

judge as provided by statute or rule. They shall be made within the circuit where the action or suit is triable, except when made to a judge of the court before whom the action is pending, and without notice, in which case an order may be made by such judge in any part of the state.

C(3) Notice of motion. When a notice of a motion is necessary, it shall be served 10 days before the time appointed for the hearing, but the court or judge thereof may prescribe, by order indorsed upon the notice, a shorter time. Notice of a motion is not necessary except when required by statute or rule, or when directed by the court or judge in pursuance thereof.

C(4) Renewal of motions previously denied. If a motion made to a judge of the court in which the action or proceeding is pending is refused in whole or in part, or is granted conditionally, no subsequent motion for the same order shall be made to any other judge. A violation of this section is punishable as a contempt, and an order made contrary thereto may be revoked by the judge who made it, or vacated by the court or judge thereof in which the action or proceeding is pending.

D. TIME FOR FILING PLEADINGS OR MOTIONS - NOTICE OF APPEARANCE

D(1) Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the answer or reply of a party summoned under the provisions of Rule K(6) shall be filed with the clerk by the time required by Rule _____ to appear and answer. A motion or answer by any other party to a cross-claim shall be filed within 10 days after the service of an answer containing such cross-claim, but in any case, no defendant shall be required to file a motion or an answer to a crossclaim before the time required by Rule _____ to appear and respond to a complaint or third party complaint served upon such party. A motion or reply by any other

party, if any is allowed, to an answer shall be filed within 10 days after the service of the answer or, if a reply is ordered by the court, within 10 days after service of the order, unless the order otherwise directs.

D(2) (a) Pleading after motion. If the court denies a motion or postpones its disposition until trial on the merits, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

(b) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

(c) A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

D(3) Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done after the time limited by the procedural rules, or by an order enlarge such time.

D(4) Notice of appearance. A party served with summons under Rule _____ shall have an additional 10 days beyond the time required by law to move or answer or reply, if within the time required by law to move, answer or reply, such party files a notice of appearance. Such notice of appearance shall be signed by an attorney and must state that the attorney has been retained to represent the party and has not had sufficient time to adequately prepare a motion, answer or reply.

Eliminating the plea in abatement is so recent that a specific statement on pleas is desirable. The present statutes list the demurrer as a pleading. The device of demurrer is replaced by the motion to dismiss under Rule J which performs the same function.

RULE C

(1)(a) This is an expansion of the last sentence of ORS 16.710 by adding a requirement of a writing and a specific statement of grounds and relief sought.

(b) This comes from Federal Rule 7 and makes clear that the captions and form for motions are the same as pleadings. It makes the provisions of Rule F applicable to motions, including the provision that the party or attorney signing the motion certifies that it is not interposed for delay.

(2) This is identical to ORS 16.720. It may not be necessary as the first part states the obvious and the exception is confusing.

(3) This is identical to ORS 16.730. It was included because at this point it is not clear whether there are any other statutes requiring notice of motion. (We will check this on the computer).

(4) This is identical to ORS 16.740. Arguably, it does not correctly describe existing practice. Read literally it prohibits the trial judge from striking a section of a pleading at the commencement of trial if a motion to strike was previously denied.

RULE D

This rule attempts to bring all the references to time to respond to pleadings together in one rule.

(1) The time for response to an original pleading is presently specified

by Chapter 15 provisions relating to summons. This rule continues that scheme but clearly refers to the summons rule; it also makes clear that this applies to any original process served with a summons, whether it is a complaint, third party complaint or an answer served to bring in a party to respond to a crossclaim or counterclaim. (The summons provisions in ORS 15.210 and 200 would be modified to cover the last situation).

With two exceptions, the rest of the section retains the 10-day requirement of ORS 16.040 for subsequent pleadings. Under the summons statutes, a party might be served with a complaint giving up to six weeks to file an answer; the rule makes clear that the answer to the crossclaim is not required until an answer to the original complaint is required. If a plaintiff is required to reply to a counterclaim ordered by the court, the time begins to run, not upon filing the answer, but upon service of the order.

(2)(a) This is a new provision. Existing ORS 16.380 and 400 give the court discretion to allow a party to plead over after a motion or demurrer are denied. Absent bad faith, Rule L(4) gives the party losing a motion a right to plead over. This section provides the time.

(b) If a motion is allowed, Rule L(4) gives the court discretion to allow repleading. If a repleading is ordered, the order may specify a time limit. If it does not, this section provides 10 days.

