

RULE 53

CONSOLIDATION; SEPARATE TRIALS

A. Joint hearing or trial; consolidation of actions or suits. When more than one action involving a common question of law or fact is pending before the court, the court may order a joint hearing or trial of any or all of the matters in issue in such actions ^{or ~~suits~~}; the court may order all such actions ^{or ~~suits~~} consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

B. Separate trials. The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, cross-claim, counterclaim or of any separate issue or of any number of claims, cross-claims, counterclaims or issues, always preserving inviolate the right of trial by jury as declared by the Oregon Constitution or as given by statute.

COMMENT: This is ORS 11.050 and 11.060. Logically, they belong here. The only changes are:

(1) Striking the words, "upon motion of any party," from both A. and B.; this would allow separate trials on a court's own motion.

(2) Adding the reference to jury trial at the end of B., using language from Federal Rule 42 (b).

Rule 53

Background note

ORs sections superseded.

11.050, - 11.060

comment.

This rule is identical to the existing ORs sections except for the elimination of the words "upon motion or any" party from both A and B to allow a court to consolidate or separate on its own motion and the addition of the last clause of section B relating to jury trial.

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RULE 53

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*P. 4
Nov 30
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*Party
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COMMENT

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COMMENT

This rule is the same as existing ORS 11.050 and 11.060 except for the elimination of the words, "upon motion of any party", from section 53 B., which allows a court to order separate trials on its own initiative, and the addition of the last clause of section 53 B. relating to jury trial.