

# **2003 CIVIL PROCEDURE SUPPLEMENT**

**FOR USE WITH  
ALL PLEADING AND PROCEDURE CASEBOOKS**

**John J. Cound  
Jack H. Friedenthal  
Arthur R. Miller  
John E. Sexton  
and with  
Helen Hershkoff**

**INCLUDES:**

Federal Rules of Civil Procedure  
Selected Federal Rules of Appellate Procedure  
Selected Provisions from U.S. Constitution and United States Code  
Selected State Practice Statutes and Rules  
Selected Sample Court Orders and Notices  
Illustrative Litigation Problem with Sample Documents  
Federal Local Court Rules  
Proposed Federal Rules and Statutes Regulating Civil Procedure  
Recent United States Supreme Court Cases

**PLUS:**

Litigation Flow Chart

***R MARGIN INDEX SEE BACK COVER***

# **2003 CIVIL PROCEDURE SUPPLEMENT**

**By**

**John J. Cound**

*Professor of Law  
University of Minnesota*

**Jack H. Friedenthal**

*Freda H. Alverson Professor of Law  
The George Washington University Law School*

**Arthur R. Miller**

*Bruce Bromley Professor of Law  
Harvard University*

**John E. Sexton**

*President and Professor of Law  
New York University*

**And With**

**AMERICAN CASEBOOK SERIES®**

**THOMSON**

**WEST**

West Group has created this publication to provide you with accurate and authoritative information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. West Group is not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

