

Rules of Civil Procedure for the District Court

With amendments received through July 8, 1985

Table of Headnotes

- Rule 3. Commencement of the Action; Service of the Complaint**
- Rule 4. Process**
- Rule 5. Service and Filing of Pleadings and Other Papers**
- Rule 7. Pleadings Allowed; Form of Motions**
- Rule 8. General Rules of Pleading**
- Rule 11. Signing of Pleadings, Motions and Other Papers; Sanctions**
- Rule 16. Pretrial Conferences; Scheduling; Management**
- Rule 26. General Provisions Governing Discovery**
- Rule 30. Depositions Upon Oral Examination**
- Rule 31. Depositions of Witnesses Upon Written Questions**
- Rule 38. Jury Trial of Right**
- Rule 43. Evidence**
- Rule 45. Subpoena**
- Rule 51. Instructions to Jury; Objection**
- Rule 52. Findings by the Court**
- Rule 63. Disability or Disqualification of Judge; Affidavit of Prejudice; Assignment of a Judge**
- Rule 68. Offer of Judgment or Settlement**

NOTE: In an order dated March 21, 1985, the supreme court adopted amendments to the rules of civil procedure providing that the amendments apply to district courts and municipal courts. However, the court supplied the revisor's office with amendments only to the Rules of Civil Procedure for the District Court. The supreme court should be consulted with respect to any questions concerning the amendments' applicability to the Rules of Civil Procedure for the County Municipal Courts.

TEXT OF RULES

[For text of Rules 1 and 2, see M.S. 1984, page 187]

Rule 3. Commencement of the Action; Service of the Complaint

3.01 Commencement of the Action

A civil action is commenced against each defendant:

- (a) when the summons is served upon that defendant, or
- (b) at the date of acknowledgment of service if service is made by mail, or
- (c) when the summons is delivered to the sheriff in the county where the defendant resides for service; but such delivery shall be ineffectual unless within 60 days thereafter the summons be actually served on him or the first publication thereof be made.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 3.02, see M.S. 1984, page 187]

Rule 4. Process

[For text of Rule 4.01, see M.S. 1984, page 187]

4.02 By Whom Served

Unless otherwise ordered by the court, the sheriff or any other person not less than 18 years of age and not a party to the action, may make service of a summons or other process.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 4.03, see M.S. 1984, pages 187 and 188]

4.04 Service by Publications; Personal Service Out of State

The summons may be served by three weeks' published notice in any of the cases enumerated hereafter when there shall have been filed with the court the complaint and an affidavit of the plaintiff or his attorney stating the existence of one of such cases, and that he believes the defendant is not a resident of the state, or cannot be found therein, and either that he has mailed a copy of the summons to the defendant at his place of residence or that such residence is not known to him. The service of the summons shall be deemed complete 21 days after the first publication. Personal service of such summons without the state, proved by the affidavit of the person making the same sworn to before a person authorized to administer an oath, shall have the same effect as the published notice herein provided for.

Such service shall be sufficient to confer jurisdiction:

- (1) When the defendant is a resident individual having departed from the state with intent to defraud his creditors, or to avoid service, or keeps himself concealed therein with like intent;
- (2) When the plaintiff has acquired a lien upon property or credits within the state by attachment or garnishment, and
 - (a) The defendant is a resident individual who has departed from the state, or cannot be found therein, or
 - (b) The defendant is a nonresident individual, or a foreign corporation, partnership or association;

When quasi in rem jurisdiction has been obtained, a party defending such action thereby submits personally to the jurisdiction of the court. An appearance solely to contest the validity of such quasi in rem jurisdiction is not such a submission.

(3) When the action is for marriage dissolution or separate maintenance and the court shall have ordered that service be made by published notice;

(4) When the subject of the action is real or personal property within the state in or upon which the defendant has or claims a lien or interest, or the relief demanded consists wholly or partly in excluding him from any such interest or lien;

(5) When the action is to foreclose a mortgage or to enforce a lien on real estate within the state.

(Amended March 3, 1959, effective July 1, 1959; November 10, 1967, effective February 1, 1968; amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 4.041 and 4.042, see M.S. 1984, page 189]

4.043 Service by Publication; Defendant May Defend; Restitution

If the summons be served by publication, and the defendant receives no actual notification of the action, he shall be permitted to defend upon application to the court before judgment and for sufficient cause; and, except in an action for marriage dissolution, the defendant, in like manner, may be permitted to defend at any time within one year after judgment, on such terms as may be just. If the defense be sustained, and any part of the judgment has been enforced, such restitution shall be made as the court may direct.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 4.044, see M.S. 1984, page 189]

4.05 Service by Mail

In any action service may be made by mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served, together with two copies of a notice and acknowledgment conforming substantially to Form 22 and a return envelope, postage prepaid, addressed to the sender. If acknowledgment of service under this rule is not received by the sender within the time defendant is required by these rules to serve an answer, service shall be ineffectual.

Unless good cause is shown for not doing so, the court shall order the payment of the costs of personal service by the person served if such person does not complete and return the notice and acknowledgment of receipt of summons within the time allowed by these rules.

(Old Rule 4.05 deleted and new Rule 4.05 added March 21, 1985, effective July 1, 1985.)

4.06 Return

Service of summons and other process shall be proved by the certificate of the sheriff making it, by the affidavit of any other person making it, by the written admission or acknowledgment of the party served, and, if served by publication, by the affidavit of the printer or his foreman or clerk. The proof of service in all cases other than by published notice shall state the time, place, and manner of service. Failure to make proof of service shall not affect the validity of the service.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 4.07, see M.S. 1984, page 190]

Rule 5. Service and Filing of Pleadings and Other Papers

[For text of Rules 5.01 to 5.03, see M.S. 1984, page 190]

5.04 Filing

Upon the filing of any paper with the court, all papers required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter; but unless filing is ordered by the court on motion of a party or upon its own motion, depositions, interrogatories, requests to admit, and requests for production and answers and responses thereto, shall not be filed.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 6, see M.S. 1984, page 191]

Rule 7. Pleadings Allowed; Form of Motions

[For text of Rule 7.01, see M.S. 1984, pages 191 and 192]

7.02 Motion and Other Papers

(1) An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion. Motions provided in these rules are motions requiring a written notice to the party and a hearing before the order can be issued unless the particular rule under which the motion is made specifically provides that the motion may be made *ex parte*. The parties may agree to written submission to the court for decision without oral argument unless the court directs otherwise. The court may hear any motion by telephone conference upon the request of a party or upon the court's initiative.

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

(3) All motions will be signed in accordance with Rule 11.

(As amended November 14, 1974, effective January 1, 1975; amended and effective November 30, 1981; amended March 21, 1985, effective July 1, 1985.)

Rule 8. General Rules of Pleading

8.01 Claims for Relief

A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief and (2) a demand for judgment for the relief to which he deems himself entitled, and if a recovery of money be demanded the amount shall be stated. Relief in the alternative or of several different types may be demanded. If a recovery of money for unliquidated damages is demanded in an amount less than \$50,000, the amount shall be stated. If a recovery of money for unliquidated damages in an amount greater than \$50,000 is demanded, the pleading shall state merely that recovery of reasonable damages in an amount greater than \$50,000 is sought.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 8.02 to 8.06, see M.S. 1984, pages 192 and 193]

[For text of Rules 9 and 10, see M.S. 1984, pages 193 and 194]

Rule 11. Signing of Pleadings, Motions and Other Papers; Sanctions

Every pleading, motion and other paper of a party represented by an attorney shall be personally signed by at least one attorney of record in his individual name and shall state his address. A party who is not represented by an attorney shall personally sign his pleading, motion or other paper and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certification by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney's fee.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 12 to 15, see M.S. 1984, pages 194 to 198]

Rule 16. Pretrial Conferences; Scheduling; Management

16.01 Pretrial Conferences; Objectives

In any action, the court may in its discretion direct the attorneys for the parties and any unrepresented parties to appear before it for a conference or conferences before trial for such purposes as:

- (1) expediting the disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pretrial activities;
- (4) improving the quality of the trial through more thorough preparation, and;
- (5) facilitating the settlement of the case.

(Amended March 21, 1985, effective July 1, 1985.)

16.02 Scheduling and Planning

The court may, and upon written request of any party with notice to all parties, shall, after consulting with the attorneys for the parties and any unrepresented parties, by a scheduling conference, telephone, mail, or other suitable means, enter a scheduling order that limits the time

- (a) to join other parties and to amend the pleadings;
- (b) to file and hear motions; and
- (c) to complete discovery.

The scheduling order also may include

- (d) the date or dates for conferences before trial, a final pretrial conference, and trial; and
- (e) any other matters appropriate in the circumstances of the case.

A schedule shall not be modified except by leave of court upon a showing of good cause.

(Added effective July 1, 1985.)

16.03 Subjects to be Discussed at Pretrial Conferences

The participants at any conference under this rule may consider and take action with respect to .

- (1) the formulation and simplification of the issues, including the elimination of frivolous claims or defenses;
- (2) the necessity or desirability of amendments to the pleadings;
- (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence;
- (4) the avoidance of unnecessary proof and of cumulative evidence;
- (5) the identification of witnesses and documents, the need and schedule for filing and exchanging pretrial briefs, and the date or dates for further conferences and for trial;
- (6) the advisability of referring matters under Rule 53;
- (7) the possibility of settlement or the use of extrajudicial procedures to resolve the dispute;
- (8) the form and substance of the pretrial order;
- (9) the disposition of pending motions;

(10) the need for adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems; and

(11) such other matters as may aid in the disposition of the action. At least one of the attorneys for each party participating in any conference before trial shall have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

(Added effective July 1, 1985.)

16.04 Final Pretrial Conference

Any final pretrial conference may be held as close to the time of trial as reasonable under the circumstances. The participants at any such conference shall formulate a plan for trial, including a program for facilitating the admission of evidence. The conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties.

(Added effective July 1, 1985.)

16.05 Pretrial Orders

After any conference held pursuant to this rule, an order shall be entered reciting the action taken. This order shall control the subsequent course of the action unless modified by a subsequent order.

The order following a final pretrial conference shall be modified only to prevent manifest injustice.

(Added effective July 1, 1985.)

16.06 Sanctions

If a party or party's attorney fails to obey a scheduling or pretrial order, or if no appearance is made on behalf of a party at a scheduling or pretrial conference, or if a party or party's attorney is substantially unprepared to participate in the conference, or if a party or party's attorney fails to participate in good faith, the judge, upon motion or his own initiative, may make such orders with regard thereto as are just, and among others any of the orders provided in Rule 37.02(2)(b), (c), (d). In lieu of or in addition to any other sanction, the judge shall require the party or the attorney representing him or both to pay the reasonable expenses incurred because of any noncompliance with this rule, including attorney's fees, unless the judge finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.

(Added effective July 1, 1985.)

[For text of Rules 17 to 25, see M.S. 1984, pages 199 to 205]

Rule 26. General Provisions Governing Discovery

26.01 Discovery Methods

Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical (including blood) and mental examinations; and requests for admission.

(As amended November 14, 1974, effective January 1, 1975; amended March 21, 1985, effective July 1, 1985.)

26.02 Discovery, Scope and Limits

Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) **In General.** Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the

claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The frequency or extent of use of the discovery methods set forth in Rule 26.01 shall be limited by the court if it determines that: (a) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is either more convenient, less burdensome, or less expensive; (b) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (c) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under Rule 26.03.

(2) Insurance Agreements. In any action in which there is an insurance policy which may afford coverage, any party may require any other party to disclose the coverage and limits of such insurance and the amounts paid and payable thereunder and under Rule 34 may obtain production of the insurance policy, provided, however, that the above provision will not permit such disclosed information to be introduced into evidence unless admissible for other grounds.

(3) Trial Preparation: Materials. Subject to the provisions of subdivision 26.02(4) of this rule, a party may obtain discovery of documents and tangible things otherwise discoverable under subdivision 26.02(1) of this rule and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party, or a party, may obtain without the required showing a statement concerning the action or its subject matter previously made by that person who is not a party. If the request is refused, the person may move for a court order. The provisions of Rule 37.01(4) apply to the award of expenses incurred in relation to the motion. For purposes of this paragraph, a statement previously made is (A) a written statement signed or otherwise adopted or approved by the person making it, or (B) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(4) Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subdivision 26.02(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A) (i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(ii) Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and such provisions, pursuant to subdivision 26.02(4) (C) of this rule, concerning fees and expenses as the court may deem appropriate.

(B) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in Rule 35.02 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(C) Unless manifest injustice would result,

(i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subdivisions 26.02(4)(A)(ii) and 26.02(4)(B) of this rule; and

(ii) with respect to discovery obtained under subdivision 26.02(4)(A)(ii) of this rule the court may require, and with respect to discovery obtained under subdivision 26.02(4)(B) of this rule the court shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(As amended November 10, 1967, effective February 1, 1968; as amended November 14, 1974, effective January 1, 1975; amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 26.03 to 26.05, see M.S. 1984, page 207 and 208]

26.06 Discovery Conference

At any time after commencement of an action the court may direct the attorneys for the parties to appear before it for a conference on the subject of discovery. The court shall do so upon motion by the attorney for any party if the motion includes:

- (a) A statement of the issues as they then appear;
- (b) A proposed plan and schedule of discovery;
- (c) Any limitations proposed to be placed on discovery;
- (d) Any other proposed orders with respect to discovery; and

(e) A statement showing that the attorney making the motion has made a reasonable effort to reach agreement with opposing attorneys on the matter set forth in the motion. Each party and his attorney are under a duty to participate in good faith in the framing of a discovery plan if a plan is proposed by the attorney for a party.

Notice of the motion shall be served on all parties. Objections or additions to matters set forth in the motion shall be served not later than ten days after the service of the motion.

Following the discovery conference, the court shall enter an order tentatively identifying the issues for discovery purposes, establishing a plan and schedule for discovery, setting limitations on discovery, if any, and determining such other matters, including the allocation of expenses, as are necessary for the proper management of discovery in the action. An order may be altered or amended whenever justice so requires.

Subject to the right of a party who properly moves for discovery conference to prompt convening of the conference, the court may combine the discovery conference with a pretrial conference authorized by Rule 16.

(Old rule 26.06 deleted November 14, 1974, effective January 1, 1975; new Rule 26.06 added effective July 1, 1985.)

26.07 Signing of Discovery Requests, Responses and Objections

In addition to the requirements of Rule 33.01(4), every request for discovery or response or objection thereto made by a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign the request, response, or objection and state his address. The signature of the attorney or party who constitutes a certification that he has read the request, response, or objection, and that to the best of his knowledge, information, and belief formed after a reasonable inquiry it is: (1) consistent with these rules and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery had in the case, the amount in controversy, and the importance of the issues at stake in the litigation. If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection and a party shall not be obligated to take any action with respect to it until it is signed.

