

# FEDERAL RULES OF CIVIL PROCEDURE

(As amended to January 23, 2000)

## HISTORICAL NOTE

The original Rules of Civil Procedure for the District Courts were adopted by order of the Supreme Court on Dec. 20, 1937, transmitted to Congress by the Attorney General on Jan. 3, 1938, and became effective on Sept. 16, 1938.

The Rules have been amended Dec. 28, 1939, eff. Apr. 3, 1941; Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949; Apr. 30, 1951, eff. Aug. 1, 1951; Apr. 17, 1961, eff. July 19, 1961; Jan. 21, 1963, eff. July 1, 1963; Feb. 28, 1966, eff. July 1, 1966; Dec. 4, 1967, eff. July 1, 1968; Mar. 30, 1970, eff. July 1, 1970; Mar. 1, 1971, eff. July 1, 1971; Nov. 20, 1972, and Dec. 18, 1972, eff. July 1, 1975; Apr. 29, 1980, eff. Aug. 1, 1980; Oct. 21, 1980, Pub. L. 96-481, title II, §205(a), (b), 94 Stat. 2330; Jan. 12, 1983, Pub. L. 97-462, §§2-4, 96 Stat. 2527-2530, eff. Feb. 26, 1983; Apr. 28, 1983, eff. Aug. 1, 1983; Apr. 29, 1985, eff. Aug. 1, 1985; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 25, 1988, eff. Aug. 1, 1988; Nov. 18, 1988, Pub. L. 100-690, title VII, §§7047(b), 7049, 7050, 102 Stat. 4401; Apr. 30, 1991, eff. Dec. 1, 1991; Dec. 9, 1991, Pub. L. 102-198, §11, 105 Stat. 1626; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 27, 1995, eff. Dec. 1, 1995; Apr. 23, 1996, eff. Dec. 1, 1996; Apr. 11, 1997, eff. Dec. 1, 1997; Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 26, 1999, eff. Dec. 1, 1999.

## RULES OF THE SUPREME COURT OF THE UNITED STATES

Procedure in original actions in Supreme Court of the United States, Federal Rules of Civil Procedure as guide, see rule 17, this Appendix.

### I. SCOPE OF RULES—ONE FORM OF ACTION

- Rule  
1. Scope and Purpose of Rules.  
2. One Form of Action.

### II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

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    (d) Waiver of Service; Duty to Save Costs of Service; Request to Waive.  
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    (f) Service Upon Individuals in a Foreign Country.  
    (g) Service Upon Infants and Incompetent Persons.  
    (h) Service Upon Corporations and Associations.  
    (i) Service Upon the United States, and Its Agencies, Corporations, or Officers.  
    (j) Service Upon Foreign, State, or Local Governments.  
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## Rule

- 4.1. Service of Other Process.  
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    (c) Same: Numerous Defendants.  
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    (c) Affirmative Defenses.  
    (d) Effect of Failure To Deny.  
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    (f) Construction of Pleadings.  
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    (f) Time and Place.  
    (g) Special Damage.  
    (h) Admiralty and Maritime Claims.  
10. Form of Pleadings.  
    (a) Caption; Names of Parties.  
    (b) Paragraphs; Separate Statements.  
    (c) Adoption by Reference; Exhibits.  
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    (b) Representations to Court.  
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        (1) How Initiated.  
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            (B) On Court's Initiative.  
        (2) Nature of Sanction; Limitations.  
        (3) Order.  
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    (a) When Presented.  
    (b) How Presented.  
    (c) Motion for Judgment on the Pleadings.