COPYRIGHT © 1985, 1987, 1989–1991, JACK H. FRIEDENTHAL, ARTHUR R. MILLER  
& JOHN E. SEXTON

COPYRIGHT © 1993–1996 West Publishing Company

COPYRIGHT © 1997, 1998, 1999, 2000, 2001, 2002 WEST GROUP

COPYRIGHT © 2003 By West, a Thomson business

610 Opperman Drive  
P.O. Box 64526  
St. Paul, MN 55164–0526  
1–800–328–9352

All rights reserved

Printed in the United States of America

ISBN 0–314–14659–8

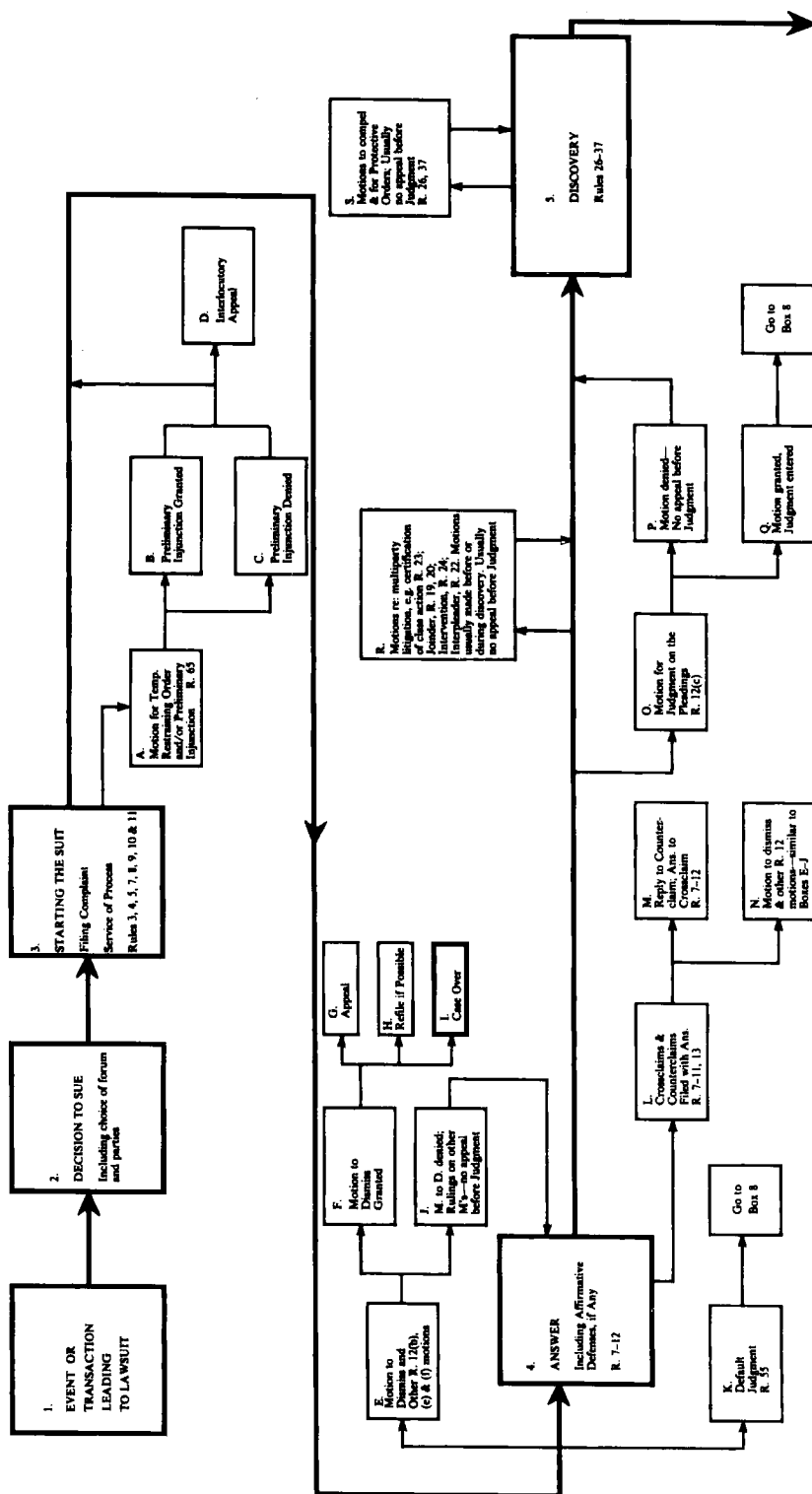


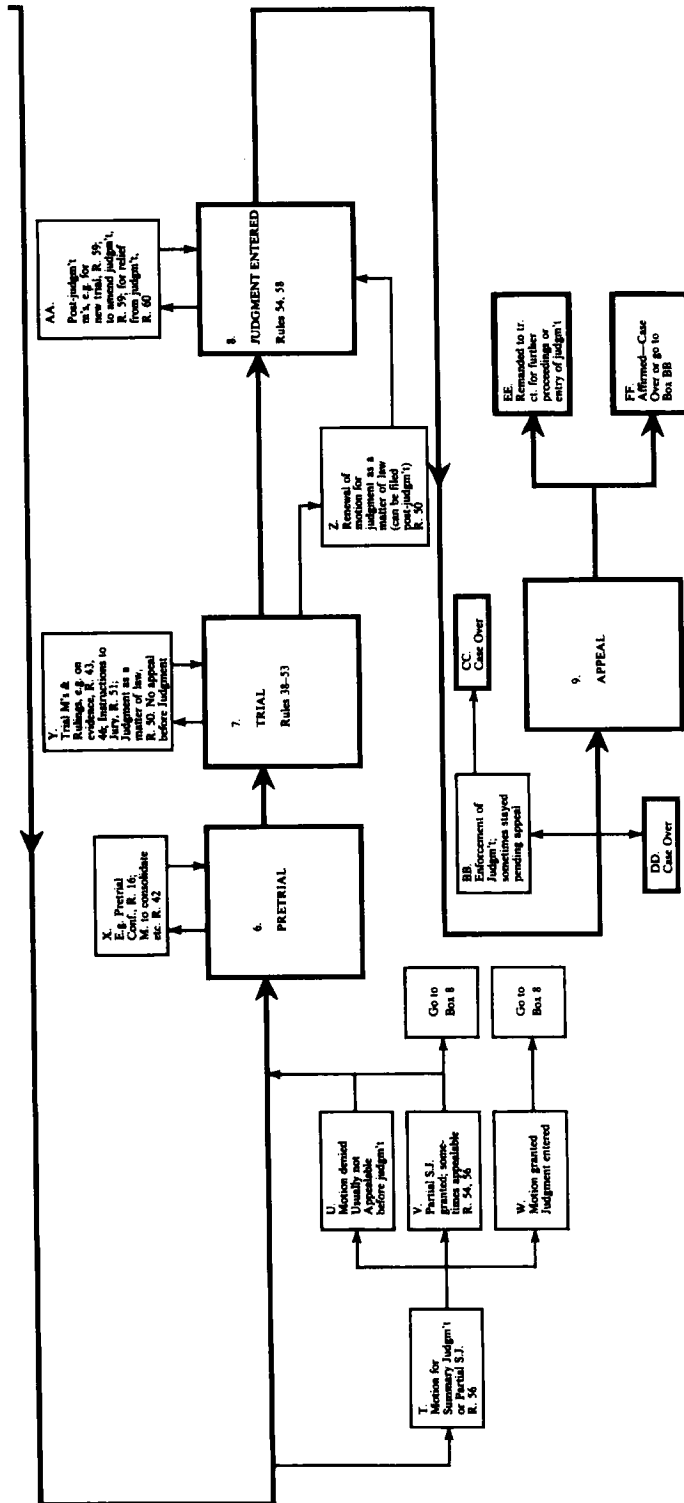
TEXT IS PRINTED ON 10% POST  
CONSUMER RECYCLED PAPER



**2003**  
**CIVIL PROCEDURE**  
**SUPPLEMENT**

# LITIGATION FLOW CHART





This chart was prepared by Professor Michael J. Goldberg of Widener University School of Law.

## Table of Contents

---

PART I: Federal Rules of Civil Procedure for the United States District Courts <i>and</i> Comparative Federal and State Provisions .....	1
PART II: Selected Provisions of The Constitution of the United States and of Titles 28 and 42, United States Code <i>plus</i> Comparative Federal and State Provisions .....	220
PART III: Selected State Jurisdictional Statutes <i>and</i> Selected State Statutes Governing the Powers of Appellate Courts .....	280
PART IV: Selected Portions of the Federal Rules of Appellate Procedure.....	287
PART V: Selected Sample Court Orders and Notices for Controlling Discovery, Pretrial Conferences, and Settlement of Class Action .....	328
PART VI: Illustrative Litigation Problem <i>with</i> Sample Documents .....	353
PART VII: Local (Civil) Rules for the United States District Courts for the Southern and Eastern Districts of New York .....	382
PART VIII: Proposed Federal Rules and Statutes Regulating Civil Procedure.....	427
PART IX: Recent United States Supreme Court Cases .....	438