If a certification is made in violation of the rule, the court, upon motion or upon its own initiative, shall impose upon the person who made the certification, the party on whose behalf the request, response, or objection is made, or both, an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee.

(Old Rule 26.07 deleted November 14, 1974, effective January 1, 1975; new Rule 26.07 added, effective July 1, 1985.)

[For text of Rules 27 to 29, see M.S. 1984, pages 208 to 210]

Rule 30. Depositions Upon Oral Examination

[For text of Rules 30.01 to 30.05, see M.S. 1984, pages 210 to 212]

30.06 Certification; Copies

(1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. Unless otherwise ordered by the court or agreed to by the parties, the officer shall securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert the name of witness)" and shall promptly send it to the party taking the deposition, who shall be identified on the record.

Documents and things produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to the deposition, and may be inspected and copied by any party, except that if the person producing the materials desires to retain them he may (a) offer copies to be marked for identification and annexed to the deposition and to serve thereafter as originals, if he affords to all parties fair opportunity to verify the copies by comparison with the originals, or (b) offers the originals to be marked for identification after giving each party an opportunity to inspect and copy them, in which event the materials may then be used in the same manner as if annexed to the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the person taking the deposition, pending final disposition of the case.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its receipt from the officer to all other parties.

(As amended March 3, 1959, effective July 1, 1959; as amended November 14, 1974, effective January 1, 1974; amended and effective November 30, 1981; amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 30.07, see M.S. 1984, pages 212 and 213]

Rule 31. Depositions of Witnesses Upon Written Questions

[For text of Rule 31.01, see M.S. 1984, page 213]

31.02 Officers to Take Responses and Prepare Record

A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by Rules 30.03, 30.05, and 30.06, to take the testimony of the witness in response to the questions and to prepare, certify, and return them to the party taking the deposition. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(As amended November 14, 1974, effective January 1, 1975; amended March 21, 1985, effective July 1, 1985.)

31.03 Notice of Filing

When the deposition is received from the officer, the party taking it shall promptly give notice thereof to all other parties.

(As amended November 14, 1974, effective January 1, 1975; amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 32 to 37, see M.S. 1984, pages 213 to 221]

Rule 38. Jury Trial of Right

38.01 Right Preserved

In actions for the recovery of money only, or of specific real or personal property, the issues of fact shall be tried by a jury, unless a jury trial be waived or a reference be ordered.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 38.02 and 38.03, see M.S. 1984, page 221]

[For text of Rules 39 to 42, see M.S. 1984, pages 222 and 223]

Rule 43. Evidence

43.01 Form and Admissibility

In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by these rules. All evidence shall be admitted which is admissible under the statutes of this state, or under the Minnesota Rules of Evidence. In any case, the statute or rule which favors the reception of the evidence governs, and the evidence shall be presented according to the most convenient method prescribed in any of the statutes or rules to which reference is herein made. The competency of a witness to testify shall be determined in like manner.

(Amended March 21, 1985, effective July 1, 1985.)

43.02 Examination of Hostile Witnesses and Adverse Parties

A party may interrogate an unwilling or hostile witness by leading questions. A party may call an adverse party or a witness identified with an adverse party, and interrogate him by leading questions and contradict and impeach him on material matters in all respects as if he had been called by the adverse party. Where the witness is an adverse party he may be examined by his counsel upon the subject matter of his examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted and impeached by any other party adversely affected by his testimony. Where the witness is a witness identified with

an adverse party he may be cross-examined, contradicted and impeached by any party to the action.

(As amended March 3, 1959, May 8, 1959, effective July 1, 1959; amended March 21, 1985, effective July 21, 1985.)

[For text of Rules 43.03 to 43.07, see M.S. 1984, page 224]

[For text of Rule 44, see M.S. 1984, pages 224 and 225]

Rule 45. Subpoena

45.01 For Attendance of Witnesses; Form; Issuance

(1) Every subpoena shall be issued by the clerk under the seal of the court, shall state the name of the court and the title of the action, and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified. The clerk shall issue a subpoena, or a subpoena for the production of documentary evidence or tangible things, signed and sealed, but otherwise in blank, to a party requesting it, who shall fill it in before service.

(2) Subpoenas shall be issued only in connection with a duly noted deposition as set forth in Rule 45.04 or in connection with a hearing or trial as set forth in Rule 45.05. Violation of this provision constitutes an abuse of process, and shall subject the attorney or party to appropriate sanctions or damages.

(3) Every subpoena shall contain a notice to the person to whom it is directed advising that person of his right to reimbursement for certain expenses under Rule 45.06, and his right to have the amount of those expenses determined prior to compliance with the subpoena.

(Amended March 21, 1985, effective July 1, 1985.)

[For text of Rules 45.02 to 45.05, see M.S. 1984, pages 225 and 226]

45.06 Expenses of Non-Parties

Subject to the provision of Rules 26.02 and 26.03, a witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(6)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of his activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents.

The party serving the subpoena shall make arrangements for such reasonable compensation prior to the time of the taking of such testimony. If such reasonable arrangements are not made the person subpoenaed may proceed under Rule 45.02 or 45.04(2). The party serving the subpoena may, if objection has been made, move upon notice to the deponent and all parties for an order directing the amount of such compensation at any time before the taking of the deposition. Any amounts paid shall be subject to the provisions of Rule 54.04.

(Added March 21, 1985, effective July 1, 1985.)

45.07 Contempt

Failure to obey a subpoena without adequate excuse is a contempt of court. (Renumbered from Rule 45.06, effective July 1, 1985.)

[For text of Rules 46 to 50, see M.S. 1984, pages 226 to 229]

Rule 51. Instructions to Jury; Objection

At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. The court shall inform the counsel of its proposed action upon the requests prior to their arguments to the jury, and such action shall be made a part of the record. The court shall instruct the jury before or after closing arguments of counsel except, at the discretion of the court, preliminary

instructions need not be repeated. The instructions may be in writing and, in the discretion of the court, one complete copy may be taken to the jury room when the jury retires to deliberate. No party may assign as error unintentional misstatements and verbal errors, or omissions in the charge, unless he objects thereto before the jury retires to consider its verdict, stating specifically the matter to which he objects and the grounds of his objections. An error in the instructions with respect to fundamental law or controlling principle may be assigned in a motion for a new trial though it was not otherwise called to the attention of the court.

(As amended November 10, 1967, effective February 1, 1968; as amended January 5, 1973; amended March 21, 1985, effective July 1, 1985.)

Rule 52. Findings by the Court

52.01 Effect

In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses. The findings of a referee, to the extent that the court adopts them, shall be considered as the findings of the court. It will be sufficient if the findings of fact and conclusions of law are stated orally and recorded in open court following the close of the evidence or appear in an opinion or memorandum of decision filed by the court or in an accompanying memorandum. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rule 41.02. (Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 52.02, see M.S. 1984, page 230]

[For text of Rules 53 to 62, see M.S. 1984, pages 230 to 237]

Rule 63. Disability or Disqualification of Judge; Affidavit of Prejudice; Assignment of a Judge

[For text of Rules 63.01 and 63.02, see M.S. 1984, pages 237 and 238]

63.03 Notice to Remove

Any party or his attorney may make and serve on the opposing party and file with the clerk a notice to remove. The notice shall be served and filed within ten days after the party receives notice of which judge is to preside at the trial or hearing, but not later than the commencement of the trial or hearing.

No such notice may be filed by a party or his attorney against a judge who has presided at a motion or any other proceeding of which the party had notice. A judge who has presided at a motion or other proceeding may not be removed except upon an affirmative showing of prejudice on the part of the judge.

After a litigant has once disqualified a presiding judge as a matter of right, he may disqualify the substitute judge, but only by making an affirmative showing of prejudice. A showing that the judge might be excluded for bias from acting as a juror in the matter constitutes an affirmative showing of prejudice.

Upon the filing of a notice to remove or if a litigant makes an affirmative showing of prejudice against a substitute judge, the chief judge of the judicial district shall assign any other judge of any court within the district to hear the cause. (Amended March 21, 1985, effective July 1, 1985.)

[For text of Rule 63.04, see M.S. 1984, page 238]

[For text of Rules 64 to 67, see M.S. 1984, pages 238 to 240]

Rule 68. Offer of Judgment or Settlement

At any time prior to ten days before the trial begins, any party may serve upon an adverse party an offer to allow judgment to be entered to the effect specified in the offer or to pay or accept a specified sum of money, with costs and disbursements then accrued, either as to the claim of the offering party against the adverse party or as to the claim of the adverse party against the offering party. Acceptance of the offer shall be made by service of written notice of acceptance within ten days after service of the offer. If the offer is not accepted within the ten-day period, it is deemed withdrawn. During the ten-day period the offer is irrevocable. If the offer is accepted, either party may then file the offer and notice of acceptance, together with the proof of service thereof, and thereupon the clerk shall enter judgment. An offer not accepted is not admissible, except in a proceeding to determine costs and disbursements. If the judgment finally entered is not more favorable to the offeree than the offer, the offeree must pay the offeror's costs and disbursements. The fact that an offer is made but not accepted does not preclude a subsequent offer. (Amended March 21, 1985, effective July 1, 1985.)

68.02. Deleted effective July 1, 1985.

[For text of Rules 69 to 86, see M.S. 1984, pages 241 to 243]

INDEX

- Abode, service of subpoena by leaving copy at place of, Rule 45.03.
- Abolition of certain procedures, Rule 81.01.
- Absence of witness, deposition use, Rule 32.01.
- Accident, new trial on ground of, Rule 59.01.
- Accord and satisfaction, affirmative defense, Rule 8.03.
- Accounts,
 - Complaint on, form, Form 3.
 - Referees, statement of accounts, Rule 53.04.
- Addresses,
 - Contents of application for appointment of guardian ad litem, Rule 17.02.
 - Contents of note of issue, Rule 38.03.
 - Summons to give address where subscriber may be served, Rule 4.01.
- Admissibility of depositions, objections, Rule 32.02.
- Admissions,
 - Effect, Rule 36.02.
 - Expenses on refusal to admit, Rule 37.03.
 - Pleadings, Rules 8.02, 8.04.
 - Requests for admission, Rule 36.01.
 - Discovery method, Rule 26.01.
 - Form, Form 20.
- Admissions of fact, pre-trial procedure, Rule 16.03.
- Adoption, change of name, rules not governing where inconsistent with statutes, Rule 81.01.
- Adverse claims, actions to determine, rules not governing where inconsistent with statutes, Rule 81.01.
- Adverse or pecuniary interest, disqualification for taking deposition, Rule 28.03.
- Affidavits,
 - Filing, Rule 5.04.
 - New trial, Rule 59.02.
 - Affidavit to show pertinent facts, Rule 59.02.
 - Time for serving affidavits, Rule 59.04.
 - Proof of service of summons and other process, Rule 4.06.
 - Service of summons by publication, Rule 4.04.
 - Summary judgment,
 - Adverse party's service of opposing affidavits, Rule 56.03.
 - Affidavits made in bad faith, Rule 56.07.
 - Continuance to permit affidavits to be obtained, Rule 56.06.
 - Form, Rule 56.05.
 - Temporary injunctions, Rules 65.01, 65.02.
 - Time of service, Rule 6.04.
- Affirmation, in lieu of oath, Rule 43.04.
- Affirmative defenses,
 - Accord and satisfaction, etc., Rule 8.03.
 - Service, numerous defendants, Rule 5.03.
- Age,
 - Contents of application for appointment of guardian ad litem, Rule 17.02.
 - Service of subpoena by leaving copy with person of suitable age, Rule 45.03.
 - Witness, age precluding attendance or testimony, deposition use, Rule 32.01.
- Agent of party, mental, physical or blood examination, Rule 35.01.
- Alternate jurors, court's power, Rule 47.02.
- Alternative claims or defenses, pleading, Rule 8.05.
- Amendments,
 - Effective date of amendments to rules, Rule 86.02.

Findings by court, Rule 52.02.

Omitted counterclaim, Rule 13.06.

Pleadings, Rule 15.

Conforming to evidence, Rule 15.02.

Leave of court, Rule 15.01.

Pre-trial conference, Rule 16.

Relation back of amendments, Rule 15.03.

Responses to requests for discovery, Rule 26.05.

Summons or other process, discretion of court, Rule 4.07.

Annoyance, discovery, protective orders, Rule 26.03.

Answer,

Complaint for money had and received with counterclaim for interpleader, form, Form 16.

Defenses under Rule 12.02, form, Form 15.

Interrogatories, post.

Pleading, Rule 7.01.

Requests for admissions, Rule 36.01.

Service of summons by publication, time, Rule 4.042.

Statement in summons as to time for service of answer, Rule 4.01.

Time of service, Rule 12.01.

Appeals,

Appellate court's power to stay proceedings as not limited pending appeal, Rule 62.05.

Correction of clerical mistakes pending appeal, Rule 60.01.

Costs, amount of determination by court clerk, Rule 54.04.

Deposition taken pending appeal, Rule 27.02.

District courts, appeals to, rules not superseding statutory provisions, Rule 81.02.

Injunction pending appeal, Rule 62.02.

Judgment notwithstanding verdict, grant or denial of motion, Rule 50.02.

New trial, grant or denial of motion, Rule 50.02.

Stay of enforcement of judgment upon appeal, Rule 62.03.

Appearance,

Class actions, Rule 23.03.

Quasi in rem jurisdiction, Rule 4.04.

Service or filing of any paper in proceeding, Rule 5.01.

Necessity, Rule 5.01.

Appellate court, stay of proceedings pending appeal, power not limited, Rule 62.05.

Appendix, forms, contemplation of rules, Rule 84.

Application for appointment of guardian ad litem, Rule 17.02.

Application of rules, Rule 81.

Appointment,

Guardian ad litem, Rule 17.02.

Referees, Rule 53.01.

Arbitration and award,

Affirmative defense, Rule 8.03.

Arbitrators, subpoena for hearing, Rule 45.05.

Assignments,

Cases for trial, Rule 40.

Judges, Rule 63.04.

Associations,

Capacity to sue or be sued not required to be alleged, Rule 9.01.

Class actions, Rule 23.07.

Derivative actions by shareholders or members, Rule 23.06.