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| Rule  | <ul style="list-style-type: none"> <li>(d) Preliminary Hearings.</li> <li>(e) Motion for More Definite Statement.</li> <li>(f) Motion To Strike.</li> <li>(g) Consolidation of Defenses in Motion.</li> <li>(h) Waiver or Preservation of Certain Defenses.</li> </ul>  | Rule | <ul style="list-style-type: none"> <li>25. Substitution of Parties.               <ul style="list-style-type: none"> <li>(a) Death.</li> <li>(b) Incompetency.</li> <li>(c) Transfer of Interest.</li> <li>(d) Public Officers; Death or Separation From Office.</li> </ul> </li> </ul>   |
| 13.   | <ul style="list-style-type: none"> <li>Counterclaim and Cross-Claim.               <ul style="list-style-type: none"> <li>(a) Compulsory Counterclaims.</li> <li>(b) Permissive Counterclaims.</li> <li>(c) Counterclaim Exceeding Opposing Claim.</li> <li>(d) Counterclaim Against the United States.</li> <li>(e) Counterclaim Maturing or Acquired After Pleading.</li> <li>(f) Omitted Counterclaim.</li> <li>(g) Cross-Claim Against Co-Party.</li> <li>(h) Joinder of Additional Parties.</li> <li>(i) Separate Trials; Separate Judgments.</li> </ul> </li> </ul> | 26.  | <ul style="list-style-type: none"> <li>V. DEPOSITIONS AND DISCOVERY</li> <li>General Provisions Governing Discovery; Duty of Disclosure.               <ul style="list-style-type: none"> <li>(a) Required Disclosures; Methods to Discover Additional Matter.                   <ul style="list-style-type: none"> <li>(1) Initial Disclosures.</li> <li>(2) Disclosure of Expert Testimony.</li> <li>(3) Pretrial Disclosures.</li> <li>(4) Form of Disclosures; Filing.</li> <li>(5) Methods to Discover Additional Matter.</li> </ul> </li> <li>(b) Discovery Scope and Limits.                   <ul style="list-style-type: none"> <li>(1) In General.</li> <li>(2) Limitations.</li> <li>(3) Trial Preparation: Materials.</li> <li>(4) Trial Preparation: Experts.</li> <li>(5) Claims of Privilege or Protection of Trial Preparation Materials.</li> </ul> </li> <li>(c) Protective Orders.</li> <li>(d) Timing and Sequence of Discovery.</li> <li>(e) Supplementation of Disclosures and Responses.</li> <li>(f) Meeting of Parties; Planning for Discovery.</li> <li>(g) Signing of Disclosures, Discovery Requests, Responses, and Objections.</li> </ul> </li> </ul> |
| 14.   | <ul style="list-style-type: none"> <li>Third-Party Practice.               <ul style="list-style-type: none"> <li>(a) When Defendant May Bring in Third Party.</li> <li>(b) When Plaintiff May Bring in Third Party.</li> <li>(c) Admiralty and Maritime Claims.</li> </ul> </li> </ul>   | 27.  | <ul style="list-style-type: none"> <li>Depositions Before Action or Pending Appeal.               <ul style="list-style-type: none"> <li>(a) Before Action.                   <ul style="list-style-type: none"> <li>(1) Petition.</li> <li>(2) Notice and Service.</li> <li>(3) Order and Examination.</li> <li>(4) Use of Deposition.</li> </ul> </li> <li>(b) Pending Appeal.</li> <li>(c) Perpetuation by Action.</li> </ul> </li> </ul>  |
| 15.   | <ul style="list-style-type: none"> <li>Amended and Supplemental Pleadings.               <ul style="list-style-type: none"> <li>(a) Amendments.</li> <li>(b) Amendments To Conform to the Evidence.</li> <li>(c) Relation Back of Amendments.</li> <li>(d) Supplemental Pleadings.</li> </ul> </li> </ul>   | 28.  | <ul style="list-style-type: none"> <li>Persons Before Whom Depositions May Be Taken.               <ul style="list-style-type: none"> <li>(a) Within the United States.</li> <li>(b) In Foreign Countries.</li> <li>(c) Disqualification for Interest.</li> </ul> </li> </ul>   |
| 16.   | <ul style="list-style-type: none"> <li>Pretrial Conferences; Scheduling; Management.               <ul style="list-style-type: none"> <li>(a) Pretrial Conferences; Objectives.</li> <li>(b) Scheduling and Planning.</li> <li>(c) Subjects for Consideration at Pretrial Conferences.</li> <li>(d) Final Pretrial Conference.</li> <li>(e) Pretrial Orders.</li> <li>(f) Sanctions.</li> </ul> </li> </ul>   | 29.  | <ul style="list-style-type: none"> <li>Stipulations Regarding Discovery Procedure.</li> </ul>   |
| 17.   | <ul style="list-style-type: none"> <li>Parties Plaintiff and Defendant; Capacity.               <ul style="list-style-type: none"> <li>(a) Real Party in Interest.</li> <li>(b) Capacity To Sue or Be Sued.</li> <li>(c) Infants or Incompetent Persons.</li> </ul> </li> </ul>   | 30.  | <ul style="list-style-type: none"> <li>Depositions Upon Oral Examination.               <ul style="list-style-type: none"> <li>(a) When Depositions May Be Taken; When Leave Required.</li> <li>(b) Notice of Examination: General Requirements; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.</li> <li>(c) Examination and Cross-Examination; Record of Examination; Oath; Objections.</li> <li>(d) Schedule and Duration; Motion to Terminate or Limit Examination.</li> <li>(e) Review by Witness; Changes; Signing.</li> <li>(f) Certification and Filing by Officer; Exhibits; Copies; Notice of Filing.</li> <li>(g) Failure To Attend or To Serve Subpoena; Expenses.</li> </ul> </li> </ul>   |
| 18.   | <ul style="list-style-type: none"> <li>Joinder of Claims and Remedies.               <ul style="list-style-type: none"> <li>(a) Joinder of Claims.</li> <li>(b) Joinder of Remedies; Fraudulent Conveyances.</li> </ul> </li> </ul>   | 31.  | <ul style="list-style-type: none"> <li>Depositions Upon Written Questions.               <ul style="list-style-type: none"> <li>(a) Serving Questions; Notice.</li> <li>(b) Officer To Take Responses and Prepare Record.</li> <li>(c) Notice of Filing.</li> </ul> </li> </ul>   |
| 19.   | <ul style="list-style-type: none"> <li>Joinder of Persons Needed for Just Adjudication.               <ul style="list-style-type: none"> <li>(a) Persons To Be Joined if Feasible.</li> <li>(b) Determination by Court Whenever Joinder Not Feasible.</li> <li>(c) Pleading Reasons for Nonjoinder.</li> <li>(d) Exception of Class Actions.</li> </ul> </li> </ul>   | 32.  | <ul style="list-style-type: none"> <li>Use of Depositions in Court Proceedings.               <ul style="list-style-type: none"> <li>(a) Use of Depositions.</li> <li>(b) Objections to Admissibility.</li> <li>(c) Form of Presentation.</li> <li>(d) Effect of Errors and Irregularities in Depositions.                   <ul style="list-style-type: none"> <li>(1) As to Notice.</li> </ul> </li> </ul> </li> </ul>  |
| 20.   | <ul style="list-style-type: none"> <li>Permissive Joinder of Parties.               <ul style="list-style-type: none"> <li>(a) Permissive Joinder.</li> <li>(b) Separate Trials.</li> </ul> </li> </ul>   |      |   |
| 21.   | <ul style="list-style-type: none"> <li>Misjoinder and Non-Joinder of Parties.</li> </ul>  |      |   |
| 22.   | <ul style="list-style-type: none"> <li>Interpleader.</li> </ul>   |      |   |
| 23.   | <ul style="list-style-type: none"> <li>Class Actions.               <ul style="list-style-type: none"> <li>(a) Prerequisites to a Class Action.</li> <li>(b) Class Actions Maintainable.</li> <li>(c) Determination by Order Whether Class Action To Be Maintained; Notice; Judgment; Actions Conducted Partially as Class Actions.</li> <li>(d) Orders in Conduct of Actions.</li> <li>(e) Dismissal or Compromise.</li> <li>(f) Appeals.</li> </ul> </li> </ul>   |      |   |
| 23.1. | <ul style="list-style-type: none"> <li>Derivative Actions by Shareholders.</li> </ul>   |      |   |
| 23.2. | <ul style="list-style-type: none"> <li>Actions Relating to Unincorporated Associations.</li> </ul>  |      |   |
| 24.   | <ul style="list-style-type: none"> <li>Intervention.               <ul style="list-style-type: none"> <li>(a) Intervention of Right.</li> <li>(b) Permissive Intervention.</li> <li>(c) Procedure.</li> </ul> </li> </ul>   |      |   |