PART X: Index to Comparative Provisions .....	451

# Part I

## Federal Rules of Civil Procedure for the United States District Courts

*and*

## Comparative Federal and State Provisions

---

### TABLE OF CONTENTS

#### Federal Rules of Civil Procedure

#### I. Scope of Rules—One Form of Action

Rule		Page
1.	Scope of Rules .....	11
2.	One Form of Action .....	11

#### II. Commencement of Action; Service of Process, Pleadings, Motions and Orders

3.	Commencement of Action .....	11
4.	Summons .....	11
	(a) Form.	
	(b) Issuance.	
	(c) Service With Complaint; by Whom Made.	
	(d) Waiver of Service; Duty to Save Costs of Service; Request to Waive.	
	(e) Service Upon Individuals Within a Judicial District of the United States.	
	(f) Service Upon Individuals in a Foreign Country.	
	(g) Service Upon Infants and Incompetent Persons.	
	(h) Service Upon Corporations and Associations.	
	(i) Serving the United States, Its Agencies, Corporations, Officers, or Employees.	
	(j) Service Upon Foreign, State or Local Governments.	
	(k) Territorial Limits of Effective Service.	
	(l) Proof of Service.	
	(m) Time Limit for Service.	
	(n) Seizure of Property; Service of Summons Not Feasible.	
4.1	Service of Other Process .....	22
	(a) Generally.	
	(b) Enforcement of Orders; Commitment for Civil Contempt.	
5.	Service and Filing Pleadings and Other Papers .....	23
	(a) Service: When Required.	
	(b) Making Service.	



## RULES OF CIVIL PROCEDURE

Rule		Page
	(c) Same: Numerous Defendants.	
	(d) Filing; Certificate of Service.	
	(e) Filing With the Court Defined.	
6.	Time .....	25
	(a) Computation.	
	(b) Enlargement.	
	(c) Rescinded.	
	(d) For Motions—Affidavits.	
	(e) Additional Time After Service under Rule 5(b)(2)(B), (C), or (D).	