- Summons, personal service, Rule 4.03.
- Assumption of risk, affirmative defense, Rule 8.03.
- Attachment,
 - Property of disobedient party, compelling obedience to judgment, Rule 70.
 - Service of summons by publication when plaintiff acquires lien upon property, Rule 4.04.
- Attorney general,
 - Notice when constitutionality of act of legislature is drawn into question, Rule 24.04.
 - Summons upon state by delivering copy to, Rule 4.03.
- Attorneys,
 - Application by, for appointment of guardian ad litem, Rule 17.02.
 - Certification, unavailability of deponent for examination, Rule 30.02.
 - Depositions, attorney disqualified from taking, Rule 28.03.
 - Disciplinary action,
 - Signing of pleadings, Rule 11.
 - Examination of witness who is an adverse party by his counsel, Rule 43.02.
 - Fees. Attorneys' fees, generally, post.
 - Note of issue, names, addresses and telephone numbers, Rule 38.03.
 - Opening statements, Rule 39.04.
 - Sanctions, Rule 11.
 - Service of note of issue on, Rule 38.03.
 - Service upon attorney, Rule 5.02.
 - Setting forth names and addresses in note of issue, Rule 38.03.
 - Signing of discovery requests, responses, and objections, Rule 26.07.
 - Signing of motions, Rule 11.
 - Signing of pleadings, Rule 11.
 - Subscribing to summons by plaintiff's attorney, Rule 4.01.
 - Writings respecting attorney's mental impressions, etc., scope of discovery, Rule 26.02.
- Attorneys' fees,
 - Discovery, appropriate sanction, Rule 26.07.
 - Failure of party to attend own deposition or serve answers, Rule 37.04.
 - Failure to comply with order compelling discovery, Rule 37.02.
 - Motion for order compelling discovery, Rule 37.01.
 - Refusal to admit genuineness of documents, payment of expenses incurred in making proof, Rule 37.03.
- Audita querela, writ abolished, Rule 60.02.
- Authentication, records, Rule 44.
 - Bailee suing in own name without joining real party in interest, Rule 17.01.
- Bankruptcy, discharge as affirmative defense, Rule 8.03.
- Banks,
 - Escheated funds, rules not governing where inconsistent with statutes, Rule 81.01.
 - Money paid into court order deposited, Rule 67.04.
- Bias, judge, Rule 63.02.
- Bills and notes, complaint on promissory note, form, Form 2.
- Bills of review, abolished, Rule 60.02.
- Blood condition, examination by physician, report of findings, Rule 35.02.
- Blood examination,
 - Discovery, methods, Rule 26.01.
 - Medical disclosures and depositions of medical experts, Rule 35.04.
 - Orders, Rule 35.01.
 - Waiver of medical privilege, Rule 35.03.
- Blood relationship, physical and mental examination by physician, Rule 35.01.

- Boats, actions against, rules not governing where inconsistent with statute, Rule 81.01.
- Bonds,
 - Guardian ad litem representing infant or incompetent, Rule 17.02.
 - Judgment by default, Rule 55.01.
 - Temporary injunction, Rule 65.03.
- Boroughs, summons, service by delivering copy to chief executive officer or clerk, Rule 4.03.
- Business records, interrogatories, option to produce records, Rule 33.03.
- Calendar,
 - Declaratory relief, advancing on calendar, Rule 57.
 - Placing action on, Rule 38.03.
- Capacity of party to sue or be sued, raising issue, Rule 9.01.
- Caption, pleading, Rule 10.01.
- Cartways, joint construction or improvement, rules not governing where inconsistent with statutes, Rule 81.01.
- Certiorari, rules inconsistent with statutes, Rule 81.01.
- Chambers,
 - Orders in, Rule 77.02.
- Charts, inspection and copying, discovery, scope, Rule 34.01.
- Chief Justice,
 - Assignment of judges, Rule 63.04.
 - Notice of disqualification of judge, Rule 63.02.
- Citation, rules, Rule 85.
- Cities, summons, service by delivering copy to chief executive officer or clerk, Rule 4.03.
- Civil action, one form of action, Rule 2.
- Claims,
 - Assertion by third-party defendant, Rule 14.01.
 - Defense of failure to state claim, time of making, Rule 12.08.
 - Discovery, scope and limits, Rule 26.02.
 - Final judgment in case of multiple claims, Rule 54.02.
 - Involuntary dismissal, Rule 41.02.
 - Joinder, Rule 18.01.
 - Motion to dismiss presenting defense of failure to state claim, form, Form 14.
 - Plaintiff's assertion against third-party defendant, Rule 14.01.
 - Supplemental pleading where original pleading is defective in statement, Rule 15.04.
- Class actions, Rules 19.04, 23.
- Clerical mistakes, judgments, etc., relief, Rule 60.01.
- Clerks of court,
 - Assignment of cause to another judge of same district on filing of notice to remove, Rule 63.03.
 - Custodian of monies deposited, Rule 67.04.
 - Filing of papers, etc., Rule 5.04.
 - Mailing notice of orders or judgments, Rule 77.04.
 - Orders grantable without order of court, Rule 77.03.
 - Referee to file report with, Rule 53.05.
 - Service upon attorney or upon party by leaving copy with, Rule 5.02.
 - Signing of judgment in judgment book, Rule 58.01.
 - Subpoenas issued by, Rule 45.01.
 - Sureties on temporary injunction bond or undertaking, agent for service of process, etc., Rule 65.03.
- Commencement of action,
 - Date of acknowledgment of service if by mail, Rule 3.01.

- Ratification by real party in interest, Rule 17.01.
- Service or delivery of summons, Rule 3.01.
- Comment by attorney, special verdicts, comparative negligence, Rule 49.01.
- Commercial paper, complaint on, Form 2.
- Commission to take deposition in foreign country, Rule 28.02.
- Commissioner of securities,
 - Actions by, rules not governing where inconsistent with statutes, Rule 81.01.
 - Proceedings by, rules not governing where inconsistent with statutes, Rule 81.01.
- Comparative negligence, special verdict, instructions to jury, Rule 49.01.
- Compelling attendance of witnesses,
 - Depositions upon written questions, Rule 31.01.
 - Taking depositions, subpoena use, Rule 30.01.
- Compensation,
 - Interpreters, Rule 43.07.
 - Referees, Rule 53.01.
- Complaint,
 - Derivative actions by shareholders or members, Rule 23.06.
 - Forms,
 - Account, Form 3.
 - Claim for debt and to set aside fraudulent conveyance, Form 12.
 - Commercial paper, Form 2.
 - Conversion, Form 10.
 - Goods sold and delivered, Form 4.
 - Interpleader and declaratory relief, Form 13.
 - Money had and received, Form 7.
 - Money lent, Form 5.
 - Money paid by mistake, Form 6.
 - Negligence, Form 8.
 - Negligence where plaintiff unable to determine which person responsible, Form 9.
 - Promissory note, Form 2.
 - Specific performance of contract to convey land, Form 11.
 - Third-party defendant, complaint against, Form 17.
 - Names of parties, Rule 10.01.
 - Pleading, Rule 7.01.
 - Service, Rule 4.042.
 - Service by defendant as third-party plaintiff, Rule 14.01.
 - Service with summons, Rule 3.02.
 - Third-party defendant, complaint against, form, Form 17.
- Compromise and settlement,
 - Class actions, Rule 23.
 - Derivative actions by shareholders or members, Rule 23.06.
 - Unincorporated associations, actions relating to, Rule 23.07.
- Compulsory counterclaims, elements, Rule 13.01.
- Computation, time, Rule 6.01.
- Conditions precedent,
 - Class actions, Rule 23.01.
 - Pleading, Rule 9.03.
- Consent, guardian ad litem, Rule 17.02.
- Consideration, failure as affirmative defense, Rule 8.03.
- Consolidation,
 - Actions involving common question of law or fact, Rule 42.01.
 - Defenses in motion, Rule 12.07.

- Temporary injunction motion hearing and trial of action on merits, Rule 65.02.
- Construction of pleadings, Rule 8.06.
- Construction of rules, Rule 1.
- Contempt,
 - Disobedience of subpoena, Rule 45.07.
 - Failure to deposit property in court, Rule 67.03.
 - Judgment, failure to obey, Rule 70.
 - Party or witness refusing to be sworn or to answer questions, Rule 37.02.
 - Subpoenas, contempt for failure to attend as witness, Rule 45.07.
 - Summary judgment, contempt for making affidavits in bad faith, Rule 56.07.
 - Witness failing to appear before referee, Rule 53.04.
- Contents of application for appointment of guardian ad litem, Rule 17.02.
- Continuance, amendment of pleadings to conform to evidence, Rule 15.02.
- Contracts,
 - Judgment by default, Rule 55.01.
 - Jury trial in actions arising on contract, waiver, Rule 38.02.
- Contradiction of adverse parties, Rule 43.02.
- Contradiction of testimony of deponent as witness, deposition use, Rule 32.01.
- Contributory negligence, affirmative defense, Rule 8.03.
- Conversion, complaint for, form, Form 10.
- Conveyances,
 - Complaint for specific performance of contract to convey land, form, Form 11.
 - Judgment directing party to execute conveyance, effect of failure to comply with order, Rule 70.
- Copies,
 - Deposition, furnishing to party or witness, Rule 30.05.
 - Reports of mental, physical, etc., examinations, Rule 35.01.
 - Service of subpoena by delivering or leaving copy, Rule 45.03.
 - Third-party pleadings, furnishing, Rule 14.01.
- Copying,
 - Discovery, scope, Rule 34.01.
 - Documents and things produced for inspection during deposition, Rule 30.06.
- Coram vobis, writ abolished, Rule 60.02.
- Corporations,
 - Depositions of employees, Rule 30.02.
 - Depositions upon written questions, Rule 31.01.
 - Designation of deponent, failure, motion for order compelling discovery, Rule 37.01.
 - Interrogatories, Rule 33.01.
 - Summons, personal service, Rule 4.03.
- Costs,
 - Allowance, Rule 54.04.
 - Appeal of determination of amount, Rule 54.04.
 - Delay of entry of judgment for taxation of, Rule 58.01.
 - Dismissal of action, costs of previously dismissed action, Rule 41.04.
 - Entry of judgment on order for, Rule 58.01.
 - Interpreters, compensation, Rule 43.07.
 - Motion for order requiring statement concerning action or its subject matter, Rule 26.02.
 - Offer of judgment refused, Rule 68.
 - Omission of costs affecting finality of judgment, Rule 58.01.
 - Temporary injunction, security for payment of costs, Rule 65.03.

Counterclaims,

Generally, Rule 13.

Against state, Rule 13.04.

Answer presenting, form, Form 15.

Compulsory, Rule 13.01.

Default judgment, Rule 55.02.

Dismissal, Rule 41.03.

Exceeding opposing claim, Rule 13.03.

Interpleader,

Form, Form 16.

Obtained by, Rule 22.

Joinder of additional parties, Rule 13.08.

Joinder of claims, Rule 18.01.

Maturing or acquired after pleading, Rule 13.05.

Mistaken designation, Rule 8.03.

Omitted counterclaim, Rule 13.06.

Permissive, Rule 13.02.

Plaintiff's dismissal of action, effect, Rule 41.01.

Plaintiff's right to bring in third-party, Rule 14.02.

Pleading, Rule 7.01.

Reply, time of service, Rule 12.01.

Separate trials and judgments, Rules 13.09, 42.02.

Summary judgment, Rule 56.01.

For defending party, Rule 56.02.

Third-party defendants, Rule 14.01.

Counties, summons, service by delivering copy to chairman of county board or auditor, Rule 4.03.

County board, summons served by delivering copy to chairman, Rule 4.03.

County treasury, referee's fees payable out of, Rule 53.01.

Court reporters, stenographic report or transcript as evidence, Rule 80.

Court rooms, trials upon merits to be conducted in, Rule 77.02.

Courts, issues of fact triable by, Rule 39.01.

Cross-claims,

Generally, Rule 13.

Answer presenting, form, Form 15.

Co-parties, Rule 13.07.

Default judgment, Rule 55.02.

Dismissal, Rule 41.03.

Interpleader obtained by way of, Rule 22.

Joinder, Rule 18.01.

Joinder of additional parties, Rule 13.08.

Pleading, Rule 7.01.

Separate trials and judgments, Rules 13.09, 42.02.

Summary judgment, Rule 56.01.

For defending party, Rule 56.02.

Third-party defendants, Rule 14.01.

Cross-examination,

Adverse parties, Rule 43.02.

Depositions, Rule 30.03.

Cross-questions, depositions upon written questions, Rule 31.01.

Cultivating lands, mortgagor's petition, rules not governing where inconsistent with statutes, Rule 81.01.

Damages,

New trial on ground of excessive or insufficient damages, Rule 59.01.

Pleading special damages, Rule 9.07.

Temporary injunction, security for payment of damages, Rule 65.03.

Date,

Effective date of amendments to rules, Rule 86.02.

Effective date of rules, Rule 86.01.

Death,

Actions for wrongful death, rules inconsistent with statutes, Rule 81.01.

Deposed witness, deposition use, Rule 32.01.

Judge, performance of duties by successor, Rule 63.01.

Parties, substitution, Rule 25.01.

Public officers, substitution of successor as party to action, Rule 25.04.

Decedents, physical, mental and blood examinations, waiver of medical privilege, Rule 35.03.

Decision,

Adjudication of fewer than all multiple claims or parties, Rule 54.02.

Grounds for new trial, Rule 59.01.

Stay of entry of judgment on, Rule 58.02.

Declaratory judgments,

Procedure for obtaining, Rule 57.

Summary judgment, Rule 56.01.

For defending party, Rule 56.02.

Declaratory relief, complaint for interpleader and declaratory relief, form, Form 13.

Decrees. Judgments, generally, post.

Deeds, judgment directing party to deliver, effect of failure to comply with order, Rule 70.

Default judgment,

Generally, Rules 54.03, 55.

District court clerk's power to enter, Rule 77.03.

Summons to notify default will be rendered on failure to timely serve answer, Rule 4.01.

Defendant as third-party plaintiff, Rule 14.01.

Defendants,

Permissive joinder, Rule 20.01.

Person refusing to join as plaintiff made defendant, Rule 19.01.

Defenses,

Adverse party on motion for summary judgment, Rule 56.05.

Affirmative defenses, Rule 8.03.

Answer presenting defenses under Rule 12.02, form, Form 15.

Consolidation in motion, Rule 12.07.

Discovery, scope and limits, Rule 26.02.

Failure to join persons needed for just adjudication, defense made by later pleading, Rule 12.08.

Failure to state claim upon which relief can be granted, defense made by later pleading, Rule 12.08.

Manner of presenting, Rule 12.02.

Manner of stating, Rule 8.02.

Motion, kinds of defenses made by, Rule 12.02.

Omission of defenses from motion, Rule 12.07.

Pleadings, Rule 8.02.

Preliminary hearing, Rule 12.04.

Preservation, Rule 12.08.

Representative on behalf of infant or incompetent, Rule 17.02.

