

1 JUDGMENTS

2 RULE 67

3 **A Definitions.** "Judgment" as used in these rules has the meaning given that term in ORS
4 18.005. "Order" as used in these rules means any other determination by a court or judge that
5 is intermediate in nature.

6 **B Judgment for less than all claims or parties in action.** When more than one claim for
7 relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third party
8 claim, or when multiple parties are involved, the court may render a limited judgment as to
9 one or more but fewer than all of the claims or parties. A judge may render a limited judgment
10 under this section only if the judge determines that there is no just reason for delay.

11 **C Recitation of prior judgments. The first paragraph of any form of judgment submitted**
12 **by a party must recite the date of entry of any previous judgment entered in the action that**
13 **has not been vacated. A supplemental judgment must recite only the date of entry of the**
14 **general judgment and any judgment entered in the action thereafter.**

15 **[C Relief granted.] D Relief granted.** Every judgment [shall] **will** grant the relief to which
16 the party in whose favor it is rendered is entitled. A judgment for relief different in kind from
17 or exceeding the amount prayed for in the pleadings may not be rendered unless reasonable
18 notice and opportunity to be heard are given to any party against whom the judgment is to be
19 entered.

20 **[D Judgment in action for recovery of personal property.] E Judgment in action for**
21 **recovery of personal property.** In an action to recover the possession of personal property,
22 judgment for the plaintiff may be for the possession of the property, or for the value of the
23 property in case a delivery cannot be had, and for damages for the detention of the property. If
24 the property has been delivered to the plaintiff and the defendant claims a return of the
25 property, judgment for the defendant may be for a return of the property, or **for** the value of
26 the property in case a return cannot be had, and **for** damages for taking and withholding the

1 property.

2 ***[E Judgment in action against partnership, unincorporated association, or parties***
3 ***jointly indebted.] F Judgment in action against partnership, unincorporated association, or***
4 ***parties jointly indebted.***

5 ***[E(1) Partnership and unincorporated association.] F(1) Partnership and unincorporated***
6 ***association.*** Judgment in an action against a partnership or unincorporated association that is
7 sued in any name that it has assumed or by which it is known may be entered against that
8 partnership or association and *[shall bind]* ***binds*** the joint property of all of the partners or
9 associates.

10 ***[E(2) Joint obligations; effect of judgment.] F(2) Joint obligations; effect of judgment.*** In
11 any action against parties jointly indebted *[upon]* ***on*** a joint obligation, contract, or liability,
12 judgment may be taken against less than all of those parties and a default, dismissal, or
13 judgment in favor of or against less than all of those parties in an action does not preclude a
14 judgment in the same action in favor of or against the remaining parties.

15 ***[F Judgment by stipulation.] G Judgment by stipulation.***

16 ***[F(1) Availability of judgment by stipulation.] G(1) Availability of judgment by***
17 ***stipulation.*** At any time after commencement of an action, a judgment may be given *[upon]* ***on***
18 ***the*** stipulation that a judgment for a specified amount or for a specific relief may be entered.
19 The stipulation *[shall]* ***must*** be by the party or parties against whom judgment is to be entered
20 and the party or parties in whose favor judgment is to be entered. If the stipulation provides
21 for attorney fees, costs, and disbursements, they may be entered as part of the judgment
22 according to the stipulation.

23 ***[F(2) Filing; assent in open court.] G(2) Filing; assent in open court.*** The stipulation for
24 judgment may be in a writing signed by the parties, their attorneys, or their authorized
25 representatives. That writing *[shall]* ***must*** be filed in accordance with Rule 9. The stipulation
26 may be subjoined or appended to, and part of, a proposed form of judgment. If not in writing,

1 the stipulation [shall] **must** be assented to by all parties thereto in open court.

2 **[G Judgment on portion of claim exceeding counterclaim.] H Judgment on portion of**
3 **claim exceeding counterclaim.** The court may direct entry of a limited judgment as to that
4 portion of any claim that exceeds a counterclaim asserted by the party or parties against whom
5 the judgment is entered, if the party or parties have admitted the claim and asserted a
6 counterclaim amounting to less than the claim.