### III. Pleadings and Motions

7.	Pleadings Allowed; Form of Motions .....	26
	(a) Pleadings.	
	(b) Motions and Other Papers.	
	(c) Demurrers, Pleas, etc., Abolished.	
7.1	Disclosure Statement	
	(a) Who Must File: Nongovernmental Corporate Party	
	(b) Time for Filing: Supplemental Filing	
8.	General Rules of Pleading .....	27
	(a) Claims for Relief.	
	(b) Defenses; Form of Denials.	
	(c) Affirmative Defenses.	
	(d) Effect of Failure to Deny.	
	(e) Pleading to Be Concise and Direct; Consistency.	
	(f) Construction of Pleadings.	
9.	Pleading Special Matters .....	32
	(a) Capacity.	
	(b) Fraud, Mistake, Condition of the Mind.	
	(c) Conditions Precedent.	
	(d) Official Document or Act.	
	(e) Judgment.	
	(f) Time and Place.	
	(g) Special Damage.	
	(h) Admiralty and Maritime Claims.	
10.	Form of Pleadings .....	34
	(a) Caption; Names of Parties.	
	(b) Paragraphs; Separate Statements.	
	(c) Adoption by Reference; Exhibits.	
11.	Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions	36
	(a) Signature.	
	(b) Representations to Court.	
	(c) Sanctions.	
	(d) Inapplicability to Discovery.	
12.	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings	39
	(a) When Presented.	
	(b) How Presented.	
	(c) Motion for Judgment on the Pleadings.	
	(d) Preliminary Hearings.	
	(e) Motion for More Definite Statement.	
	(f) Motion to Strike.	
	(g) Consolidation of Defenses in Motion.	
	(h) Waiver or Preservation of Certain Defenses.	

## RULES OF CIVIL PROCEDURE

Rule	Page
13. Counterclaim and Cross-Claim .....	46
(a) Compulsory Counterclaims.	
(b) Permissive Counterclaims.	
(c) Counterclaim Exceeding Opposing Claim.	
(d) Counterclaim Against the United States.	
(e) Counterclaim Maturing or Acquired After Pleading.	
(f) Omitted Counterclaim.	
(g) Cross-Claim Against Co-party.	
(h) Joinder of Additional Parties.	
(i) Separate Trials; Separate Judgments.	
14. Third Party Practice.....	47
(a) When Defendant May Bring in Third Party.	
(b) When Plaintiff May Bring in Third Party.	
(c) Admiralty and Maritime Claims.	
15. Amended and Supplemental Pleadings .....	49
(a) Amendments.	
(b) Amendments to Conform to the Evidence.	
(c) Relation Back of Amendments.	
(d) Supplemental Pleadings.	
16. Pretrial Conferences; Scheduling; Management .....	52
(a) Pretrial Conferences; Objectives.	
(b) Scheduling and Planning.	
(c) Subjects for Consideration at Pretrial Conferences.	
(d) Final Pretrial Conference.	
(e) Pretrial Orders.	
(f) Sanctions.	
<b>IV. Parties</b>	
17. Parties Plaintiff and Defendant; Capacity .....	56
(a) Real Party in Interest.	
(b) Capacity to Sue or Be Sued.	
(c) Infants or Incompetent Persons.	
18. Joinder of Claims and Remedies .....	57
(a) Joinder of Claims.	
(b) Joinder of Remedies; Fraudulent Conveyances.	
19. Joinder of Persons Needed for Just Adjudication .....	57
(a) Persons to Be Joined if Feasible.	
(b) Determination by Court Whenever Joinder Not Feasible.	
(c) Pleading Reasons for Nonjoinder.	
(d) Exception of Class Actions.	
20. Permissive Joinder of Parties .....	59
(a) Permissive Joinder.	
(b) Separate Trials.	
21. Misjoinder and Non-joinder of Parties .....	59
22. Interpleader .....	61
23. Class Actions .....	63
(a) Prerequisites to a Class Action.	
(b) Class Actions Maintainable.	
(c) Determination by Order Whether Class Action to Be Maintained; Notice; Judgment; Actions Conducted Partially as Class Actions.	
(d) Orders in Conduct of Actions.	
(e) Dismissal or Compromise.	
(f) Appeals.	
23.1 Derivative Actions by Shareholders .....	68
23.2 Actions Relating to Unincorporated Associations .....	68

## RULES OF CIVIL PROCEDURE

Rule	Page
24. Intervention .....	69
(a) Intervention of Right.	
(b) Permissive Intervention.	
(c) Procedure.	
25. Substitution of Parties .....	71
(a) Death.	
(b) Incompetency.	
(c) Transfer of Interest.	
(d) Public Officers; Death or Separation From Office.	