(c) Under this subsection, if a pleading is amended for any reason, and a responsive pleading is required, 10 days are allowed for such responsive pleading.

(3) Existing ORS 16.050.

(4) This is the notice of appearance rule requested by the Council. It is a new draft. The Washington and California notice of appearance rules are very vague as to form and further pleading and appear to be rarely used. The notice of appearance here operates as an automatic time extension. It must be filed by an attorney retained by a party, which prevents the party from securing the extension and then still waiting until the last day to contact an attorney. The required affirmative statement, coupled with the Rule F certification of truthfulness, should limit abuse. Since under Rule J the concept of special appearance is abolished, there is no need to specify the nature of the appearance.

RULE E

(1) This combines ORS 16.060 and 16.210(2)(a). The language comes from Federal Rule 10(a) but reference to "register number" from 16.060 is used rather than "file number".

(2) Most of this rule states existing Oregon practice. The language comes from Federal Rule 10(b) and New York CPLR 3014. The most significant aspect is the last sentence which retains the requirement of separate statements of claims and defenses. This is not consistent with the federal rules and most states; the federal rule only requires separate counts when claims are founded on separate transactions or occurrences. The requirement of separate statement is more consistent with fact pleading.

(3) In existing practice, one theoretically cannot plead inconsistent statements of fact within one count or between counts or present inconsistent causes of action. The court, however, has held that if an apparent inconsistency is in the application of law to facts or in interpretation, inconsistent

D. TIME FOR FILING PLEADINGS OR MOTIONS - NOTICE OF APPEARANCE

D(1) Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the answer or reply of a party summoned under the provisions of Rule K(6) shall be filed with the clerk by the time required by Rule ____ to appear and answer. A motion or answer by any other party to a cross-claim shall be filed within 10 days after the service of an answer containing such cross-claim, but in any case, no defendant shall be required to file a motion or an answer to a crossclaim before the time required by Rule ____ to appear and respond to a complaint or third party complaint served upon such party. A motion or reply by any other party, if any is allowed, to an answer shall be filed within 10 days after the service of the answer or, if a reply is ordered by the court, within 10 days after service of the order, unless the order otherwise directs.

D(2) Pleading after motion. (a) If the court denies a motion or postpones its disposition until trial on the merits, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

(b) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

(c) A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

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D(3) Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done after the time limited by the procedural rules, or by an order enlarge such time.

E. PLEADINGS - FORM

E(1) Captions, names of parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the register number of the cause and a designation as in Rule B(1). In the complaint the title of the action shall include the names of all the parties, but in such other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

E(2) Concise and direct statement; paragraphs; statement of claims or defenses. Every pleading shall consist of plain and concise statements in consecutively numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances, and a paragraph may be referred to by number in all succeeding pleadings. Separate claims or defenses shall be separately stated and numbered.

E(3) Consistency in pleading alternative statements. Inconsistent claims or defenses are not objectionable, and when a party is in doubt as to which of two or more statements of fact is true, the party may allege them in the alternative. A party may also state as many separate claims or defenses as the party has, regardless of consistency and whether based upon legal or equitable grounds or upon both. All statements shall be made subject to the obligation set forth in Rule J.

14B
(27)

Form. The rules applicable to captions, signing and other matters or form of pleadings apply to all motions and other papers provided for by these rules.

15

D. TIME FOR FILING PLEADINGS OR MOTIONS - NOTICE OF APPEARANCE

15A

~~D(1)~~ Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the ~~answer to a cross-claim~~ or reply to a counterclaim of a party summoned under the provisions of Rule ~~220~~ ²²⁰ shall be filed with the clerk by the time required by Rule 7D to appear and ~~answer~~ ^{defend}. A motion or answer ~~by any other party to a cross-claim~~ ^{shall be filed within 10 days after} the service of an answer ~~containing a cross-claim~~ ^{containing a cross claim}, but in any case, no defendant shall be required to file a motion or an answer to a cross-claim before the time required by Rule 7D to appear and ~~respond~~ ^{and} to a complaint or third-party complaint served upon such party. ~~A~~ ^{and} motion or reply to an answer shall be filed within 10 days after the service of the answer. ^{A motion to a reply shall be filed within 10 day days after service of the reply.}

15B D(2) Pleading after motion. (1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

(b) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

(c) A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

15C
~~D(5)~~ Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done after the time limited by the procedural rules, or by an order enlarge such time. 16

~~B~~ PLEADINGS - FORM

16A
~~E(1)~~ Captions, names of parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the register number of the cause and a designation in accordance with Rule ^{13B}~~E(2)~~. In the complaint the title of the action shall include the names of all the parties, but in such other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

16B
~~E(2)~~ Concise and direct statement; paragraphs; statement of claims or defenses. Every pleading shall consist of plain and concise statements in consecutively numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances, and a paragraph may be referred to by number in all succeeding pleadings. Separate claims or defenses shall be separately stated and numbered.