Supplemental pleading where original pleading is defective in statement, Rule 15.04.

Third-party defendant, Rule 14.01.

Waiver, Rule 12.08.

When presented, Rule 12.01.

Delay,

Assertion of third-party claim, prevention, Rule 14.03.

Entry of judgment for taxation of costs, Rule 58.01.

Delinquent taxes, rules inconsistent with statutes, Rule 81.01.

Delivery,

Deposition by officer, Rule 30.06.

Mail, commencement of action, Rule 3.01.

Reports of mental, blood, etc., examination of persons, Rule 35.02.

Service of subpoena by delivery of copy, Rule 45.03.

Summons, commencement of action, Rule 3.01.

Demand, service, necessity, Rule 5.01.

Demurrer, insufficiency of pleadings, demurrer not allowed, Rule 7.01.

Denials,

Effect of failure to deny, Rule 8.04.

Form, Rule 8.02.

Deposit in court,

Generally, Rule 67.

Court may order deposit or seizure of property, Rule 67.03.

In action, Rule 67.01.

Money paid into court, Rule 67.04.

No action brought, Rule 67.02.

Depositions,

Absence of witness, deposition use, Rule 32.01.

Action to perpetuate testimony as not affected by rule regarding deposition, Rule 27.03.

Admissibility, objections, Rule 32.02.

Age of deponent precluding trial attendance or testimony, deposition use, Rule 32.01.

Attendance of witnesses, subpoena, Rule 30.01.

Attorney disqualified from taking, Rule 28.03.

Before action, Rule 27.01.

Certification by officer, Rule 30.06.

Changes in form or substance, Rule 30.05.

Changes for copy of deposition, Rule 31.02.

Commissioning persons to take depositions in foreign countries, Rule 28.02.

Compelling attendance of witnesses, Rule 30.01.

Depositions upon written questions, Rule 31.01.

Competency of testimony, objections, Rule 32.04.

Competency of witness, objections, Rule 32.04.

Completion and return, errors and irregularities, effect, Rule 32.04.

Contradiction of testimony, deposition use, Rule 32.01.

Copies, officer's right to make reasonable charges, Rules 30.06, 31.02.

Corporations,

Depositions upon written questions, Rule 31.01.

Employees, Rule 30.02.

Cross-examination of witnesses, Rule 30.03.

Cross-questions, depositions upon written questions, Rule 31.01.

Death of witness, deposition use, Rule 32.01.

Dismissal of action, subsequent action involving same subject matter and parties, deposition use, Rule 32.01.

Disqualification from taking for interest, Rule 28.03.

Disqualification of officer taking, errors and irregularities, effect, Rule 32.04.

Effect, taking or using depositions, Rule 32.03.

Employee disqualified from taking, Rule 28.03.

- Evasion or incomplete answer, Rule 37.01.
- Examination of witnesses, Rule 30.03.
- Expenses incurred, payment by person failing to attend or to serve subpoena, Rule 30.07.
- Extension of time for taking, Rule 30.02.
- Failure of party to attend or serve answers, consequences, Rule 37.04.
- Failure to attend or serve subpoena, Rule 30.07.
- Impeachment of testimony, deposition use, Rule 32.01.
- Imprisonment of deponent precluding attendance or testimony, deposition use, Rule 32.01.
- Insurance coverage, Rule 26.02.
- Letters rogatory, taking depositions in foreign countries, Rule 28.02.
- Materiality of testimony, objections, Rule 32.04.
- Medical experts, Rule 35.04.
- Motion for order compelling discovery, Rule 37.01.
- Motion heard on, Rule 43.05.
- Motion to terminate or limit examination, Rule 30.04.
- Notice,
 - Errors and irregularities, effect, Rule 32.04.
 - Foreign country, taking deposition in, Rule 28.02.
 - Medical experts, Rule 35.04.
 - Oral examination, Rules 30.01, 30.02.
 - Taking before action, Rule 27.01.
- Objections, Rule 30.03.
 - Admissibility, Rule 32.02.
 - Errors and irregularities in depositions, effect, Rule 32.04.
- Officers to take responses and prepare record, depositions upon written questions, Rule 31.02.
- Oral examination, Rules 26.01, 30.
 - Errors and irregularities, effect, Rule 32.04.
 - Motion for order compelling discovery, Rule 37.01.
- Orders,
 - Protection of parties and witnesses, Rule 26.03.
 - Recording of oral examination, Rule 30.02.
- Partnerships, Rule 30.02.
 - Depositions upon written questions, Rule 31.01.
- Party taking deposition, send to, Rule 30.06.
- Party without counsel, deposition use, Rule 30.02.
- Pending appeal, Rule 27.02.
- Persons before whom depositions may be taken, Rule 28.
 - Foreign countries, Rule 28.02.
 - Within United States, Rule 28.01.
- Petition for taking of deposition before action, Rule 27.01.
- Protective orders, Rule 26.03.
- Receipt from officer, Rule 30.06.
- Record of oral examination, Rule 30.02.
- Recross questions, depositions upon written questions, Rule 31.01.
- Redirect questions, depositions upon written questions, Rule 31.01.
- Relative disqualified from taking, Rule 28.03.
- Relevancy of testimony, objections, Rule 32.04.
- Send deposition to party taking deposition, Rule 30.06.
- Sequence and timing of discovery, Rule 26.04.
- Serving written questions, Rule 31.01.
- Shortening time for taking, Rule 30.02.

- Sickness of deponent precluding attendance or testimony, deposition use, Rule 32.01.
- Signing, Rule 30.05.
- State,
 - Depositions upon written questions, Rule 31.01.
 - Employees, Rule 30.02.
- Stenographic recordings, Rule 30.02.
- Stipulation regarding taking, Rule 29.
- Submission to witness for examination, Rule 30.05.
- Subpoena, abuse of process, Rule 45.01.
- Subpoena duces tecum, attaching to notice of oral examination, Rule 30.02.
- Subpoena for taking, Rule 45.04.
 - Compelling attendance of witnesses, Rule 30.01.
 - Deposition upon written questions, Rule 31.01.
- Substitution of parties, deposition use, Rule 32.01.
- Summary judgment,
 - Affidavits supplemented or opposed by depositions, Rule 56.05.
 - Continuance to permit depositions to be taken, Rule 56.06.
- Suspension of taking for time necessary to make motion for order, Rule 30.04
- Taking of depositions,
 - Effect, Rule 32.03.
 - Errors and irregularities, effect, Rule 32.04.
- Temporary injunctions, Rule 65.02.
- Time,
 - Cross-questions or redirect questions, depositions upon written questions, Rule 31.01.
 - Extension or shortening of time for taking, Rule 30.02.
 - Depositions upon written questions, Rule 31.01.
 - When depositions may be taken, Rule 30.01.
- Timing and sequence of discovery, Rule 26.04.
- Transcription of testimony, errors and irregularities, effect, Rule 32.04.
- Transmission of written questions to officer to be propounded to witness and recorded, Rule 30.03.
- United States, persons before whom depositions may be taken, Rule 28.01.
- Use of depositions, Rule 32.01.
 - Deposition taken before action, Rule 27.01.
 - Effect, Rule 32.03.
- Waiver of errors and irregularities, Rule 32.04.
- Written questions, Rule 26.01.
 - Deposition upon, Rule 31.01.
 - Errors and irregularities, effect, Rule 32.04.
 - Officers to take responses and prepare records, Rule 31.02.
- Transmittal to officer for propounding to witness and recording, Rule 30.03.
- Derivative actions by shareholders or members, Rule 23.06.
- Development plan, rules not governing where inconsistent with statutes, Rule 81.01.
- Directed verdict, time when made, effect, Rule 50.01.
- Directors, corporations or partnerships, depositions, designation of deponent, Rule 30.02.
- Discovery, Rule 26 et seq.
 - Aid in judgment or execution, Rule 69.
 - Certification by attorney or other party, Rule 26.07.
 - Conduct of discovery, sequence and timing, Rule 26.04.
 - Conference, Rule 26.06.
 - Depositions, generally, ante.

- Entry upon lands or other property, generally, post.
- Execution, proceedings in aid of judgments, Rule 69.
- Facts and opinions of experts, Rule 26.02.
- Inspections, post.
- Insurance coverage, Rule 26.02.
- Interrogatories, generally, post.
- Judgments, proceedings in aid of judgment, Rule 69.
- Limitation on use of methods, Rule 26.02.
- Medical disclosures, Rule 35.04.
- Methods, Rule 26.01.
- Motion for order compelling discovery, Rule 37.01.
 - Failure to comply with order, Rule 37.02.
- Orders,
 - Compelling discovery, Rule 37.01.
 - Failure to comply with order, Rule 37.02.
 - Discovery procedures, Rule 34.02.
 - Failure to comply with order compelling discovery, Rule 37.02.
 - Identifying issues, Rule 26.06.
 - Materials prepared in anticipation of litigation, Rule 26.02.
 - Protective orders, Rule 26.03.
 - Supplementation of responses to discovery requests, Rule 26.05.
- Persons not parties, Rule 34.03.
- Procedures, Rule 34.02.
- Production of books and documents, generally, post.
- Protective orders, Rule 26.03.
- Responses to discovery requests, supplementation, Rule 26.05.
- Sanctions, Rule 26.07.
- Scope and limits of discovery, Rules 26.02, 34.01.
- Sequence and timing of discovery, Rule 26.04.
- Signing of discovery requests, responses and objections, Rule 26.07.
- Stipulations, modification of discovery procedures, Rule 29.
- Summary judgment, continuance to permit discovery to be had, Rule 56.06.
- Discretion of court,
 - Amendment of summons or other process, Rule 4.07.
 - New trial on ground of abuse, Rule 59.01.
- Dismissal and nonsuit, Rule 41.
 - Class actions, Rule 23.
 - Costs of previously dismissed action, Rule 41.04.
 - Counterclaim, cross-claim or third-party claim, Rule 41.03.
 - Derivative actions by shareholders or members, Rule 23.06.
 - Failure to join indispensable party, Rules 19.02, 41.02.
 - Failure to prosecute action in name of real party in interest, Rule 17.01.
 - Forum non conveniens, Rule 41.02.
 - Involuntary dismissal, effect, Rule 41.02.
 - Lack of jurisdiction, Rules 12.08, 41.02.
 - Misjoinder of parties as not constituting ground for, Rule 21.
 - Motion to dismiss presenting defenses of failure to state claim, etc., form,
 - Form 14.
 - Order of court, necessity, Rule 41.01.
 - Receivers, action not to be dismissed except by order of court where receiver
 - has been appointed, Rule 66.
 - Stipulation of dismissal signed by all parties, Rule 41.01.
 - Third-party claim, Rule 14.03.
 - Unincorporated associations, actions relating to, Rule 23.07.
 - Voluntary dismissal, effect, Rule 41.01.

- District court clerks, orders grantable without court order, Rule 77.03.
- District courts, Rule 77 et seq.
 - Always open, Rule 77.01.
 - Appeals to, rules not superseding statutory provisions, Rule 81.02.
- Dissolution,
 - Rules not governing where inconsistent with statutes, Rule 81.01.
 - Summons, service by publication, Rule 4.04.
- Documentary evidence, subpoena for production, Rules 45.01, 45.02.
- Documents,
 - Admission of genuineness, expenses on refusal to admit, Rule 37.03.
 - Requests for admission of genuineness, Rule 36.01.
- Drafts, inspection and copying, discovery, scope, Rule 34.01.
- Drainage,
 - Roads, rules not governing where inconsistent with statutes, Rule 81.01.
 - Rules not governing where inconsistent with statutes, Rule 81.01.
- Drawings, inspection and copying, discovery, scope, Rule 34.01.
- Duress, affirmative defense, Rule 8.03.
- Economy, separate trials, Rule 42.02.
- Elections, contest, rules not governing where inconsistent with statutes, Rule 81.01.
- Embarrassment,
 - Discovery, protective orders, Rule 26.03.
 - Party, assertion of third-party claim, prevention, Rule 14.03.
- Eminent domain, rules not governing where inconsistent with statutes, Rule 81.01.
- Entry, judgment, Rule 58.01.
 - Default judgment, Rule 55.01.
 - Multiple claims or multiple parties, Rule 54.02.
 - Stay, Rule 58.02.
- Entry upon land or other property,
 - Methods of discovery, Rule 26.01.
 - Motion for order compelling discovery, Rule 37.01.
 - Failure to comply with motion, Rule 37.02.
 - Persons not parties, discovery, Rule 34.03.
 - Scope of discovery, Rule 34.01.
- Errors and irregularities in depositions, effect, Rule 32.04.
- Escheat, funds of banks and trust companies, rules not governing where inconsistent with statutes, Rule 81.01.
- Estoppel, affirmative defense, Rule 8.03.
- Evidence,
 - Generally, Rule 43.
 - Admissibility, Rule 43.01.
 - Referee's power to rule upon, Rule 53.03.
 - Affirmation in lieu of oath, Rule 43.04.
 - Conforming, amendment of pleadings, Rule 15.02.
 - Defendant's motion for dismissal after plaintiff's completion of presentation, Rule 41.02.
 - Foreign law, determination, Rule 44.04.
 - Form, Rule 43.01.
 - Harmless error in admission or exclusion, Rule 61.
 - Insurance coverage, Rule 26.02.
 - Interpreters, Rule 43.07.
 - Interrogatories, admissibility of evidence obtained in response to, Rule 28.02.
 - Lack of records, Rule 44.02.
 - Leading questions, Rule 43.02.
 - Motion for summary judgment, Rule 56.05.

New trial on ground of newly discovered evidence, Rule 59.01.
 Physical examinations, waiver of medical privilege, Rule 35.03.
 Proof of official records, Rule 44.
 Record of excluded evidence, Rule 43.03.
 Referee's power to require production of evidence, Rule 53.03.
 Res ipsa loquitur, Rule 43.06.
 Scope of examination and cross-examination, Rule 43.02.
 Stenographic report or transcript, Rule 80.
 Temporary injunctions, Rule 65.02.

Examination,

Depositions, witnesses, Rule 30.03.
 Discovery, scope and limits of examinations, Rule 26.02.
 Jurors, Rule 47.01.
 Medical disclosures and depositions of medical experts, Rule 35.04.
 Mental examination, generally, post.
 Physical examination, generally, post.

Exceptions,

Formal exceptions to rulings or orders unnecessary, Rule 46.
 Insufficiency of pleading, exceptions not allowed, Rule 7.01.

Execution,

Discovery, proceedings in aid of execution, Rule 69.
 Process to enforce judgment for payment of money, Rule 69.
 Referee's right to writ against party failing to pay compensation, Rule 53.01.