### V. Depositions and Discovery

26. General Provisions Governing Discovery; Duty of Disclosure .....	72
(a) Required Disclosures; Methods to Discover Additional Matter.	
(1) <i>Initial Disclosures.</i>	
(2) <i>Disclosure of Expert Testimony.</i>	
(3) <i>Pretrial Disclosures.</i>	
(4) <i>Form of Disclosures.</i>	
(5) <i>Methods to Discover Additional Matter.</i>	
(b) Discovery Scope and Limits.	
(1) <i>In General.</i>	
(2) <i>Limitations.</i>	
(3) <i>Trial Preparation: Materials.</i>	
(4) <i>Trial Preparation: Experts.</i>	
(5) Claims of Privilege or Protection of Trial Preparation Materials.	
(c) Protective Orders.	
(d) Timing and Sequence of Discovery.	
(e) Supplementation of Disclosures and Responses.	
(f) Conference of Parties; Planning for Discovery.	
(g) Signing of Disclosures, Discovery Requests, Responses, and Objections.	
27. Depositions Before Action or Pending Appeal .....	88
(a) Before Action.	
(1) <i>Petition.</i>	
(2) <i>Notice and Service.</i>	
(3) <i>Order and Examination.</i>	
(4) <i>Use of Deposition.</i>	
(b) Pending Appeal.	
(c) Perpetuation by Action.	
28. Persons Before Whom Depositions May Be Taken .....	89
(a) Within the United States.	
(b) In Foreign Countries.	
(c) Disqualification for Interest.	
29. Stipulations Regarding Discovery Procedure .....	91
30. Depositions Upon Oral Examination .....	91
(a) When Depositions May Be Taken; When Leave Required.	
(b) Notice of Examination: General Requirements; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.	
(c) Examination and Cross-Examination; Record of Examination; Oath; Objections.	
(d) Schedule and Duration; Motion to Terminate or Limit Examination.	
(e) Review by Witness; Changes; Signing.	
(f) Certification and Filing by Officer; Exhibits; Copies; Notice of Filing.	
(g) Failure to Attend or to Serve Subpoena; Expenses.	

## RULES OF CIVIL PROCEDURE

Rule	Page
31. Depositions Upon Written Questions .....	97
(a) Serving Questions; Notice.	
(b) Officer to Take Responses and Prepare Record.	
(c) Notice of Filing.	
32. Use of Depositions in Court Proceedings .....	98
(a) Use of Depositions.	
(b) Objections to Admissibility.	
(c) Form of Presentation.	
(d) Effect of Errors and Irregularities in Depositions.	
(1) <i>As to Notice.</i>	
(2) <i>As to Disqualification of Officer.</i>	
(3) <i>As to Taking of Deposition.</i>	
(4) <i>As to Completion and Return of Deposition.</i>	
33. Interrogatories to Parties .....	100
(a) Availability.	
(b) Answers and Objections.	
(c) Scope; Use at Trial.	
(d) Option to Produce Business Records.	
34. Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes .....	103
(a) Scope.	
(b) Procedure.	
(c) Persons Not Parties.	
35. Physical and Mental Examination of Persons .....	105
(a) Order for Examination.	
(b) Report of Examiner.	
36. Requests for Admission .....	107
(a) Request for Admission.	
(b) Effect of Admission.	
37. Failure to Make or Cooperate in Discovery: Sanctions .....	109
(a) Motion for Order Compelling Disclosure or Discovery.	
(1) <i>Appropriate Court.</i>	
(2) <i>Motion.</i>	
(3) <i>Evasive or Incomplete Disclosure, Answer, or Response.</i>	
(4) <i>Expenses and Sanctions.</i>	
(b) Failure to Comply With Order.	
(1) <i>Sanctions by Court in District Where Deposition Is Taken.</i>	
(2) <i>Sanctions by Court in Which Action Is Pending.</i>	
(c) Failure to Disclose; False or Misleading Disclosure; Refusal to Admit.	
(d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection.	
(e) [Abrogated.]	
(f) [Repealed.]	
(g) Failure to Participate in the Framing of a Discovery Plan.	

