the defendant property was

Title: (b) Motion To Dismiss the Action.

NarrativeText: (i) A claimant who establishes standing to contest for- feiture may move to dismiss the

UncategorizedText: 118

UncategorizedText: 119

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 1

Title: (c) Motion To Strike a Claim or Answer.

NarrativeText: (i) At any time before trial, the government may move

NarrativeText: to strike a claim or answer:

NarrativeText: (A) for failing to comply with Rule G(5) or (6), or (B) because the claimant lacks standing

Title: (ii) The motion:

NarrativeText: (A) must be decided before any motion by the claim-

NarrativeText: ant to dismiss the action; and

NarrativeText: (B) may be presented as a motion for judgment on the pleadings or as a motion to determine

Title: (d) Petition To Release Property.

NarrativeText: (i) If a United States agency or an agency's contractor holds property for judicial or non-

NarrativeText: (ii) If a petition for release is filed before a judicial for- feiture action is filed against the

NarrativeText: (e) Excessive Fines. A claimant may seek to mitigate a for- feiture under the Excessive

NarrativeText: (i) the claimant has pleaded the defense under Rule 8;

Title: and

NarrativeText: (ii) the parties have had the opportunity to conduct civil

Title: discovery on the defense.

NarrativeText: (9) TRIAL. Trial is to the court unless any party demands trial

NarrativeText: by jury under Rule 38. (As added Apr. 12, 2006, eff. Dec. 1, 2006; amended Mar. 26, 20

Title: SUPPLEMENTAL RULES FOR SOCIAL SECURITY ACTIONS UNDER 42 U.S.C. § 405(g) 1

NarrativeText: Rule 1. Review of Social Security Decisions Under 42 U.S.C. § 405(g) (a) APPLICABILIT

NarrativeText: (b) FEDERAL RULES OF CIVIL PROCEDURE. The Federal Rules of Civil Procedure also a

NarrativeText: 1 Title is set out as presented for Congressional review; see House Document 117–11

Title: Rule 2

Title: FEDERAL RULES OF CIVIL PROCEDURE

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Rule 2. Complaint

NarrativeText: (a) COMMENCING ACTION. An action for review under these rules

NarrativeText: is commenced by filing a complaint with the court.

Title: (b) CONTENTS.

Title: (1) The complaint must:

NarrativeText: (A) state that the action is brought under § 405(g); (B) identify the final decision to be

Title: (C) state the name and the county of residence of the

NarrativeText: person for whom benefits are claimed;

NarrativeText: (D) name the person on whose wage record benefits are

NarrativeText: claimed; and

NarrativeText: (E) state the type of benefits claimed.

NarrativeText: (2) The complaint may include a short and plain statement

Title: of the grounds for relief.

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Rule 3. Service

NarrativeText: The court must notify the Commissioner of the commencement of the action by trans

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Rule 4. Answer; Motions; Time

NarrativeText: (a) SERVING THE ANSWER. An answer must be served on the plain- tiff within 60 days

NarrativeText: (b) THE ANSWER. An answer may be limited to a certified copy of the administrative r

NarrativeText: (c) MOTIONS UNDER CIVIL RULE 12. A motion under Civil Rule 12 must be made withi

NarrativeText: (d) TIME TO ANSWER AFTER A MOTION UNDER RULE 4(C). Unless the court sets a dif

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Rule 5. Presenting the Action for Decision

NarrativeText: The action is presented for decision by the parties' briefs. A brief must support asserti

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

UncategorizedText: 120

UncategorizedText: 121

Title: FEDERAL RULES OF CIVIL PROCEDURE

Title: Rule 8

Title: Rule 6. Plaintiff's Brief

NarrativeText: The plaintiff must file and serve on the Commissioner a brief for the requested relief w

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Rule 7. Commissioner's Brief

NarrativeText: The Commissioner must file a brief and serve it on the plaintiff

Title: within 30 days after service of the plaintiff's brief.

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Rule 8. Reply Brief

NarrativeText: The plaintiff may file a reply brief and serve it on the Commis-

Title: sioner within 14 days after service of the Commissioner's brief.

UncategorizedText: (As added Apr. 11, 2022, eff. Dec. 1, 2022.)

Title: Æ