Rule	Rule
	(2) As to Disqualification of Officer.
	(3) As to Taking of Deposition.
	(4) As to Completion and Return of Deposition.
33.	Interrogatories to Parties. (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. (a) Scope. (b) Procedure. (c) Persons Not Parties.
35.	Physical and Mental Examinations of Persons. (a) Order for Examination. (b) Report of Examiner.
36.	Requests for Admission. (a) Request for Admission. (b) Effect of Admission.
37.	Failure to Make Disclosure or Cooperate in Discovery: Sanctions. (a) Motion for Order Compelling Disclosure or Discovery. (1) Appropriate Court. (2) Motion. (3) Evasive or Incomplete Disclosure, Answer, or Response. (4) Expenses and Sanctions. (b) Failure To Comply With Order. (1) Sanctions by Court in District Where Deposition Is Taken. (2) Sanctions by Court in Which Action Is Pending. (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. (a) Right Preserved. (b) Demand. (c) Same: Specification of Issues. (d) Waiver. (e) Admiralty and Maritime Claims.
39.	Trial by Jury or by the Court. (a) By Jury. (b) By the Court. (c) Advisory Jury and Trial by Consent.
40.	Assignment of Cases for Trial.
41.	Dismissal of Actions. (a) Voluntary Dismissal: Effect Thereof. (1) By Plaintiff; by Stipulation. (2) By Order of Court. (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. (a) Consolidation. (b) Separate Trials.
43.	Taking of Testimony. (a) Form. [(b), (c) Abrogated.] (d) Affirmation in Lieu of Oath. (e) Evidence on Motions.
	(f) Interpreters.
44.	Proof of Official Record. (a) Authentication. (1) Domestic. (2) Foreign. (b) Lack of Record. (c) Other Proof.
44.1.	Determination of Foreign Law.
45.	Subpoena. (a) Form; Issuance. (b) Service. (c) Protection of Persons Subject to Subpoenas. (d) Duties in Responding to Subpoena. (e) Contempt.
46.	Exceptions Unnecessary.
47.	Selection of Jurors. (a) Examination of Jurors. (b) Peremptory Challenges. (c) Excuse.
48.	Number of Jurors—Participation in Verdict.
49.	Special Verdicts and Interrogatories. (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. (a) Judgment as a Matter of Law. (b) Renewing 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.
52.	Findings by the Court; Judgment on Partial Findings. (a) Effect. (b) Amendment. (c) Judgment on Partial Findings.
53.	Masters. (a) Appointment and Compensation. (b) Reference. (c) Powers. (d) Proceedings. (1) Meetings. (2) Witnesses. (3) Statement of Accounts. (e) Report. (1) Contents and Filing. (2) In Non-Jury Actions. (3) In Jury Actions. (4) Stipulation as to Findings. (5) Draft Report.
	VII. JUDGMENT
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55.	Default. (a) Entry. (b) Judgment. (1) By the Clerk. (2) By the Court. (c) Setting Aside Default. (d) Plaintiffs, Counterclaimants, Cross-Claimants. (e) Judgment Against the United States.
56.	Summary Judgment.