### VI. Trials

38. Jury Trial of Right .....	115
(a) Right Preserved.	
(b) Demand.	
(c) Same: Specification of Issues.	
(d) Waiver.	
(e) Admiralty and Maritime Claims.	

## RULES OF CIVIL PROCEDURE

Rule	Page
39. Trial by Jury or by the Court .....	116
(a) By Jury.	
(b) By the Court.	
(c) Advisory Jury and Trial by Consent.	
40. Assignment of Cases for Trial .....	117
41. Dismissal of Actions .....	117
(a) Voluntary Dismissal: Effect Thereof.	
(1) <i>By Plaintiff; by Stipulation.</i>	
(2) <i>By Order of Court.</i>	
(b) Involuntary Dismissal: Effect Thereof.	
(c) Dismissal of Counterclaim, Cross-Claim, or Third-Party Claim.	
(d) Costs of Previously-Dismissed Action.	
42. Consolidation; Separate Trials .....	119
(a) Consolidation.	
(b) Separate Trials.	
43. Taking of Testimony .....	120
(a) Form.	
(b), (c) [Abrogated.]	
(d) Affirmation in Lieu of Oath.	
(e) Evidence on Motions.	
(f) Interpreters.	
44. Proof of Official Record .....	121
(a) Authentication.	
(1) <i>Domestic.</i>	
(2) <i>Foreign.</i>	
(b) Lack of Record.	
(c) Other Proof.	
44.1 Determination of Foreign Law .....	122
45. Subpoena .....	122
(a) Form; Issuance.	
(b) Service.	
(c) Protection of Persons Subject to Subpoenas.	
(d) Duties in Responding to Subpoena.	
(e) Contempt.	
46. Exceptions Unnecessary .....	126
47. Jurors .....	127
(a) Examination of Jurors.	
(b) Peremptory Challenges.	
(c) Excuse.	
48. Number of Jurors—Participation in Verdict .....	127
49. Special Verdicts and Interrogatories .....	128
(a) Special Verdicts.	
(b) General Verdict Accompanied by Answer to Interrogatories.	
50. Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings .....	129
(a) Judgment as a Matter of Law.	
(b) Renewal of Motion for Judgment After Trial; Alternative Motion for New Trial.	
(c) Granting Renewed Motion for Judgment as a Matter of Law; Conditional Rulings; New Trial Motion.	
(d) Same: Denial of Motion for Judgment as a Matter of Law.	
51. Instructions to Jury: Objection .....	132
52. Findings by the Court; Judgment on Partial Findings .....	133
(a) Effect.	
(b) Amendment.	
(c) Judgment on Partial Findings.	

## RULES OF CIVIL PROCEDURE

Rule	Page
53. Masters .....	135
(a) Appointment and Compensation.	
(b) Reference.	
(c) Powers.	
(d) Proceedings.	
(1) <i>Meetings</i> .	
(2) <i>Witnesses</i> .	
(3) <i>Statement of Accounts</i> .	
(e) Report.	
(1) <i>Contents and Filing</i> .	
(2) <i>In Non-jury Actions</i> .	
(3) <i>In Jury Actions</i> .	
(4) <i>Stipulation as to Findings</i> .	
(5) <i>Draft Report</i> .	
(f) Application to Magistrate Judge.	
<b>VII. Judgment</b>	
54. Judgments; Costs .....	138
(a) Definition; Form.	
(b) Judgment Upon Multiple Claims or Involving Multiple Parties.	
(c) Demand for Judgment.	
(d) Costs; Attorneys' Fees.	
(1) <i>Costs Other Than Attorneys' Fees</i> .	
(2) <i>Attorneys' Fees</i> .	
55. Default .....	141
(a) Entry.	
(b) Judgment.	
(1) <i>By the Clerk</i> .	
(2) <i>By the Court</i> .	
(c) Setting Aside Default.	
(d) Plaintiffs, Counterclaimants, Cross-Claimants.	
(e) Judgment Against the United States.	
56. Summary Judgment .....	142
(a) For Claimant.	
(b) For Defending Party.	
(c) Motion and Proceedings Thereon.	
(d) Case Not Fully Adjudicated on Motion.	
(e) Form of Affidavits; Further Testimony; Defense Required.	
(f) When Affidavits Are Unavailable.	
(g) Affidavits Made in Bad Faith.	
57. Declaratory Judgments .....	155
58. Entry of Judgment .....	155
(a) Separate Document.	
(b) Time of Entry.	
(c) Cost or Fee Awards	
(d) Request for Entry	
59. New Trials; Amendment of Judgments .....	149
(a) Grounds.	
(b) Time for Motion.	
(c) Time for Serving Affidavits.	
(d) On Initiative of Court.	
(e) Motion to Alter or Amend a Judgment.	
60. Relief From Judgment or Order .....	151
(a) Clerical Mistakes.	
(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.	