Executive officer of public institution, notice of hearing relative to appointment of guardian ad litem, Rule 17.02.

Executors and administrators, suing in own name without joining real party in interest, Rule 17.01.

Exhibits,

Hearing on motion for new trial, Rule 59.02.
 Pleading, exhibit as part of statement of claim or defense, Rule 10.03.

Expenses,

Discovery, undue expense burden, protective orders, Rule 26.03.
 Failure of party to attend own deposition or serve answers, Rule 37.04.
 Failure to comply with order compelling discovery, Rule 37.02.
 Motion for order requiring statement concerning action or its subject matter, Rule 26.02.
 Motion for order to compel discovery, Rule 37.01.
 Motion for protective orders, discovery, Rule 26.03.
 Motion to terminate or limit examination by deposition, Rule 30.04.
 Prevention of undue expense by assertion of third-party claim, Rule 14.03.
 Subpoenas, witness who is not a party, Rule 45.06.

Expert witnesses,

Discovery of facts and opinions, scope, limits, Rule 26.02.
 Medical disclosures and depositions of medical experts, Rule 35.04.

Express corporation, summons, personal service, Rule 4.03.

Extension of time, Rule 6.02.

Depositions, taking, Rule 30.02.

Depositions upon written questions, Rule 31.01.

Federal agencies, intervention when party relies upon executive order, Rule 24.02.

Fees,

Attorneys' fees, generally, ante.
 Depositions, copies, Rule 30.06.
 Experts, time spent in responding to discovery, Rule 26.02.

Fellow-servants, injury by fellow servants as affirmative defense, Rule 8.03.

Filing,

Consent and oath, guardian ad litem, Rule 17.02.

Depositions, notice, Rule 31.03.

Note of issue, Rule 38.03.

Pleadings and other papers, Rule 5.

Referee's report, Rule 53.05.

Final judgment,

Motion for relief as not affecting finality, Rule 60.02.

Multiple claims or multiple parties, Rule 54.02.

Findings,

Amendment on motion for new trial, Rule 59.01.

Court, Rule 52.

Rendition of judgment after motion for dismissal, Rule 41.02.

Involuntary dismissal, Rule 41.02.

Majority of jurors, Rule 48.

Physical and mental examination by physician, report of findings, Rule 35.02.

Foreign corporation,

Summons,

Personal service, Rule 4.03.

Service by publication, Rule 4.04.

Foreign countries,

Depositions, persons before whom depositions may be taken, Rule 28.02.

Records, authentication, Rule 44.01.

Foreign courts, pleading judgment or decision, Rule 9.05.

Foreign language, interpreters, Rule 43.07.

Foreign law, determination, Rule 44.04.

Foreign receivers, capacity to sue, Rule 66.

Foreign states,

Records, authentication, Rule 44.01.

Subpoena for taking depositions within state, Rule 45.04.

Forms,

Admissions under rule, request for, Form 20.

Affidavits, summary judgment, Rule 56.05.

Allegation of reason for omitting party, Form 21.

Answer presenting defenses under Rule 12.02, Form 15.

Answer to complaint for money had and received with counterclaim for interpleader, Form 16.

Appendix, contemplation of rules, Rule 84.

Complaint,

Account, Form 3.

Claim for debt and to set aside fraudulent conveyance, Form 12.

Conversion, Form 10.

Goods sold and delivered, Form 4.

Interpleader and declaratory relief, Form 13.

Money had and received, Form 7.

Money lent, Form 5.

Money paid by mistake, Form 6.

Negligence, Form 8.

Plaintiff unable to determine which person responsible, Form 9.

Promissory note, Form 2.

Specific performance of contract to convey land, Form 11.

Third-party defendant, Form 17.

Intervening as defendant under rule, motion, Form 18.

Motions,

Dismiss presenting defenses of failure to state claim, etc., Form 14.

Intervention as defendant under rule, Form 18.

Notice,

Motion to intervene as defendant under rule, Form 18.

Request for production of documents, etc., Form 19.

Photographing objects, request for, Form 19.

Pleadings, Rule 10.

Production of documents, etc., motion for, Form 19.

Request for admission under rule, Form 20.

Summons, Rule 4.01, Form 1.

Third-party defendant, summons and complaint against, Form 17.

Forms of action, civil action as only form, Rule 2.

Forum non conveniens, dismissal of action, Rule 41.02.

Fraternal benefit associations, quo warranto against, rules inconsistent with statutes, Rule 81.01.

Fraud,

Affirmative defense, Rule 8.03.

Judgment, relief, Rule 60.02.

New trial, Rule 60.02.

Pleading, Rule 9.02.

Summons upon defendant departing from state to defraud creditors, service by publication, Rule 4.04.

Fraudulent conveyances,

Complaint on claim for debt and to set aside, form, Form 12.

Joinder with claim for money, Rule 18.02.

Freight agent, summons upon transportation or express corporations served by delivering copy, Rule 4.03.

Fundamental error, instructions, assignment of error in motion for new trial notwithstanding absence of objection, Rule 51.

Garnishment,

Deposit in court when no action is brought, Rule 67.02.

Service of summons by publication when plaintiff acquires lien upon property, Rule 4.04.

General denial, form, Rule 8.02.

General verdict accompanied by answer to interrogatories, Rule 49.02.

Goods sold and delivered, complaint for, form, Form 4.

Guardian ad litem, infants or incompetent persons represented by, Rule 17.02.

Guardian and ward, summons, manner of serving infant under fourteen, Rule 4.03.

Guardians,

Application by, for appointment of guardian ad litem, Rule 17.02.

Suing in own name without joining real party in interest, Rule 17.01.

Habeas corpus, rules inconsistent with statutes, Rule 81.01.

Harmless error, Rule 61.

Hearings,

Application for appointment of guardian ad litem, Rule 17.02.

Manner of conducting, Rule 77.02.

Motion applying to court for order, Rule 7.02.

Subpoena for hearing, Rule 45.05.

Holidays, computation of time, Rule 6.01.

Hostile witnesses,

Cross-examination, contradiction, etc., Rule 43.02.

Interrogation by leading questions, Rule 43.02.

Hypothetical claims or defenses, pleading, Rule 8.05.

Illegality, affirmative defense, Rule 8.03.

Illness, witness, illness precluding attendance or testimony, deposition use, Rule 32.01.

Impeachment,

Adverse parties, Rule 43.02.

Deposition to impeach testimony of deponent, use, Rule 32.01.

Witness identified with adverse party, Rule 43.02.

Imprisonment, witness imprisonment precluding attendance or testimony, deposition use, Rule 32.01.**Incompetents,**

Depositions, taking before action, Rule 27.01.

Parties, continuance by or against representative, Rule 25.02.

Representative's right to sue or defend on behalf of incompetent, Rule 17.02.

Incorporation of rules in statutes, Rule 81.03.**Indecent matter, pleading, disciplinary action against attorney, Rule 11.****Infants,**

Depositions, taking before action, Rule 27.01.

Injury by parent, rules inconsistent with statutes, Rule 81.01.

Representative's right to sue or defend on behalf of infant, Rule 17.02.

Summons, personal service, Rule 4.03.

Information, discovery, scope, limits, Rule 26.02.**Injunctions, Rule 65.**

Appeal from judgment granting or denying injunction, Rule 62.02.

Temporary injunctions, Rule 65.

Inspections,**Discovery,**

Motion for order compelling discovery, Rule 37.01.

Failure to comply with order, Rule 37.02.

Persons not parties, Rule 34.03.

Procedures, Rule 34.02.

Scope, Rule 34.01.

Documents or things produced at time of deposition, Rule 30.06.

Objections to inspections or copying of documents or books, Rule 45.04.

Property and objects, request for inspection, form, Form 19.

Request for inspection, failure to serve written response, consequences, Rule 37.04.

Instructions to jury, Rule 51.

Before or after closing argument, Rule 51.

Comparative negligence cases, special verdicts, Rule 49.01.

Preliminary instructions, Rule 39.03.

Insufficient knowledge or information, pleading, Rule 8.02.**Insular possessions, depositions, persons before whom depositions may be taken, Rule 28.01.****Insurance, disclosure of coverage and production of policy, Rule 26.02.****Intent, pleading, Rule 9.02.****Interest,**

Default judgment in action for payment of taxes and interest, Rule 55.01.

Judge precluded from sitting in cause, Rule 63.02.

Interlocutory judgment, summary judgment on issue of liability notwithstanding existence of genuine issue as to amount of damages, Rule 56.03.**Interpleader, Rule 22.**

Complaint for interpleader and declaratory relief, form, Form 13.

Counterclaim for interpleader, form, Form 16.

Interpreter, Rule 43.07.**Interrogatories,**

Answers, Rule 33.01.

Effect on rendition of summary judgment, Rule 56.03.

Entry of judgment on verdict accompanied by, Rule 58.01.

Availability, Rule 33.01.
 Business records, option to produce, Rule 33.03.
 Evasion or incomplete answer, Rule 37.01.
 Experts, facts and opinions, discovery, scope, Rule 26.02.
 Failure to serve answers, consequences, Rule 37.04.
 General verdict accompanied by answer to, Rule 49.02.
 Motion for order compelling discovery, Rule 37.01.
 Objections, Rule 33.01.
 Option to produce business records, Rule 33.03.
 Procedure for use, Rule 33.01.
 Scope of interrogatories, Rule 33.02.
 Service, Rule 33.01.
 Time, service of interrogatories, answers or objections, Rule 33.01.
 Use at trial, Rule 33.02.
 Written interrogatories, Rule 26.01.

Intervention,

Generally, Rule 24.

Motion to intervene as defendant under rule, form, Form 18.

Notice, Rule 24.03

Notice to attorney general when constitutionality of act is drawn in question,
Rule 24.04.

Permissive intervention, Rule 24.02.

Procedure, Rule 24.03.

Rightful intervention, Rule 24.01.

Irregularities in depositions, effect, Rule 32.04.

Joinder of claims, Rule 18.01.

Joinder of parties,

Counterclaims or cross-claims, Rule 13.08.

Determination by court whenever joinder not feasible, Rule 19.02.

Involuntary plaintiffs, Rule 19.01.

Permissive joinder, Rule 20.

Persons needed for just adjudication, Rule 19.

Persons to be joined if feasible, Rule 19.01.

Pleading reasons,

Nonjoinder of indispensable party, Rule 19.03.

Omitting party, form, Form 21.

Real party in interest, Rule 17.01.

Judges,

Assignment, Rule 63.04.

Disability, Rule 63.01.

Interest or bias, Rule 63.02.

Notice to remove, Rule 63.03.

Orders in chambers, Rule 77.02.

Judgments,

Appeals, generally, ante.

Attachment, compelling obedience to judgment, Rule 70.

Audita querela writs abolished, Rule 60.02.

Bills of review abolished, Rule 60.02.

Class actions, Rule 23.03.

Clerical mistakes, Rule 60.01.

Contempt, failure to obey judgment, Rule 70.

Costs inserted in judgment, Rule 54.04.

Cross-claims, judgment upon multiple cross-claims, Rule 54.02.

Default judgment, generally, ante.

Definition, Rule 54.01.

- Demand for judgment, Rule 54.03.
 - Discovery, proceedings in aid of judgment, Rule 69.
 - District court clerk's power to enforce and execute, Rule 77.03.
 - Entry, judgment, ante.
 - Excusable neglect, relief, Rule 60.02.
 - Execution, Rule 69.
 - Finality as not affected by motion for relief, Rule 60.02.
 - Finality as not affected by omission of costs, Rule 58.01.
 - Foreign court, pleading, Rule 9.05.
 - Fraud, relief, Rule 60.02.
 - Inadvertence, relief, Rule 60.02.
 - Injunction pending appeal, Rule 62.02.
 - Motion for relief, stay of enforcement of judgment, Rule 62.01.
 - Multiple claims, Rule 54.02.
 - Stay of judgment upon, Rule 62.06.
 - Newly discovered evidence, relief, Rule 60.02.
 - Notice of filing or entry, Rule 77.04.
 - Notwithstanding jury's disagreement and discharge, Rule 50.02.
 - Notwithstanding verdict, Rule 50.02.
 - Offer of judgment or settlement, Rule 68.
 - Opening judgment on motion for new trial, Rule 59.01.
 - Pleadings, Rule 9.05.
 - Motion, Rule 12.03.
 - Release, relief, Rule 60.02.
 - Relief from judgment or order, Rule 60.
 - Satisfaction, relief, Rule 60.02.
 - Seizure of person or property to secure satisfaction of judgment, Rule 64.
 - Separate trials, judgments on counterclaims or cross-claims, Rule 13.09.
 - Service of offer of judgment, necessity, Rule 5.01.
 - Settlement, Rule 68.
 - Signed by clerk in judgment book, Rule 58.01.
 - Specific acts, Rule 70.
 - State or agency, stay in favor of, Rule 62.04.
 - Stay, Rule 58.02.
 - Stay of entry as not extending time for serving motion for new trial, Rule 59.06.
 - Stay of proceedings to enforce judgment, Rule 62.
 - Stay upon appeal, Rule 62.03.
 - Summary judgment, Rule 56.
 - Vacating, etc., harmless error, Rule 61.
 - Vesting title, Rule 70.
 - Writs of coram nobis and coram vobis abolished, Rule 60.02.
- Jurisdiction,
- Defense of lack of jurisdiction made by motion, Rule 12.02.
 - Waiver, Rule 12.08.
 - Dismissal of action for lack of, Rules 12.08, 41.02.
 - Motion to dismiss presenting defense of lack of jurisdiction, form, Form 14.
 - Quasi in rem jurisdiction, Rule 4.04.
 - Rules not extending or limiting, Rule 82.
- Jury trial,
- Advisory jury, Rule 39.02.
 - Alternate jurors, Rule 47.02.
 - Consent of parties, Rule 39.02.
 - Declaratory judgments, Rule 57.
 - Directed verdict effective without assent of jury, Rule 50.01.

Disagreement and discharge of jury, motion for judgment notwithstanding, Rule 50.02.

Examination of jurors, Rule 47.01.

General verdict accompanied by answer to interrogatories, Rule 49.02.

Less than 12 jurors, Rule 48.

Majority verdict, Rule 48.

Misconduct of jury as ground for new trial, Rule 59.01.

New trial on ground of irregularity, Rule 59.01.

Note of issue, Rule 38.03.

Notice, Rule 38.03.

Offer of proof made out of hearing of jury, Rule 43.03.

Omitted issues, waiver, Rule 49.01.

Opening statements by counsel, Rule 39.04.

Peremptory challenges of alternate jurors, Rule 47.02.

Referees,

 Complicated issues, Rule 53.02.

 Report, Rule 53.05.

Right preserved, Rule 38.01.

