

**Oregon Rules of Civil Procedure
Legislative Amendments 1979-2023**

ORCP 54

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 54 – Dismissal of Actions; Compromise

§	Latest Amendment
A	Or. Laws 1979 c.284 § 32
B	Or. Laws 1979 c.284 § 32
C	Unamended
D	Or. Laws 1995 c.608 § 1
E	Or. Laws 1995 c.608 § 1
F	Or. Laws 1995 c.608 § 1

Or. Laws 1979 c.284 § 32

Amends Rule 54(A), (B) & (D)

A. **Voluntary dismissal; effect thereof.**

1. **By plaintiff; by stipulation.** Subject to the provisions of Rule 32 E. and of any statute of this state, an action may be dismissed by the plaintiff without order of court (a) by filing a notice of dismissal with the court and serving such notice on the defendant not less than five days prior to the day of trial if no counterclaim has been pleaded, or (b) by filing a stipulation of dismissal signed by all adverse parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action against the same parties on or including the same claim **unless the court directs that the dismissal shall be without prejudice**. Upon notice of dismissal or stipulation under this subsection, the court shall enter a judgment of dismissal.

2. [Unamended]

B. [Unamended]

1. [Unamended]

2. [Unamended]

3. [Unamended]

4. **Effect of judgment of dismissal.** Unless the court in its judgment of dismissal otherwise specifies, a dismissal under this section operates as an adjudication ~~with~~ **without** prejudice.

C. [Unamended]

- #### D. **Costs of previously dismissed action.**
- If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of ~~costs of~~ **any unpaid judgment for costs and disbursements against plaintiff** the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.

E. [Unamended]

H.B. 3131

Or. Laws 1979 c.284 § 32

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 c.912 § 2
Amends Rule 54(A)

A. Voluntary dismissal; effect thereof.

1. **By plaintiff; by stipulation.** Subject to the provisions of Rule 32 ~~E. D.~~ and of any statute of this state, an action may be dismissed by the plaintiff without order of court (a) by filing a notice of dismissal with the court and serving such notice on the defendant not less than five days prior to the day of trial if no counterclaim has been pleaded, or (b) by filing a stipulation of dismissal signed by all adverse parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action against the same parties on or including the same claim unless the court directs that the dismissal shall be without prejudice. Upon notice of dismissal or stipulation under this subsection, the court shall enter a judgment of dismissal.

2. [Unamended]

B. [Unamended]

C. [Unamended]

D. [Unamended]

E. [Unamended]

H.B. 3122

Or. Laws 1981 c.912 § 2

House Introduction

3/16/81

A-Engrossed Bill

6/15/81 – Passed with amendments in House (per Judiciary Committee recommendation)

7/31/81 – Passed with amendments in Senate (per Justice Committee recommendation)

B-Engrossed Bill

8/1/81 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1983 c.531 § 1
Amends Rule 54(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Compromise; effect of acceptance or rejection.** Except as provided in ORS 17.065 through 17.085, the party against whom a claim is asserted may, at any time up to ~~three~~ 10 days prior to trial, serve upon the party asserting the claim an offer to allow judgment to be given against the party making the offer for the sum, or the property, or to the effect therein specified. If the party asserting the claim accepts the offer, the party asserting the claim or such party's attorney shall endorse such acceptance thereon, and file the same with the clerk before trial, and within three days from the time it was served upon such party asserting the claim; and thereupon judgment shall be given accordingly, as a stipulated judgment. Unless agreed upon otherwise by the parties, costs, disbursements, and attorney fees shall be entered in addition as part of such judgment as provided in Rule 68. If the offer is not accepted and filed within the time prescribed, it shall be deemed withdrawn, and shall not be given in evidence on the trial; and if the party asserting the claim fails to obtain a more favorable judgment, the party asserting the claim shall not recover costs, disbursements, and attorney fees incurred after the date of the offer, but the party against whom the claim was asserted shall recover of the party asserting the claim costs and disbursements from the time of the service of the offer.

H.B. 2888

Or. Laws 1983 c. 531§ 1

House Introduction

2/24/83

A-Engrossed Bill

4/25/83 – Passed with amendments in House (per Judiciary Committee recommendation)

6/29/83 – Passed with amendments in Senate (per Justice Committee recommendation)

B-Engrossed Bill

7/6/83 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

7/28/83

Or. Laws 1995 c.608 § 1
Amends Rule 54(D)–(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Costs of previously dismissed action.**
 - 1. [Unamended]
 - 2. **If a party who previously asserted a claim, counterclaim, cross-claim or third party claim that was dismissed with prejudice subsequently makes the same claim, counterclaim, cross-claim or third party claim against the same party, the court shall enter a judgment dismissing the claim, counterclaim, cross-claim or third party claim and may enter a judgment requiring the payment of reasonable attorney fees incurred by the party in obtaining the dismissal.**
- E. **Compromise; effect of acceptance or rejection.** Except as provided in ORS 17.065 through 17.085, the party against whom a claim is asserted may, at any time up to 10 days prior to trial, serve upon the party asserting the claim an offer to allow judgment to be given against the party making the offer for the sum, or the property, or to the effect therein specified. If the party asserting the claim accepts the offer, the party asserting the claim or such party's attorney shall endorse such acceptance thereon, and file the same with the clerk before trial, and within three days from the time it was served upon such party asserting the claim; and thereupon judgment shall be given accordingly, as a stipulated judgment. Unless agreed upon otherwise by the parties, costs, disbursements, and attorney fees shall be entered in addition as part of such judgment as provided in Rule 68. If the offer is not accepted and filed within the time prescribed, it shall be deemed withdrawn, and shall not be given in evidence on the trial; and if the party asserting the claim fails to obtain a more favorable judgment, the party asserting the claim shall not recover costs, **prevailing party fees**, disbursements, ~~and~~ **or** attorney fees incurred after the date of the offer, but the party against whom the claim was asserted shall recover of the party asserting the claim costs and disbursements, **not including prevailing party fees**, from the time of the service of the offer.
- F. **Settlement conferences. A settlement conference may be ordered by the court at any time at the request of any party or upon the court's own motion. Unless otherwise stipulated to by the parties, a judge other than the judge who will preside at trial shall conduct the settlement conference.**

S.B. 385

Or. Laws 1995 c.608 § 1

Senate Introduction

1/30/95

A-Engrossed Bill

1/30/95 – Referred to Senate Judiciary Committee

2/1/95 – Assigned to Civil Process Subcommittee

4/20/95 – Printed engrossed (A-Eng.) and rereferred to Judiciary Committee (per Civil Process Subcommittee recommendation)

5/8/95 – Returned to Judiciary Committee

5/18/95 – Judiciary Committee recommended passing with amendments to A-Eng. (printed “B-Eng.”)

B-Engrossed Bill

5/23/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/6/95 – House Judiciary Committee recommended passing with amendments to B-Eng. (printed “C-Eng.”)

C-Engrossed Bill

6/8/95 – Passed with amendments in House (per Judiciary Committee recommendation)

6/9/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/17/95