

Oregon State Bar

Oregon Civil Pleading and Practice

2012 Revision

1	Structure and Jurisdiction of Oregon Courts		
2	Jurisdiction: In Personam and In Rem		
3	Venue		
4	Summons and Service		
5	Real Party in Interest		
6	Representative Capacity		
7	Substitution of Parties		
8	Governmental Units and Officers		
9	Corporations: Capacity to Sue and Be Sued, Successor Liability, and Derivative Claims		
10	Partnerships, Unincorporated Associations, and Limited Liability Companies		
11	Individuals as Parties		
12	Joinder of Parties		

13	Intervention
14	Third-Party Practice
15	Interpleader
16	Class Actions
17	Oregon Code Pleading
18	Pleading Damages
19	The Complaint: Joinder, Consolidation, and Severance of Claims
20	Default
21	ORCP 21 Motions
22	Responsive Pleadings: Answers, Affirmative Defenses, and Replies
23	Counterclaims and Cross-Claims

24 Amended and Supplemental Pleadings

Contents

25	Expedited Civil Jury Trials
26	Claim Preclusion, Issue Preclusion, and Related Doctrines
27	Scope of Discovery
28	Depositions
29	Requests for Production and Inspection
30	E-Discovery
31	Requests for Admission
32	Medical Examinations, Reports, and Records; Individually Identifiable Health Information
33	Settlement and Compromise
34	Permanent Injunctions, Temporary Restraining Orders, and Preliminary Injunctions
35	Receivers

Provisional Process

37	Declaratory Judgments
38	Mandamus
39	Special Writs: Writ of Review and Quo Warranto
40	Trial Motions
41	Jury Instructions, Verdicts, and Special Findings
42	Posttrial Matters
43	Attorney Fees, Cost Bills, and ORCP 17 Sanctions
44	Summary Judgments
45	Appealable Judgments and Orders
46	Pleading and Practice in Tribal Courts

Contents

Editors

Janet M. Schroer, B.A., Bowling Green University (1978); J.D., University of Oregon (1981); member of the Oregon State Bar since 1981; partner, Hoffman, Hart & Wagner, LLP, Portland.

Daniel H. Skerritt, B.A., J.D., Willamette University (1965, 1968); LL.M., George Washington University (1972); member of the Oregon State Bar since 1968; partner, Tonkin Torp LLP, Portland.

Steve D. Larson, B.S., University of Minnesota (1981); J.D., University of Oregon (1986); member of the Oregon State Bar since 1986; shareholder, Stoll, Stoll, Berne, Lokting & Shlachter, P.C., Portland.

A special thanks . . .

It is only through the efforts of dedicated authors that we are able to produce legal publications: Aaron Landau, Amy Joseph Pedersen, Andrew E. Combs, Brian C. Dretke, Brian L. Gingerich, Christopher T. Carson, Christopher J. Kayser, Christopher F. McCracken, D. Gary Christensen, Daniel L. Keppler, Danielle Hunsaker, David G. Brown, David B. Markowitz, Elizabeth Tedesco Milesnick, Eric Yandell, Gary M. Berne, Greg Roberson, James Ray Streinz, James N. Westwood, Jan K. Kitchel, Hon. Janice R. Wilson, Jay D. Enloe, Jeanne M. Chamberlain, Jennifer J. Roof, Jennifer S. Wagner, Jill Schneider, Joel S. DeVore, Jona J. Maukonen, Joseph L. Franco, Josh Newton, Joshua L. Lute, Joshua L. Ross, Keil M. Mueller, Keith A. Ketterling, Laurie R. Hager, Lori Irish Bauman, Manasi Kumar, Margaret E. Schroeder, Hon. Marilyn Litzenberger, Mark A. Friel, Matthew J. Kalmanson, Matthew S. Kirkpatrick, Michael G. Hanlon, Michael B. Merchant, Michael T. Stone, Monica Wells, Paul R. Allen, Renée E. Rothauge, Richard L. Baum, Robert James Miller, Robert E. Sabido, Scott A. Shorr, Sharon Rudnick, Stephanie K. Corey, Hon. Stephen K. Bushong, Steven C. Berman, Steven Olson, Steven M. Wilker, Susan D. Marmaduke, Thomas D'Amore, Thomas R. Johnson, Timothy S. DeJong, Wendy J. Paris, William A. McDaniel, William H. Sherlock, Xin Xu, and Yoona Park.

The sixth edition of *Oregon Civil Pleading and Practice* compiles relevant court cases on procedural developments and is a comprehensive guide to pleading and practice in Oregon state courts. It is a must-have resource for any attorney who handles civil cases.

Highlights:

- Forms on CD included with purchase—contains over 200 forms.
- New chapter on e-discovery, including discussions on preserving electronically stored information and responding to discovery requests for such information
- Rules for pleading a claim for attorney fees
- New material addressing the amendments to ORCP 69 governing default
- Types of evidence admissible at summary judgment
- New chapter on expedited civil jury trials
- Practical considerations involved in deciding whether to implead a third-party defendant
- Grounds and procedure for appointing a receiver in Oregon, as well as procedures for operating and terminating the receivership

This two-volume set covers all the basics for your litigation practice, from jurisdiction to depositions, to posttrial matters. *Preorder your copy today*.

This title is also available on BarBooksTM to all active Oregon attorneys. Visit us at www.osbar.org/legalpubs/BarBooks.html for more information on this member benefit.

Preorder Form

Oregon Civil Pleading and Practice

Name	
Bar#	
Firm Name	
Phone	
Shipping Address (No P.O. Box)	
City	
State Zip	Code

Four Ways to Preorder

- Online: Complete and submit the preorder form online at www.osbar.org.
- Mail: Mail this completed preorder form to: Oregon State Bar Service Desk, 16037 SW Upper Boones Ferry Road, P.O. Box 231935, Tigard, OR 97281-1935.
- 3. **Fax:** Fax this preorder form to the Service Desk at 503-968-4456. To avoid duplicate orders, **do not** mail a copy.
- 4. Phone: Call the Service Desk at 503-431-6413, or toll-free in Oregon, 1-800-452-8260, ext. 413

You will be billed after the book has shipped.

Anticipated ship date: May 11, 2012. You will be billed after your order has shipped. DO NOT send payment at this time.

2012 2 vols. with binders and forms on CD [435.KT] \$228	. \$_	
2012 2 vols. without binders (with forms on CD) [435.KB] \$204	. \$	
*Preorder offer expires on April 13, 2012.		
Subtotal:	\$_	
Shipping and handling (U.S. orders only)	: \$_	7.00
TOTAL ORDER	: \$_	

B

Shipping & Handling: Orders within the U.S. will be shipped for \$7. Express service and international deliveries available for an additional charge.

This title is also available on BarBooks™ to all active Oregon attorneys. Visit us at www.osbar.org/legalpubs/BarBooks.html for more information on this member benefit.

*Preorder Pricing

In accordance with the Sustainability Policy of the Oregon State Bar, OSB Legal Publications will print this publication based on preorders and will maintain only a small inventory after the initial print date.

After the preorder expiration date, the prices will be \$285 and \$255.