Separation of jury, Rule 47.03.

Temporary injunction motion hearing, consolidation with trial action on merits, Rule 65.02.

Waiver, Rule 38.02.

 Motion for directed verdict not granted not constituting waiver, Rule 50.01.

Knowledge, pleading, Rule 9.02

Laches, affirmative defense, Rule 8.03.

Leading questions, interrogation of unwilling or hostile witness, Rule 43.02.

Leave of court,

 Defendant to bring in third-party, Rule 14.01.

 Depositions, plaintiff seeking to take, Rules 30.01, 30.02.

Legal holidays, computation of time, Rule 6.01.

Letters rogatory, depositions, taking in foreign countries, Rule 28.02.

Licenses, affirmative defense, Rule 8.03.

Liens,

 Mechanics' liens, rules not governing where inconsistent with statutes, Rule 81.01.

 Motor vehicle liens, rules not governing where inconsistent with statutes, Rule 81.01.

 Summons in action to enforce lien on realty, service by publication, Rule 4.04.

Limitations,

 Affirmative defense, Rule 8.03.

 Frequency of use of discovery methods, Rule 26.02.

Local court rules, adoption by district courts, Rule 83.

Local district court rules, computation of time, Rule 6.01.

Local statutes, pleading, Rule 9.04.

Mail,

 Additional time after service by mail, Rule 6.05.

 Deposition to party taking deposition, Rule 30.06.

 Notice of entry or filing of orders or judgments, Rule 77.04.

 Prescribed period for service before specified event when notice or paper is served by mail, Rule 6.05.

 Service, Rule 4.05.

 Statement in summons where subscriber may be served by, Rule 4.01.

Malice, pleading, Rule 9.02.

Managing agent,

Depositions, Rule 30.02.

Refusal to answer questions, consequences, Rule 37.02.

Mandamus, rules inconsistent with statutes, Rule 81.01.**Materials prepared in anticipation of litigation, discovery, scope, limits, Rule 26.02.****Mechanics' liens, rules not governing where inconsistent with statutes, Rule 81.01.****Medical disclosures and depositions of medical experts, Rule 35.04.****Medical privilege, waiver, Rule 35.03.****Meetings, referees, Rule 53.04.****Mental examination,**

Discovery method, Rule 26.01.

Failure to comply with order, consequences, Rule 37.02.

Medical disclosures and depositions of medical experts, Rule 35.04.

Order, Rule 35.01.

Report of findings, Rule 35.02.

Waiver of medical privilege, Rule 35.03.

Methods of discovery, Rule 26.01.

Stipulations modifying procedures, Rule 29.

Misconduct of jury, new trial on ground of, Rule 59.01.**Misjoinder, parties, Rule 21.****Minutes, objection to ruling or order, Rule 46.****Mistakes,**

Complaint for money paid by, form, Form 6.

Depositions, errors and irregularities, effect, Rule 32.04.

Judgment or order, relief, Rule 60.

New trial, ordering, Rule 60.02.

Pleading, Rule 9.02.

Proper party, substitution, relation back of amended pleadings, Rule 15.03.

Money,

Actions for recovery, jury trial, Rule 38.01.

Entry of judgment on order for recovery of, Rule 58.01.

Payment into court, Rule 67.04.

Money had and received,

Answer to complaint, for, form, Form 16.

Complaint for form, Form 7.

Money lent, complaint for, form, Form 5.**Money paid, complaint for money paid by mistake, form, Form 6.****Mortgages,**

Foreclosure, summons, service by publication, Rule 4.04.

Judgment by default in action to foreclose, bond not required, Rule 55.01.

Petition by mortgagor to cultivate lands, rules not governing where inconsistent with statutes, Rule 81.01.

Motions,

Admissions, withdrawal or amendment, Rule 36.02.

Application to court for order, Rule 7.02.

Attorneys to sign, Rule 11.

Defenses made by, Rule 12.02.

Consolidation of defenses in motion, Rule 12.07.

Depositions, motion to terminate or limit examination, Rule 30.04.

Discovery, motion for order compelling, Rule 37.01.

Failure to comply with order, Rule 37.02.

Discovery procedures, Rule 34.02.

District courts open for making and directing, Rule 77.01.

- Facts to be presented by adverse party on motion for summary judgment, Rule 56.05.
- Hearing on affidavits presented by parties, Rule 43.05.
- Interrogatories, Rule 33.01.
- Intervening as defendant under rule, form, Form 18.
- Intervention, service upon parties, Rule 24.03.
- Involuntary dismissal of action or claim, Rule 41.02.
- Judgment notwithstanding verdict, Rule 50.02.
- Judgment on pleadings, Rule 12.03.
- Leave of court for defendant to bring in third party, Rule 14.01.
- More definite statement, Rule 12.05.
- New trial, Rules 50.02, 60.02.
 - Court's initiative, Rule 59.05.
- Omission of defenses in motion, Rule 12.07.
- Parties dropped or added by court order on motion, Rule 21.
- Pleading, motion to strike, Rule 12.06.
- Protective orders, discovery, Rule 26.03.
- Service, necessity, Rule 5.01.
- Stay of proceedings to enforce judgment, Rule 62.01.
- Striking of pleadings, Rule 12.06.
- Substitution of parties upon death, Rule 25.01.
- Summary judgment, Rule 56.03.
 - Case not fully adjudicated on motion, Rule 56.04.
- Surety's liability on temporary injunction bond or undertaking, enforcement, Rule 65.03.
- Technical forms not required, Rule 8.05.
- Telephone conference, Rule 7.02.
- Temporary injunctions, Rule 65.
- Time for service, Rule 6.04.
- Writing, necessity, Rule 7.02.
- Motor vehicles, liens, rules not governing where inconsistent with statutes, Rule 81.01.
- Multiple claims, stay of enforcement of judgment upon part of claims, Rule 62.06.
- Municipal corporations, summons, personal service, Rule 4.03.
- Names,
 - Adoption, change of name, rules not governing where inconsistent with statutes, Rule 81.01.
 - Contents of application for appointment of guardian ad litem, Rule 17.02.
 - Contents of note of issue, Rule 38.03.
 - Pleadings, Rule 10.01.
 - Statement of name of court and names of parties in summons, Rule 4.01.
 - Unknown parties, Rule 9.08.
- Ne exeat, rules inconsistent with statutes, Rule 81.01.
- Negligence,
 - Complaint for,
 - Form, Form 8.
 - Negligence where plaintiff unable to determine which person responsible, form, Form 9.
 - Res ipsa loquitur, Rule 43.06.
- New trial, Rule 60.02.
 - Affidavit, Rule 59.02.
 - Time for serving, Rule 59.04.
 - Appeals, grant or denial of motion, Rule 50.02.
 - Court's initiative, Rule 59.05.
 - Disability of judge, Rule 63.01.

Ground, Rule 59.01.

Harmless error, Rule 61.

Hearing on motion for new trial, Rule 59.02.

Time, Rule 59.03.

Motion, Rules 50.02, 60.02.

Basis of, Rule 59.02.

Judgment notwithstanding verdict including alternative motion for new trial, Rule 50.02.

Time, Rule 59.03.

Notice of motion, Rule 59.05.

Reply affidavits, Rule 59.04.

Ruling on motions for new trial and judgment notwithstanding verdict, Rule 50.02.

Stay of entry of judgment, time to serve motion, Rule 59.06.

Stay of judgment on motion for new trial, Rule 62.01.

Time,

Court of own initiative ordering, Rule 59.05.

Motion, Rules 59.03, 60.02.

Serving affidavits, Rule 59.04.

Transcript of court reporter's notes, use, hearing on motion for new trial, Rule 59.02.

Newly discovered evidence,

New trial, Rules 59.01, 60.02

Relief from judgment, Rule 60.02.

Nonjoinder, parties, Rule 21.

Nonresidents,

Summons,

Service by publication, Rule 4.04.

Service upon agent of nonresident owner of land, Rule 4.044.

Note of issue, preparations, etc, Rule 38.03.

Notice,

Application for judgment by default, Rule 55.01.

Class actions, Rules 23.03, 23.04.

Deposit in court, Rule 67.01.

Depositions, ante.

Derivative actions by shareholders or members, dismissal, Rule 23.06.

Dismissal of action or claim for failure to prosecute, etc. Rule 41.02.

Foreign law, intention to raise issue concerning, Rule 44.04.

Guardian ad litem representing infant or incompetent, Rule 17.02.

Hearing, appointment of guardian ad litem, Rule 17.02.

Institution of action, substitution of party, relation back of amended pleadings, Rule 15.03.

Judgments, notice of filing or entry, Rule 77.04.

Jury trial, Rule 38.03.

Motion for leave for defendant to bring in third party, Rule 14.01.

Motions,

Dismissal of presenting defenses, form, Form 14.

Intervention as defendant under rule, form, Form 18.

New trial, Rules 59.03, 59.05.

Surety's liability on temporary injunction bond or undertaking, enforcement, Rule 65.03.

Telephone conference, Rule 7.02.

Written notice to party, Rule 7.02.

Objections to referee's report, Rule 53.05.

Orders, notice of filing or entry, Rule 77.04.

Pendency of action,

Publication in action involving title to realty, etc., Rule 4.041.

Title to property involved, etc., Rule 4.041.

Physical and mental examination by physician, Rule 35.01.

Requests for production of documents, etc., form, Form 19.

Removal of judge, Rule 63.03.

Sending deposition to party taking deposition, Rule 30.06.

Service,

Defendant's service of summons, etc., as third-party plaintiff, Rule 14.01.

Hearing relative to appointment of guardian ad litem, Rule 17.02.

Necessity, Rule 5.01.

Summons to notify as to default if answer is not timely served, Rule 4.01.

Temporary injunctions, Rule 65.

Oaths,

Affirmation in lieu of, Rule 43.04.

Answers to interrogatories, Rule 33.01.

Application under for appointment of guardian ad litem, Rule 17.02.

Guardian ad litem, Rule 17.02.

Party or witness refusing to be sworn, contempt, Rule 37.02.

Objections,

Absence as not prejudicing party, Rule 46.

Admissibility of discoverable information, Rule 26.02.

Depositions, ante.

Instructions to jury, Rule 51.

Interrogatories, Rule 33.01.

Production, inspection or copying of designated materials, Rule 45.04.

Referee's report, Rule 53.05.

Requests for admissions, Rule 36.01.

Waiver, Rule 12.08.

Officers, corporation or partnerships, depositions, designation of deponent, Rule 30.02.

Offer, judgment, effect, Rule 68.

Official documents, pleading, Rule 9.04.

Opening statements by counsel, Rule 39.04.

Opinion of experts, discovery, scope, Rule 26.02.

Oppression, discovery, protective orders, Rule 26.03.

Oral examination. Depositions, ante.

Orders,

Adjudication, fewer than all multiple claims or parties, Rule 54.02.

Application to be by motion, Rule 7.02.

Chambers, Rule 77.02.

Class actions, conduct of actions, Rule 23.04.

Delivery of reports of physical, blood, etc., examination of persons, Rule 35.02.

Discovery, ante.

Dismissal of action or claim for noncompliance, Rule 41.02.

District courts open for purpose of making and directing, Rule 77.01.

Entry of judgment on court's order, Rule 58.01.

Mental, physical or blood examination of persons, Rule 35.01.

Notice of filing or entry, Rule 77.04.

Protection of parties against delay or prejudice, etc., by assertion of third-party claim, Rule 14.03.

Recording of depositions, Rule 30.02.

Requests for admissions, Rule 36.01.

Service, necessity, Rule 5.01.

Stay of entry of judgment, Rule 58.02.

Temporary injunction, Rule 65.02.

Ordinances, pleadings, Rule 9.04.

Panama Canal Zone, records, authentication, Rule 44.01.

Paragraphs, pleadings, necessity of numbering paragraphs, Rule 10.02.

Parent's application for appointment of guardian ad litem, Rule 17.02.

Parties, rules 17.01 - 25.04.

Allegation of reason for omitting party, form, Form 21.

Application for appointment of guardian ad litem, Rule 17.02.

Capacity to sue or be sued, raising issue, Rule 9.01.

Class actions, Rules 19.04, 23.

Counterclaims, joinder of additional parties, Rule 13.08.

Cross-claim,

Co-party, Rule 13.07.

Joinder of additional parties, Rule 13.08.

Death, substitution, Rule 25.01.

Defense of failure to join persons needed for just adjudication,

Later pleading, Rule 12.08.

Motion, Rule 12.02.

Determination by court whenever joinder not feasible, Rule 19.02.

Discovery, generally, ante.

Failure to join indispensable party, dismissal of action, Rule 41.02

Final judgment in case of multiple parties, Rule 54.02.

Incompetency, continuance by or against representative, Rule 25.02.

Incompetent persons, Rule 17.02.

Infants, Rule 17.02.

Interpleader, Rule 22.

Interrogatories, generally, ante.

Intervention, Rule 24.

Involuntary plaintiffs, Rule 19.01.

Joinder of claims, Rule 18.01.

Misconduct of prevailing party as ground for new trial, Rule 59.01.

Misjoinder, Rule 21.

Multiple parties,

Joinder of claims, Rule 18.01.

Judgment, Rule 54.02.

Names of omitted persons and reasons for nonjoinder to be pleaded, Rule 19.03.

Names of parties in complaint, Rule 10.01.

Nonjoinder, Rule 21.

One already a party as third-party defendant, Rule 14.01.

Opposing party unknown, manner of designation, Rule 9.08.

Permissive intervention, Rule 24.02.

Permissive joinder, Rule 20.

Persons needed for just adjudication, Rule 19.

Placing action on calendar for trial, Rule 38.03.

Process in behalf of and against persons not parties, Rule 71.

Public officers, effect of death or separation from office, Rule 25.04.

Real party in interest, Rule 17.01.

Responses to discovery requests, supplementation, Rule 26.05.

Separate trials where parties joined, Rule 20.02.

Service of note of issue, Rule 38.03.

Service when defendants are numerous, Rule 5.03.

Substitution, Rule 25.

Not affecting right to use depositions previously taken, Rule 26.04.