## RULES OF CIVIL PROCEDURE

Rule		Page
61.	Harmless Error .....	153
62.	Stay of Proceedings to Enforce a Judgment .....	153
	(a) Automatic Stay; Exceptions—Injunctions, Receiverships, and Patent Accountings.	
	(b) Stay on Motion for New Trial or for Judgment.	
	(c) Injunction Pending Appeal.	
	(d) Stay Upon Appeal.	
	(e) Stay in Favor of the United States or Agency Thereof.	
	(f) Stay According to State Law.	
	(g) Power of Appellate Court Not Limited.	
	(h) Stay of Judgment as to Multiple Claims or Multiple Parties.	
63.	Inability of a Judge to Proceed .....	154

### VIII. Provisional and Final Remedies

64.	Seizure of Person or Property .....	154
65.	Injunctions .....	155
	(a) Preliminary Injunction.	
	(1) <i>Notice.</i>	
	(2) <i>Consolidation of Hearing With Trial on Merits.</i>	
	(b) Temporary Restraining Order; Notice; Hearing; Duration.	
	(c) Security.	
	(d) Form and Scope of Injunction or Restraining Order.	
	(e) Employer and Employee; Interpleader; Constitutional Cases.	
	(f) Copyright Impoundment.	
65.1	Security: Proceedings Against Sureties .....	158
66.	Receivers Appointed by Federal Courts .....	158
67.	Deposit in Court .....	159
68.	Offer of Judgment .....	159
69.	Execution .....	161
	(a) In General.	
	(b) Against Certain Public Officers.	
70.	Judgment for Specific Acts; Vesting Title .....	164
71.	Process in Behalf of and Against Persons Not Parties .....	164

### IX. Special Proceedings

71A.	Condemnation of Property .....	165
	(a) Applicability of Other Rules.	
	(b) Joinder of Properties.	
	(c) Complaint.	
	(1) <i>Caption.</i>	
	(2) <i>Contents.</i>	
	(3) <i>Filing.</i>	
	(d) Process.	
	(1) <i>Notice; Delivery.</i>	
	(2) <i>Same; Form.</i>	
	(3) <i>Service of Notice.</i>	
	(4) <i>Return; Amendment.</i>	
	(e) Appearance or Answer.	
	(f) Amendment of Pleadings.	
	(g) Substitution of Parties.	
	(h) Trial.	
	(i) Dismissal of Action.	
	(1) <i>As of Right.</i>	
	(2) <i>By Stipulation.</i>	

## RULES OF CIVIL PROCEDURE

Rule	Page
(3) <i>By Order of the Court.</i>	
(4) <i>Effect.</i>	
(j) Deposit and Its Distribution.	
(k) Condemnation Under a State's Power of Eminent Domain.	
(l) Costs.	
72. Magistrates; Pretrial Matters .....	169
(a) Nondispositive Matters.	
(b) Dispositive Motions and Prisoner Petitions.	
73. Magistrate Judges; Trial by Consent and Appeal Options .....	170
(a) Powers; Procedure.	
(b) Consent.	
(c) Appeal.	
74–76. [Abrogated].	
<b>X. District Courts and Clerks</b>	
77. District Courts and Clerks .....	171
(a) District Courts Always Open.	
(b) Trials and Hearings; Orders in Chambers.	
(c) Clerk's Office and Orders by Clerk.	
(d) Notice of Orders or Judgments.	
78. Motion Day .....	172
79. Books and Records Kept by the Clerk and Entries Therein .....	172
(a) Civil Docket.	
(b) Civil Judgments and Orders.	
(c) Indices; Calendars.	
(d) Other Books and Records of the Clerk.	
80. Stenographer; Stenographic Report or Transcript as Evidence .....	173
(a), (b) [Abrogated.]	
(c) Stenographic Report or Transcript as Evidence.	
<b>XI. General Provisions</b>	
81. Applicability in General .....	173
(a) Proceedings to which the Rules Apply.	
(b) Scire Facias and Mandamus.	
(c) Removed Actions.	
(d) [Abrogated.]	
(e) Law Applicable.	
(f) References to Officer of the United States.	
82. Jurisdiction and Venue Unaffected .....	175
83. Rules by District Courts .....	175
(a) Local Rules.	
(b) Procedures When There is Controlling Law.	
84. Forms .....	176
85. Title .....	176
86. Effective Date .....	176
(a) [Effective Date of Original Rules].	
(b) Effective Date of Amendments.	
(c) Effective Date of Amendments.	
(d) Effective Date of Amendments.	
(e) Effective Date of Amendments.	
<b>Form</b>	
1. Summons .....	178
1–A. Notice of Lawsuit and Request for Waiver of Service of Summons ....	179
1–B. Waiver of Service of Summons .....	180