Rule	Rule
	(B)
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	(e) Appearance or Answer.
	(f) Amendment of Pleadings.
	(g) Substitution of Parties.
	(h) Trial.
	(i) Dismissal of Action.
	(1) As of Right.
	(2) By Stipulation.
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	(k) Condemnation Under a State's Power of Eminent Domain.
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57. Declaratory Judgments.	72. Magistrate Judges; Pretrial Orders.
58. Entry of Judgment.	(a) Nondispositive Matters.
59. New Trials; Amendment of Judgments.	(b) Dispositive Motions and Prisoner Petitions.
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(c) Time for Serving Affidavits.	(b) Consent.
(d) On Court's Initiative; Notice; Specifying Grounds.	(c) Appeal.
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(b) Stay on Motion for New Trial or for Judgment.	(d) Notice of Orders or Judgments.
(c) Injunction Pending Appeal.	78. Motion Day.
(d) Stay Upon Appeal.	79. Books and Records Kept by the Clerk and Entries Therein.
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(f) Stay According to State Law.	(b) Civil Judgments and Orders.
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(h) Stay of Judgment as to Multiple Claims or Multiple Parties.	(d) Other Books and Records of the Clerk.
63. Inability of a Judge to Proceed.	80. Stenographer; Stenographic Report or Transcript as Evidence.
VIII. PROVISIONAL AND FINAL REMEDIES	[(a), (b) Abrogated.]
64. Seizure of Person or Property.	(c) Stenographic Report or Transcript as Evidence.
65. Injunctions.	XI. GENERAL PROVISIONS
(a) Preliminary Injunction.	81. Applicability in General.
(1) Notice.	(a) To What Proceedings Applicable.
(2) Consolidation of Hearing With Trial on Merits.	(b) Scire Facias and Mandamus.
(b) Temporary Restraining Order; Notice; Hearing; Duration.	(c) Removed Actions.
(c) Security.	[(d) Abrogated.]
(d) Form and Scope of Injunction or Restraining Order.	(e) Law Applicable.
(e) Employer and Employee; Interpleader; Constitutional Cases.	(f) References to Officer of the United States.
65.1 Security; Proceedings Against Sureties.	82. Jurisdiction and Venue Unaffected.
66. Receivers Appointed by Federal Courts.	83. Rules by District Courts; Judge's Directives.
67. Deposit in Court.	(a) Local Rules.
68. Offer of Judgment.	(b) Procedures When There is No Controlling Law.
69. Execution.	84. Forms.
(a) In General.	85. Title.
(b) Against Certain Public Officers.	86. Effective Date.
70. Judgment for Specific Acts; Vesting Title.	(a) [Effective Date of Original Rules.]
71. Process in Behalf of and Against Persons Not Parties.	(b) Effective Date of Amendments.
IX. SPECIAL PROCEEDINGS	(c) Effective Date of Amendments.
71A. Condemnation of Property.	(d) Effective Date of Amendments.
(a) Applicability of Other Rules.	(e) Effective Date of Amendments.
(b) Joinder of Properties.	APPENDIX OF FORMS
(c) Complaint.	Form
(1) Caption.	1. Summons.
(2) Contents.	1A. Notice of Lawsuit and Request for Waiver of Service of Summons.
(3) Filing.	1B. Waiver of Service of Summons.
(d) Process.	2. Allegation of Jurisdiction.
(1) Notice; Delivery.	3. Complaint on a Promissory Note.
(2) Same; Form.	4. Complaint on an Account.
(3) Service of Notice.	
(A) Personal Service.	