- Real party in interest, Rule 17.01.
- Relation back of amended pleadings, Rule 15.03.
- Supplementation of responses to discovery requests, Rule 26.05.
- Third-parties, defendant's right to bring in, Rule 14.01.
- Third-party defendant, summons and complaint against, form, Form 17.
- Transfer of interest, continuing by or against original party, Rule 25.03.
- Unknown parties, designation in pleadings, Rule 9.08.
- Partition, real estate, rules not governing where inconsistent with statutes, Rule 81.01.
- Partnership,
 - Capacity to sue or be sued not required to be alleged, Rule 9.01.
 - Depositions, Rule 30.02.
 - Written questions, depositions upon, Rule 31.01.
 - Designation of deponent, failure, motion for order compelling discovery, Rule 37.01.
 - Interrogatories, Rule 33.01.
 - Summons, personal service, Rule 4.03.
- Payment, affirmative defense, Rule 8.03.
- Penalties, default judgment in action for payment of taxes and penalties, Rule 55.01.
- Pendency of action, notice,
 - Publication in action involving interest in real property, etc., Rule 4.041.
- Pending proceedings, application of rules, Rule 86.01.
- Personal property, jury trial in action for specific property, Rule 38.01.
- Personal property taxes delinquent, rules inconsistent with statutes, Rule 81.01.
- Personal service,
 - Statement in summons where subscriber may be served, Rule 4.01.
 - Summons, Rule 4.03.
- Persons,
 - Identification and location, discovery, scope, Rule 26.02.
 - Seizure to secure satisfaction of judgment, Rule 64.
- Petition,
 - Deposit in court when no action is brought, Rule 67.02.
 - Deposition before action, Rule 27.01.
 - Mortgagor's petition to cultivate lands, rules not governing where inconsistent with statutes, Rule 81.01.
- Photographs, inspection and copying, discovery, scope, Rule 34.01.
- Physical examination,
 - Discovery method, Rule 26.01.
 - Failure to comply with order, consequences, Rule 37.02.
 - Medical disclosures and depositions of medical experts, Rule 35.04.
 - Order, Rule 35.01.
 - Report of findings, Rule 35.02.
 - Waiver of medical privilege, Rule 35.03.
- Physicians,
 - Medical disclosures and depositions of medical experts, Rule 35.04.
 - Physical and mental examination, Rule 35.01.
 - Report of findings, Rule 35.02.
 - Waiver of medical privilege, Rule 35.03.
- Place, pleading, averments of time and place, Rule 9.06.
- Place of abode, service of subpoena by leaving copy at, Rule 45.03.
- Plaintiffs,
 - Permissive joinder, Rule 20.01.
 - Person made defendant when refusing to join as plaintiff, Rule 19.01.

Pleadings,

Generally, Rules 7 - 16.

Admission when not denied, Rule 8.04.

Adoption of statements by reference, Rule 10.03.

Affirmative defenses, Rule 8.03.

Alternative claims or defenses, Rule 8.05.

Amended pleadings, Rule 15.

Amendments,

Conforming to evidence, Rule 15.02.

Leave of court, Rule 15.01.

Omitted counterclaim, Rule 13.06.

Pre-trial conference, Rule 16.

Relation back, Rule 15.03.

Substituting true name of opposing party, Rule 9.08.

Answer, Rule 7.01.

Attorneys to sign, Rule 11.

Capacity of party to sue or be sued, Rule 9.01.

Caption, contents, Rule 10.01.

Claims for relief, contents, Rule 8.01.

Complaint, generally, ante.

Compulsory counterclaim, Rule 13.01.

Conciseness, Rule 8.05.

Condition of mind, general averment, Rule 9.02.

Conditions precedent, Rule 9.03.

Construction, Rule 8.06.

Counterclaims, generally, ante.

Cross-claim, Rule 7.01.

Against co-party, Rule 13.07.

Joinder of additional parties, Rule 13.08.

Separate trials and judgments, Rule 13.09.

Defenses, generally, ante.

Demurrers not to be used for insufficiency, Rule 7.01.

Denials, form, Rule 8.02.

Derivative actions by shareholders or members, Rule 23.06.

Effect of failure to deny, Rule 8.04.

Exceptions not to be used for insufficiency of pleadings, Rule 7.01.

Exhibit, part of statement of claim or defense, Rule 10.03.

Filing, Rule 5.

Foreign law, notice of intention to raise issue concerning, Rule 44.04.

Form, Rule 10.

Rules as applicable to motions and other papers, Rule 7.02.

Fraud, circumstances to be stated with particularity, Rule 9.02.

General rules, Rule 8.

Hypothetical claims or defenses, Rule 8.05.

Indecent matter, disciplinary action against attorney, Rule 11.

Intent, general averment, Rule 9.02.

Issues not raised by pleadings tried by express or implied consent of parties,

Rule 15.02.

Judgment, Rule 9.05.

Judgment not to contain recital of, Rule 54.01.

Kinds of pleadings allowed, Rule 7.01.

Knowledge, general averment, Rule 9.02.

Malice, general averment, Rule 9.02.

Mistake, circumstances to be stated with particularity, Rule 9.02.

Motion for judgment on, Rule 12.03.

Motion for more definite statement, etc., Rule 12.05.

- Motion to strike, Rule 12.06.
- Names of omitted parties and reasons for nonjoinder to be pleaded, Rule 19.03.
- Names of parties, Rule 10.01.
- Negative averment raising issue of capacity of party to sue or be sued, etc., Rule 9.01.
- Nonjoinder of indispensable party, pleading reasons, Rule 19.03.
- Official document or act, Rule 9.04.
- Ordinances, Rule 9.04.
- Paragraphs, Rule 10.02.
 - Motion for paragraphing, Rule 12.05.
- Permissive counterclaims, Rule 13.02
- Place, Rule 9.06.
- Pleas not to be used for insufficiency of a pleading, Rule 7.01.
- Redundant matter, motion to strike, Rule 12.06.
- Relief in alternative, Rule 8.01.
- Reply, Rule 7.01.
- Rules as not governing pleadings in certain proceedings, Rule 81.01.
- Scandalous matter,
 - Motion to strike, Rule 12.06.
- Separate statements, Rule 10.02.
 - Motion, Rule 12.05.
- Service, Rule 5.
 - Numerous defendants, Rule 5.03.
- Sham pleading, motion to strike, Rule 12.06.
- Signing, Rule 11.
- Special damages, Rule 9.07.
- Special matters, Rule 9.
- Special or local statute, Rule 9.04.
- Striking pleadings, Rule 11.
- Supplemental pleadings, Rule 15.04.
- Technical forms not required, Rule 8.05.
- Third-party complaint, Rule 7.01.
- Time, Rule 9.06.
- Time of service, Rule 12.01.
- Unknown party, manner of designation, Rule 9.08.
- Verification not necessary, Rule 11.
- Pleas, insufficiency of pleading, pleas not allowed, Rule 7.01.
- Prejudice,
 - Dismissal of third-party claim without, Rule 14.03.
 - Prevention by assertion of third-party claim, Rule 14.03.
- Pretrial conferences,
 - Final conference, Rule 16.04.
 - Objectives, Rule 16.01.
 - Orders, 16.05.
 - Sanctions, 16.06.
 - Scheduling and planning, Rule 16.02.
 - Subjects, Rule 16.03.
- Principal and agent, summons, service upon nonresident owner of land appointing agent, Rule 4.044.
- Priority of applications for appointment of guardian ad litem, Rule 17.02.
- Privilege, waiver,
 - Medical privilege, Rule 35.04.
 - Requesting report of physical and mental examination, Rule 35.02.

Process, Rule 4.

Amendment, Rule 4.07.

Defense of insufficiency,

Motion, Rule 12.02.

Waiver, Rule 12.08.

District court clerk's powers, Rule 77.03.

District courts open for issuing and returning, Rule 77.01.

Motion to dismiss presenting defense of lack of service, form, Form 14.

Persons not parties, process in behalf of and against, Rule 71.

Return, Rule 4.06.

Summons, generally, post.

Production of books and documents,

Deposition notice including request for, Rule 30.02.

Failure to comply with order, consequences, Rule 37.02.

Insurance policy, Rule 26.02.

Markings for identification and annexing to and returning with deposition,
Rule 30.06.

Method of discovery, Rule 26.01.

Motion for order compelling discovery, Rule 37.01.

Failure to comply with motion, Rule 37.02.

Objections to production, Rule 45.04.

Persons not parties, discovery, Rule 34.03.

Procedures for discovery, Rule 34.02.

Referee's powers, Rule 53.03.

Request for production, form, Form 19.

Scope and limits of discovery, Rules 26.02, 34.01.

Subpoena for production, Rules 45.01, 45.02.

Attaching to or including in notice for oral examination, Rule 30.02.

Production of person for mental, physical, etc., examination, order, Rule 35.01.

Consequences of noncompliance with order, Rule 37.02.

Promissory note, complaint on, form, Form 2.

Property, seizure to secure satisfaction of judgment, Rule 64.

Protection,

Parties with respect to assertion of third-party claim, Rule 14.03.

Protective orders, discovery, Rule 26.03.

Public corporations, summons, personal service, Rule 4.03.

Public officers, parties, death or separation from office, substitution, Rule 25.04.

Publication,

Notice of pendency of action, Rule 4.041.

Service of summons, Rule 4.04.

Quashing, subpoenas, Rule 45.02.

Quasi in rem jurisdiction, Rule 4.04.

Quasi-judicial tribunal, pleading decision of, Rule 9.05.

Quo warranto, rules inconsistent with statutes, Rule 81.01.

Ratification, commencement of action, real party in interest, Rule 17.01.

Real party in interest, action to be prosecuted in name of, Rule 17.01.

Real property,

Jury trial in action for specific property, Rule 38.01.

Partition, rules not governing where inconsistent with statutes, Rule 81.01.

Publication of summons to contain description of property involved, Rule
4.041.

Specific performance of contract to convey, complaint for, form, Form 11.

Receivers, Rule 66.

Recklessness, complaint for negligence where evidence may justify finding of
recklessness, form, Form 9.

Record on appeal, service, necessity, Rule 5.01.

Records,

- Authentication of copy, Rule 44.01.
- Business records, interrogatories, option to produce records, Rule 33.03.
- Depositions, record of oral examination, Rules 30.02, 30.03.
- Evidence offered before referee, Rule 53.03.
- Excluded evidence, Rule 43.03.
- Foreign records, authentication, Rule 44.01.
- Inspection and copying, discovery, scope, Rule 34.01.
- Lack of record, evidence, Rule 44.02.
- Medical records, disclosure, Rule 35.04.
- Proof of official records, Rule 44.
- Other proof, Rule 44.03.

Recross questions, depositions upon written questions, Rule 31.01.

Redirect questions, depositions upon written questions, Rule 31.01.

Referees,

- Appointment and compensation, Rule 53.01.
- Contempt of witness failing to appear, Rule 53.04.
- Draft, submitting to counsel before filing report, Rule 53.05.
- Ex parte proceeding where party fails to appear, Rule 53.04.
- Fees payable out of county treasury, Rule 53.01.
- Findings adopted by court, effect, Rule 52.01.
- Findings of fact, nonjury action, Rule 53.05.
- Findings of fact and conclusions of law stated in report, Rule 53.05.
- Judgment by default, ordering of reference, Rule 55.01.
- Meetings, Rule 53.04.
- New trial on ground of irregularity in proceedings, Rule 59.01.
- Powers, Rule 53.03.
- Preliminary reference of issues to, pre-trial conference, Rule 16.
- Proceedings, Rule 53.04.
- Record of evidence, Rule 53.03.
- Reference to referee as exception, Rule 53.02.
- Report, Rule 53.05.
- Judgment not to contain, Rule 54.01.
- Statement of account, Rule 53.04.
- Stipulation as to findings, Rule 53.05.
- Witnesses,
 - Power to examine, Rule 53.03.
 - Service of subpoenas, Rule 53.04.

Registration, title to lands, rules not governing where inconsistent with statutes, Rule 81.01.

Release,

- Affirmative defense, Rule 8.03.
- Judgment, relief, Rule 60.02.

Remedies, joinder, Rule 18.02

Reply,

- Counterclaim, time of service, Rule 12.01.
- Pleading, Rule 7.01.

Reports,

- Findings of physical and mental examination by physician, Rule 35.02.
- Referees, Rule 53.05.
- Stenographic report or transcript as evidence, Rule 80.

Representative's action or defense on behalf of infant, etc., Rule 17.02.

Request for admission. Admissions, ante.

Res ipsa loquitur, permissive inference of negligence, Rule 43.06.

Res judicata, affirmative defense, Rule 8.03.

Residence, guardian ad litem, Rule 17.02.

Responses to discovery requests, supplementation, Rule 26.05.

Return, service of summons and other process, Rule 4.06.

Roads,

Drainage, rules not governing where inconsistent with statutes, Rule 81.01.

Establishment by judicial proceedings, rules not governing where inconsistent with statutes, Rule 81.01.

Joint construction or improvement, rules not governing where inconsistent with statutes, Rule 81.01.

Ryukyu Islands, records, authentication, Rule 44.01.

Sampling, discovery, scope, Rule 34.01.

Sanctions, discovery, Rule 26.07.

Saturday, computation of time, Rule 6.01.

Scandalous matter, pleading,

Motion to strike, Rule 12.06.

Schools and school districts, summons, service by delivering copy to member of board, Rule 4.03.

Scope and limits of discovery, Rule 26.02.

Scope of interrogatories, Rule 33.02.

Scope of rules, Rule 1.

Security,

Stay of entry of judgment, Rule 58.02.

Temporary injunction, Rule 65.03.

Seizure,

Property, court's order, Rule 67.03.

Satisfaction of judgment, Rule 64.

Separate maintenance, summons, service by publication, Rule 4.04.

Separate trials,

Convenience or avoidance of prejudice, Rule 42.02.

Judgments on counterclaims or cross-claims, Rule 13.09.

Third-party practice, Rule 14.03.

Separation of jury, Rule 47.03.

Sequence and timing of discovery, Rule 26.04.

Service,

Additional to prescribed period for service before event where notice or paper served by mail, Rule 6.05.

Affidavits, Rule 6.04.

Amendment of proof of service, Rule 4.07.

Answer, Rule 12.01.

Complaint, Rule 4.042.

Service of copy with summons, Rule 3.02.

Complaint by defendant as third-party plaintiff, Rule 14.01.

Interrogatories, answers and objections, Rule 33.01.

Mail, Rules 4.05, 5.02.

Manner of making, Rule 5.02.

Motion for summary judgment, Rule 56.03.

Note of issue, Rule 38.03.

Notice of defendant's service of summons, etc., as third-party plaintiff, Rule 14.01.

Notice of hearing for appointment of guardian ad litem, Rule 17.02.

Numerous defendants, Rule 5.03.

Opposing affidavits on motion for summary judgment, Rule 56.03.

Pleadings and other papers, Rule 5.

Process other than summons or subpoena, Rule 4.05.

Proof, written admission as, Rule 5.02.

Reply to counterclaim, Rule 12.01.

Statement in summons where subscriber may be served, Rule 4.01.

Subpoenas, Rule 45.03.

Summons,

Commencement of action, Rule 3.01.

Personal service, Rule 4.03.

Service by sheriff, Rule 4.02.