16C
~~E(3)~~ Consistency in pleading alternative statements. Inconsistent claims or defenses are not objectionable, and when a party is in doubt as to which of two or more statements of fact is true, the party may allege them in the alternative. A party may also state as many separate claims or defenses as the party has, regardless of consistency and whether based upon legal or equitable grounds or upon both. All statements shall be made subject to the obligation set forth in Rule ~~E~~ 17.

Rule 14.

Motions

Background sections

ORS chapters superseded:

16.710, 17.720, 16.730, 16.740

COMMENT:

Section 14A is based on Ors 16.710. Section 14B comes from ~~XXXXX~~ ^{incorporates Rule 17A to make} federal rule 7 and ~~makes~~ ^{clear} that a party or attorney signing a motion ^{can't then} ^{paper} is certifying that there is good ground to support it and it is not interposed for harrassment or delay.

Rule 15

time

Background sections

ORS chapters superseded.

~~16.770~~ 16.040, 16.050, 16.420

For provisions relating to ^{and} pleadings and responses to ^{and} pleadings see rule 23

COMMENT: This rule attempts to bring all time requirements for responding to pleadings together in one rule. Section 15 A provides the same time for response to pleadings as

ORS 16.040. ~~XXXXXX~~ Subsections 15 B(1) and (2) are new; Subsection 15 B(3) is ^{was} ~~presently~~ covered by ORS 16.420. Section 15C is ~~existing~~ ORS 16.050

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RULE 14

MOTIONS

A. Motions, in writing, grounds. An application for an order is a motion. Every motion, unless made during trial, shall be in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

B. Form. The rules applicable to captions, signing and other matters or form of pleadings, including Rule 17 A., apply to all motions and other papers provided for by these rules.

BACKGROUND NOTE

ORS sections superseded: 16.710, 16.720, 16.730, 16.740.

COMMENT

Section 14 A. is based on ORS 16.710. Section 14 B. is based on Federal Rule 7 and incorporates Rule 17 A. to make clear that a party or attorney signing a motion or other paper is certifying that there is good ground to support it and it is not interposed for harassment or delay. ORS 16.720 to 16.740 are eliminated.

RULE 15

TIME FOR FILING PLEADINGS OR MOTIONS

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the reply to a counterclaim of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by Rule 7 C.(4) to appear and defend. ~~A motion or answer to a OR responsive pleading shall be filed within 10 days after service of a cross-claim shall be filed within 10 days after service of an~~ *any other motion or responsive pleading shall be filed within 10 days after service of a motion or responsive pleading*

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moved against or to which the responsive pleading is directed.

~~answer containing a cross-claim and a motion or reply to an answer, other than a party summoned under the provisions of Rule 22 D., shall be filed within 10 days after the service of the answer. A motion to a reply shall be filed within 10 days after service of the reply.~~

B. Pleading after motion. (1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B.(2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

C. Responding to amended pleading. A party shall ^{plead} ~~in response to an amended pleading~~ within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise directs.

D. Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, (or other act to be done) after the time limited by the procedural rules, or by an order enlarge such time.

BACKGROUND NOTE

For provisions relating to amended pleadings and responding to amended pleadings, see Rule 23.

ORS sections superseded: 16.040, 16.050, 16.420.

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COMMENT

Section 14 A. is based on ORS 16.710. Section 14 B. ^{is based on} ~~comes from~~ Federal Rule 7 and incorporates Rule 17 A. to make clear that a party or attorney signing a motion or other paper is certifying that there is good ground to support it and it is not interposed for harassment or delay. **ORS 16.720 To 16.740 are eliminated.**

RULE 15

TIME FOR FILING PLEADINGS OR MOTIONS - NOTICE OF APPEARANCE

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the reply to a counterclaim of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by Rule 7 ⁽⁴⁾ to appear and defend. A motion or answer to a cross-claim shall be filed within 10 days after service of an answer containing a cross-claim and a motion or reply to an ^{other than a party} answer, shall be filed within 10 days after the service of the answer. A motion to a reply shall be filed within 10 days after service of the reply. *summoned under the provisions of Rule 22 D,*

B. Pleading after motion. (1) If the court denies a motion, any responsible pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B.(2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

Responding to amended pleading
A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise ^{directs} orders.

Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done after the time limited by the procedural rules, or by an order enlarge such time.

BACKGROUND NOTE

For provisions relating to amended pleadings and responding to amended pleadings, see Rule 23.

ORS sections superseded: 16.040, 16.050, 16.420.

COMMENT

This rule ~~attempt to~~ bring all time requirements for responding to pleadings together in one rule. Section 15 A. provides the same time for response to pleadings as ORS 16.040. Subsections 15 B. (1) and (2) are new; ~~subsection 15 B. (3)~~ was covered by ORS 16.420. Section 15 ~~C~~ is ORS 16.050. *section 15 C*

RULE 16

PLEADINGS - FORM

A. Captions, names of parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the register number of the cause and a designation in accordance with Rule ¹³ B. In the complaint the title of the action shall include the names of all the parties, but in ~~such~~ other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

B. Concise and direct statement; paragraphs; statement of claims or defenses. Every pleading shall consist of plain and concise statements

COMMENT

Section 14 A. is based on ORS 16.710. Section 14 B. is based on Federal Rule 7 and incorporates Rule 17 A. to make clear that a party or attorney signing a motion or other paper is certifying that there is good ground to support it and it is not interposed for harassment or delay. ORS 16.720 to 16.740 are eliminated.

RULE 15

TIME FOR FILING PLEADINGS OR MOTIONS - NOTICE OF APPEARANCE

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the reply to a counterclaim of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by Rule 7 C. (4) to appear and defend. A motion or answer to a cross-claim shall be filed within 10 days after service of an answer containing a cross-claim and a motion or reply to an answer, other than a party summoned under the provisions of Rule 22 D., shall be filed within 10 days after the service of the answer. A motion to a reply shall be filed within 10 days after service of the reply.

B. Pleading after motion. (1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B. (2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

C. Responding to amended pleading. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise directs.

D. Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done after the time limited by the procedural rules, or by an order enlarge such time.

BACKGROUND NOTE

For provisions relating to amended pleadings and responding to amended pleadings, see Rule 23.

ORS sections superseded: 16.040, 16.050, 16.420.

COMMENT

This rule brings all time requirements for responding to pleadings together in one rule. Section 15 A. provides the same time for response to pleadings as ORS 16.040. Subsections 15 B. (1) and (2) are new; section 15 C. was covered by ORS 16.420. Section 15 D. is ORS 16.050.

RULE 16
PLEADINGS-FORM

A. Captions, names of parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the register number of the cause and a designation in accordance with Rule 13 B. In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

B. Concise and direct statement; paragraphs; statement of claims or defenses. Every pleading shall consist of plain and concise statements

RULE 14

MOTIONS

A. Motions, in writing, grounds. An application for an order is a motion. Every motion, unless made during trial, shall be in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

B. Form. The rules applicable to captions, signing and other matters or form of pleadings, including Rule 17 A., apply to all motions and other papers provided for by these rules.

BACKGROUND NOTE

ORS sections superseded: 16.710, 16.720, 16.730, 16.740.

COMMENT

Section 14 A. is based on ORS 16.710. Section 14 B. is based on Federal Rule 7 and incorporates Rule 17 A. to make clear that a party or attorney signing a motion or other paper is certifying that there is good ground to support it and it is not interposed for harassment or delay. ORS 16.720 to 16.740 are eliminated.

RULE 15

TIME FOR FILING PLEADINGS OR MOTIONS

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the reply to a counterclaim of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by Rule 7 C.(4) to appear and defend. A motion or answer to a cross-claim shall be filed within 10 days after service of an

answer containing a cross-claim and a motion or reply to an answer, other than a party summoned under the provisions of Rule 22 D., shall be filed within 10 days after the service of the answer. A motion to a reply shall be filed within 10 days after service of the reply.

B. Pleading after motion. (1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B.(2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

C. Responding to amended pleading. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise directs.

D. Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done after the time limited by the procedural rules, or by an order enlarge such time.

BACKGROUND NOTE

For provisions relating to amended pleadings and responding to amended pleadings, see Rule 23.

ORS sections superseded: 16.040, 16.050, 16.420.

