

AMENDMENTS

TO ORCP 15

promulgated by

COUNCIL ON COURT PROCEDURES

1980 to 2016

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.

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RULE 15**

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B. Pleading after motion.

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after the time limited by the procedural rules, or by an order to enlarge such time.

COMMENT

15 A is amended at the suggestion of the OSB Practice and Procedure Committee to clarify that pleadings or motions responsive to any counterclaims or cross-claims, not merely those by a party joined under ORCP 22 D, must be filed with the clerk within 30 days after service of a pleading containing a counterclaim or cross-claim to which the pleading or motion responds, rather than 10 days after such service as might have been inferred from the prior language of this section. While this section speaks only of filing with the clerk, pleadings and motions responding to counterclaims and cross-claims must, pursuant to ORCP 9 A, also be served upon all other parties who have appeared in the action and not in default.