Summons by defendant as third-party plaintiff, Rule 14.01.

Time, Rule 12.01.

Settled case, objections to rulings or orders, minutes, Rule 46.

Settlement, Rule 68.

Sham pleading, motion to strike, Rule 12.06.

Sheriff,

Service of subpoena, Rule 45.03.

Service of summons, Rule 4.02.

Sheriff's certificate, proof of service of summons and other process, Rule 4.06.

Signatures,

Depositions, Rule 30.05.

Pleadings, Rule 11.

Soliciting agent, summons served on transportation or express corporation by delivering copy, Rule 4.03.

Special damages, pleading, Rule 9.07.

Special statutes, pleading, Rule 9.04.

Special verdicts, Rule 49.01.

Specific performance, contract to convey land, complaint for, form, Form 11.

Spouse's application for appointment of guardian ad litem, Rule 17.02.

State,

Counterclaim against, Rule 13.04.

Depositions,

Employees, Rule 30.02.

Written questions, depositions upon, Rule 31.01.

Designation of deponent, failure, motion for order compelling discovery, Rule 37.01.

Interrogatories, Rule 33.01.

Judgment, stay in favor of state or its agency, Rule 62.04.

Summons, service upon attorney general, Rule 4.03.

State fire marshal, actions and orders of, rules not governing where inconsistent with statutes, Rule 81.01.

State officers, summons, personal service, Rule 4.03.

Statements concerning action or its subject matter, discovery, scope, Rule 26.02.

Statute of frauds, affirmative defense, Rule 8.03.

Statute of limitations, affirmative defense, Rule 8.03.

Statutes,

Rules incorporated into, Rule 81.03.

Superseded by rules, Rule 81.01.

Statutes superseded, Rule 81.01.

Statutory proceedings, rules not governing procedure and practice in, Rule 81.01.

Stay, judgment, Rule 58.02.

Entry of judgment, time to serve new trial motion, Rule 59.06.

Stay of proceedings, enforcement of judgment, Rule 62.

Stenographic report, transcript as evidence, Rule 80.

Stenographic transcriptions, depositions, Rule 30.02.

Stipulations,

Depositions, stipulation regarding taking, Rule 29.

Discovery procedures modification, Rule 29.

- Dismissal of action, Rule 41.01.
- Jury of less than 12, Rule 48.
- Majority verdict of jury, Rule 48.
- Referee's findings, Rule 53.05.
- Stockholders' derivative actions, Rule 23.06.
- Striking pleadings, Rule 11.
 - Motion, Rule 12.06.
- Subpoenas, Rule 45.
 - Attendance of witnesses,
 - Form, issuance, Rule 45.01.
 - Contempt for failure to attend as witness, Rule 45.07.
 - Depositions, ante.
 - Expense of witness who is not a party, Rule 45.06.
 - Failure to obey, contempt, Rule 45.07.
 - Fees and mileage to be tendered on service, Rule 45.03.
 - Foreign state, action in, taking depositions within state, Rule 45.04.
 - Hearing or trial, Rule 45.05.
 - Non-party organizations, advising of duty to designate deponent, Rule 30.02.
 - Notice, Rule 45.01.
 - Production of documentary evidence, Rule 45.02.
 - Quashing or modifying, Rule 45.02.
 - Reasonable compensation, Rule 45.06.
 - Reimbursement for expenses, Rule 45.01.
 - Sanctions, 45.01.
 - Service, Rule 45.03.
 - Witnesses, referees, Rule 53.04.
- Subscribers,
 - Statement in summons where subscriber may be served, Rule 4.01.
 - Summons, Rule 4.01.
- Subscription to summons by plaintiff or attorney, Rule 4.01.
- Substitution of parties, Rule 25.
 - Depositions, use, Rule 32.01.
 - Real party in interest, Rule 17.01.
 - Relation back of amended pleadings, Rule 15.03.
- Summary judgment,
 - Affidavits,
 - Bad faith, Rule 56.07.
 - Form, Rule 56.05.
 - Case not fully adjudicated on motion, Rule 56.04.
 - Claimant, Rule 56.01.
 - Contempt, affidavits made in bad faith, Rule 56.07.
 - Continuance to permit affidavits to be obtained or depositions to be taken,
 - Rule 56.06.
 - Defending party, Rule 56.02.
 - Depositions, continuance to permit depositions to be taken, Rule 56.06.
 - Discovery, continuance for discovery to be had, Rule 56.06.
 - Facts to be presented by adverse party on motion for, Rule 56.05.
 - Motion and proceedings thereon, Rule 56.03.
 - Motion asserting defense that pleading fails to state claim to be treated as motion for summary judgment, Rule 12.02.
- Summons,
 - Acknowledgment of party served, Rule 4.06.
 - Affidavit to prove service, Rule 4.06.
 - Agent appointed by individual to receive service, Rule 4.03.
 - Amendment, discretion of court, Rule 4.07.

- Associations, personal service, Rule 4.03.
- Cities, etc., personal service, Rule 4.03.
- Commencement of action by service of, Rule 3.01.
- Complaint to be served with, Rule 3.02.
- Contents, Rule 4.01.
- Corporations, personal service, Rule 4.03.
- Counties, personal service, Rule 4.03.
- Form, Rule 4.01; Form 1.
- Guardian, manner of serving infant under fourteen, Rule 4.03.
- Infants, personal service, Rule 4.03.
- Municipal corporations, personal service, Rule 4.03.
- Nonresident owner of land appointing agent, Rule 4.044.
- Partnerships, personal service, Rule 4.03.
- Person not less than 18 years of age, Rule 4.02.
- Personal service, Rule 4.03.
 - Nonresident owner of land appointing agent, Rule 4.044.
 - Out of state, effect as published in notice, Rule 4.04.
- Public corporations, personal service, Rule 4.03.
- Return, Rule 4.06.
- School districts, personal service, Rule 4.03.
- Service, by whom served, Rule 4.02.
- Service by publication, Rule 4.04.
 - Additional information to be published in action involving realty, Rule 4.041.
 - Defense upon application to court where defendant receives no notification of action, Rule 4.043.
 - Restitution when defense is sustained, Rule 4.043.
 - Service of complaint upon defendant's appearance, Rule 4.042.
- Sheriff's certificate to prove service, Rule 4.06.
- State, service upon attorney general, Rule 4.03.
- State institution inmate, service upon chief executive officer, Rule 4.03.
- State officers, personal service, Rule 4.03.
- Summons by defendant as third party plaintiff, Rule 14.01.
- Third party defendant, summons and complaint against, form, Form 17.
- Towns, personal service, Rule 4.03.
- Sundays, computation of time, Rule 6.01.
- Supplemental pleadings,
 - Generally, Rule 15.04.
- Counterclaim maturing or acquired after pleading, Rule 13.05.
- Supplementation of responses to discovery request, Rule 26.05.
- Surprise, new trial, Rules 59.01, 60.02.
- Surveys, discovery, scope, Rule 34.01.
- Taxes,
 - Default judgment in action for payment of, Rule 55.01.
 - Delinquent taxes, rules inconsistent with statutes, Rule 81.01.
- Telephone numbers of attorneys, note of issue, contents, Rule 38.03.
- Temporary injunctions, Rule 65.
- Tender of money in lieu of judgment, Rule 68.02.
- Term of court, time computation unaffected by continued existence or expiration of term, Rule 6.03.
- Territories, depositions, persons before whom depositions may be taken, Rule 28.01.
- Testamentary guardian, application for appointment of guardian ad litem, Rule 17.02.
- Tests, discovery, scope, Rule 34.01.

Third party claims,

Dismissal, Rules 14.03, 41.03.

Joinder, Rule 18.01.

Orders for prevention of delay by assertion, etc., Rule 14.03.

Separate trials, Rule 42.02.

Third-party complaint or answer, pleadings, Rule 7.01.

Third-party defendant, summons and complaint against, form, Form 17.

Third-party pleadings, defendant as third-party plaintiff, Rule 14.01.

Third-party practice, Rule 14.

Default judgments, Rule 55.02.

Defendant's right to bring in third-party, Rule 14.01.

Plaintiff's right to bring in third-party, Rule 14.02.

Ticket agent, summons upon transportation or express corporation served by delivering copy, Rule 4.03.

Time, Rule 6.

Additional time after service by mail, Rule 6.05.

Answer,

Filing, service of summons by publication, Rule 4.042.

Service, Rule 12.01.

Bringing in third party by defendant, when, Rule 14.01.

Computation, Rule 6.01.

Depositions, ante.

Discovery, sequence and timing of discovery, Rule 26.04.

Enlargement, Rule 6.02.

Extension of time, Rule 6.02.

Filing note of issue with clerk, Rule 38.03.

Interrogatories, Rule 33.01.

Judgment notwithstanding verdict, motion for, Rule 50.02.

Motion for new trial, Rules 59.03, 60.02.

Notice of hearing for appointment of guardian ad litem, Rule 17.02.

Pleadings,

Averment of time and place, Rule 9.06.

Unknown parties, pleadings, designation, Rule 9.08.

Service, Rule 12.01.

Request for admissions, responses, Rule 36.01.

Response by guardian ad litem to complaint, Rule 17.02.

Service of motion for summary judgment, Rule 56.03.

Service of motions, Rule 6.04.

Serving affidavits on motion for new trial, Rule 59.04.

Statement in summons as to time for service of answer, Rule 4.01.

Stay of entry of judgment, Rule 58.02.

Supplementation of responses to requests for discovery, Rule 26.05.

Unaffected by expiration of term, Rule 6.03.

Title,

Judgment vesting, Rule 70.

Registration of title to lands, rules inconsistent with statutes, Rule 81.01.

Rules, citation, Rule 85.

Statement of title of action in note of issue, Rule 38.03.

Town mutual fire insurance company, quo warranto against, rules inconsistent with statutes, Rule 81.01.

Town site land, rules not governing where inconsistent with statutes, Rule 81.01.

Towns and townships, summons, service by delivering copy to chairman of board or to clerk, Rule 4.03.

Trade regulation statutes, quo warranto for violation, rules inconsistent with statutes, Rule 81.01.

Transcript,

Testimony of witness at trial or hearing stenographically reported, Rule 80.

Use at hearing on motion for new trial, Rule 59.02.

Transfer of interest, continuance of action by or against original party, Rule 25.03.

Transportation corporation, summons, personal service, Rule 4.03.

Trial preparation materials, discovery, scope, limits, Rule 26.02.

Trials,

Generally, Rules 38 - 63.

Advisory jury, Rule 39.02.

Affirmation in lieu of oath, Rule 43.04.

Assignment of cases for trial, Rule 40.

Assignment of judge, Rule 63.04.

Conduct in open court, Rule 77.02.

Consolidation of actions, Rule 42.01.

Costs, Rule 54.04.

Declaratory judgments, Rule 57.

Depositions, use, Rule 32.01.

Directed verdict, motion, Rule 50.01.

Disability or disqualification of judge, Rule 63.

Dismissal,

Action, Rule 41.

Counterclaim, cross-claim or third-party claim, Rule 41.03.

Economy, separate trials, Rule 42.02.

Evidence, Rule 43.

Exceptions unnecessary, Rule 46.

Expedition, separate trials, Rule 42.02.

Findings by court, Rule 52.

General verdict accompanied by answer to interrogatories, Rule 49.02.

Harmless error, Rule 61.

Interrogatories, use, Rule 33.02.

Judgments, generally, ante.

Jurors, Rule 47.

Jury or court, Rule 39.

Jury trial by consent, Rule 39.02.

Jury trial of right, Rule 38.

Majority verdict of jury, Rule 48.

New trial, generally, ante.

Placing action on calendar for, Rule 38.03.

Referees, Rule 53.

Separate trials, Rule 42.02.

Trial where parties joined, Rule 20.02.

Separation of jury, Rule 47.03.

Special verdicts, Rule 49.01.

Subpoena, Rule 45.

Summary judgment, generally, ante.

Use of depositions or interrogatories, Rules 32.01, 33.02.

Trust companies, escheated funds, rules inconsistent with statutes, Rule 81.01.

Trust Territory of the Pacific Islands, records, authentication, Rule 44.01.

Trustees,

Deposit in court of property held as trustee, Rule 67.03.

Suit in own name without joining real party in interest, Rule 17.01.

United States territories or possessions, records, authentication, Rule 44.01.

Unknown parties, pleadings, designation, Rule 9.08.

Use of depositions or interrogatories, Rules 32.01, 33.02.

Usurpation of office, action by attorney general for, rules inconsistent with statutes, Rule 81.01.

Venue, rules not extending or limiting, Rule 82.

Verdict,

Directed verdict, motion, Rule 50.01.

Entry of judgment on, Rule 58.01.

General verdict accompanied by answer to interrogatories, Rule 49.02.

Grounds for new trial, Rule 59.01.

Judgment notwithstanding verdict, Rule 50.02.

Less than 12 jurors, Rule 48.

Majority of jurors, Rule 48.

Setting aside, harmless error, Rule 61.

Special verdict, Rule 49.01.

Stay of entry of judgment on, Rule 58.02.

Verification, pleadings, Rule 11.

Vessels, actions against, rules inconsistent with statutes, Rule 81.01.

Villages, summons, service by delivering copy to chief executive officer or clerk, Rule 4.03.

Waiver,

Affirmative defense, Rule 8.03.

Defense or objection as not being waived by being joined with other defenses or objections, Rule 12.02.

Defenses, Rule 12.08.

Depositions, errors and irregularities, Rule 32.04.

Jury trial, Rule 38.02

Motion for directed verdict not granted not constituting waiver, Rule 50.01.

Medical privilege, Rule 35.03.

Objections, Rule 12.08.

Opening statements by counsel, Rule 39.04.

Wilfulness, complaint for negligence where evidence may justify finding of wilfulness, form, Form 9.

Witnesses,

Contempt, failure to appear, Rule 45.07.

Depositions, generally, ante.

Examination, cross-examination, etc., of adverse parties, Rule 43.02.

Expert witnesses, generally, ante.

Hostile witness,

Cross-examination, contradiction, etc., Rule 43.02.

Interrogation by leading question, Rule 43.02.

Interpreters, Rule 43.07.

Referees,

Issuance of subpoenas, Rule 53.04.

Power to examine, Rule 53.03.

Written questions. Depositions, ante.

Wrongful death actions, rules inconsistent with statutes, Rule 81.01.

NOTE: This index was originally derived from an index prepared by West Publishing Company and was used with West's permission. Modifications since original use have been made by the Revisor. West retains all copyright rights to the original index. This index reflects changes to the rules of civil procedure received through July 8, 1985. Where the rules of civil procedure have not been changed since publication in the main volume, the user should consult the main volume for the text of a rule.