COMMENT

This rule brings all time requirements for responding to pleadings together in one rule. Section 15 A. provides the same time for response to pleadings as ORS 16.040. Subsections 15 B. (1) and (2) are new; section 15 C. was covered by ORS 16.420. Section 15 D. is ORS 16.050.

RULE 16

PLEADINGS - FORM

A. Captions, names of parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action or proceeding, the register number of the cause and a designation in accordance with Rule 13 B. In the complaint the title of the action or proceeding shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

B. Concise and direct statement; paragraphs; statement of claims or defenses. Every pleading shall consist of plain and concise statements in consecutively numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances, and a paragraph may be referred to by number in all succeeding pleadings. Separate claims or defenses shall be separately stated and numbered.

C. Consistency in pleading alternative statements. Inconsistent claims or defenses are not objectionable, and when a party

to raise new matter in avoidance of defenses asserted in the answer. The proper response to a crossclaim is an answer; the proper response of a party summoned to respond to a counterclaim under CRCP 22 D. is a reply. ORS 16.020 and 16.460 are unnecessary under CRCP 1 and 2.

RULE 14

MOTIONS

A. Motions, in writing, grounds. An application for an order is a motion. Every motion, unless made during trial, shall be in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

B. Form. The rules applicable to captions, signing, and other matters or form of pleadings, including Rule 17 A., apply to all motions and other papers provided for by these rules.

COMMENT

Section 14 A. is based on ORS 16.710. Section 14 B. is based on Federal Rule 7 and incorporates ~~CRCP~~ 17 A. to make clear that a party or attorney signing a motion or other paper is certifying that there is good ground to support it and it is not interposed for harassment or delay. ORS 16.720 to 16.740 are eliminated.

RULE 15

TIME FOR FILING PLEADINGS OR MOTIONS

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the reply to a counterclaim of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by

Rule 7 C. (4) to appear and defend. ~~A motion or answer to a cross-claim shall be filed within 10 days after service of an answer containing a cross claim and a motion or reply to an answer, other than a party summoned under the provisions of Rule 22 D., shall be filed within 10 days after the service of the answer. A motion to a reply shall be filed within 10 days after service of the reply.~~ Any other motion or responsive pleading shall be filed not later than 10 days after service of the pleading moved against or to which the responsive pleading is directed.

B. Pleading after motion. (1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B. (2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

C. Responding to amended pleading. A party shall ^{respond} ~~plead~~ in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise directs.

D. Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, *allow any other pleading or* allow an answer or reply to be made, or ~~other act to be done~~ *MOTION* after the time limited by the procedural rules, or by an order enlarge such time.

COMMENT

For provisions relating to amended pleadings and responding to amended pleadings, see ORCP 23. For motion to make more definite and certain, see ORCP 21 D.

This rule brings all time requirements for responding to pleadings together in one rule. Section 15 A. provides the same time for response to pleadings as ORS 16.040. Subsections 15 B. (1) and (2) are new. Section 15 C. was covered by ORS 16.420. Section 15 D. is ORS 16.050.

RULE 16

PLEADINGS - FORM

A. Captions, names of parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action ~~or proceeding~~, the register number of the cause and a designation in accordance with Rule 13 B. In the complaint the title of the action ~~or proceeding~~ shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

B. Concise and direct statement; paragraphs; statement of claims or defenses. Every pleading shall consist of plain and concise statements in consecutively numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances, and a paragraph may be

RULE 15

TIME FOR FILING PLEADINGS OR MOTIONS

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint or the reply to a counterclaim of a party summoned under the provisions of Rule 22 D. shall be filed with the clerk by the time required by Rule 7 C.(2) to appear and defend. Any other motion or responsive pleading shall be filed not later than 10 days after service of the pleading moved against or to which the responsive pleading is directed.

B. Pleading after motion.

B.(1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B.(2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the order otherwise directs.

C. Responding to amended pleading. A party shall respond to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise directs.

D. Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just,

allow an answer or reply to be made, or allow any other pleading or motion after the time limited by the procedural rules, or by an order enlarge such time.

COMMENT

For provisions relating to amended pleadings and responding to amended pleadings, see ORCP 23. For motion to make more definite and certain, see ORCP 21 D.

This rule brings all time requirements for responding to pleadings together in one rule. Section 15 A. provides the same time for response to pleadings as ORS 16.040. Subsections 15 B.(1) and (2) are new. Section 15 C. was covered by ORS 16.420. Section 15 D. is based on ORS 16.050.