## RULES OF CIVIL PROCEDURE

<b>Form</b>		
2.	Allegation of Jurisdiction .....	181
3.	Complaint on a Promissory Note .....	182
4.	Complaint on an Account .....	182
5.	Complaint for Goods Sold and Delivered .....	183
6.	Complaint for Money Lent .....	183
7.	Complaint for Money Paid by Mistake .....	183
8.	Complaint for Money Had and Received .....	183
9.	Complaint for Negligence .....	183
10.	Complaint for Negligence Where Plaintiff Is Unable to Determine Definitely Whether the Person Responsible Is C.D. or E.F. or Whether Both Are Responsible and Where His Evidence May Justify a Finding of Wilfulness or of Recklessness or of Negligence .....	184
11.	Complaint for Conversion .....	185
12.	Complaint for Specific Performance of Contract to Convey Land .....	185
13.	Complaint on Claim for Debt and to Set Aside Fraudulent Convey- ance Under Rule 18(b) .....	186
14.	Complaint for Negligence Under Federal Employer's Liability Act .....	186
15.	Complaint for Damages Under Merchant Marine Act .....	187
16.	Complaint for Infringement of Patent .....	188
17.	Complaint for Infringement of Copyright and Unfair Competition .....	188
18.	Complaint for Interpleader and Declaratory Relief .....	190
18-A.	[Abrogated] .....	191
19.	Motion to Dismiss, Presenting Defenses of Failure to State a Claim, of Lack of Service of Process, of Improper Venue, and of Lack of Jurisdiction Under Rule 12(b) .....	191
20.	Answer Presenting Defenses Under Rule 12(b) .....	192
21.	Answer to Complaint Set Forth in Form 8, With Counterclaim for Interpleader .....	193
22.	Motion to Bring in Third-Party Defendant [Eliminated] .....	193
22-A.	Summons and Complaint Against Third-Party Defendant .....	194
22-B.	Motion to Bring in Third-Party Defendant .....	195
23.	Motion to Intervene as a Defendant Under Rule 24 .....	196
24.	Request for Production of Documents, etc., Under Rule 34 .....	197
25.	Request for Admission Under Rule 36 .....	198
26.	Allegation of Reason for Omitting Party .....	198
27.	Notice of Appeal to Court of Appeals Under Rule 73(b) [Abrogated.] .....	199
28.	Notice: Condemnation .....	199
29.	Complaint: Condemnation .....	200
30.	Suggestion of Death Upon the Record Under Rule 25(a)(1) .....	202
31.	Judgment on Jury Verdict .....	202
32.	Judgment on Decision by the Court .....	203
33.	Notice of Availability of a Magistrate Judge to Exercise Jurisdiction and Appeal Option .....	203
34.	Consent to Exercise of Jurisdiction by a United States Magistrate Judge, Election of Appeal to District Judge .....	204
34A.	Order of Reference .....	204
35.	Report of Parties' Planning Meeting .....	205

### Supplemental Rules for Certain Admiralty and Maritime Claims

<b>Rule</b>	<b>Page</b>
A. Scope of Rules .....	207
B. In Personam Actions: Attachment and Garnishment .....	207
C. In Rem Actions: Special Provisions .....	209
D. Possessory, Petitory, and Partition Actions .....	212
E. Actions in Rem and Quasi in Rem: General Provisions .....	212
F. Limitation of Liability .....	217