Form		Rule
5.	Complaint for Goods Sold and Delivered.	D. Possessory, Petitory, and Partition Actions.
6.	Complaint for Money Lent.	E. Actions in Rem and Quasi in Rem: General Provisions.
7.	Complaint for Money Paid by Mistake.	(1) Applicability.
8.	Complaint for Money Had and Received.	(2) Complaint; Security.
9.	Complaint for Negligence.	(a) Complaint.
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.	(b) Security for Costs.
11.	Complaint for Conversion.	(3) Process.
12.	Complaint for Specific Performance of Contract To Convey Land.	(a) Territorial Limits of Effective Service.
13.	Complaint on Claim for Debt and To Set Aside Fraudulent Conveyance Under Rule 18(b).	(b) Issuance and Delivery.
14.	Complaint for Negligence Under Federal Employer's Liability Act.	(4) Execution of Process; Marshal's Return; Custody of Property; Procedures for Release.
15.	Complaint for Damages Under Merchant Marine Act.	(a) In General.
16.	Complaint for Infringement of Patent.	(b) Tangible Property.
17.	Complaint for Infringement of Copyright and Unfair Competition.	(c) Intangible Property.
18.	Complaint for Interpleader and Declaratory Relief.	(d) Directions with Respect to Property in Custody.
[18-A. Abrogated.]		(e) Expenses of Seizing and Keeping Property; Deposit.
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).	(f) Procedure for Release from Arrest or Attachment.
20.	Answer Presenting Defenses Under Rule 12(b).	(5) Release of Property.
21.	Answer to Complaint Set Forth in Form 8, With Counterclaim for Interpleader.	(a) Special Bond.
[22. Eliminated.]		(b) General Bond.
22-A.	Summons and Complaint Against Third-Party Defendant.	(c) Release by Consent, or Stipulation; Order of Court or Clerk; Costs.
22-B.	Motion To Bring in Third-Party Defendant.	(d) Possessory, Petitory, and Partition Actions.
23.	Motion To Intervene as a Defendant under Rule 24.	(6) Reduction or Impairment of Security.
24.	Request for Production of Documents, etc., Under Rule 34.	(7) Security on Counterclaim.
25.	Request for Admission Under Rule 36.	(8) Restricted Appearance.
26.	Allegation of Reason for Omitting Party.	(9) Disposition of Property; Sales.
[27. Abrogated.]		(a) Actions for Forfeitures.
28.	Notice: Condemnation.	(b) Interlocutory Sales.
29.	Complaint: Condemnation.	(c) Sales; Proceeds.
30.	Suggestion of Death Upon the Record Under Rule 25(a)(1).	F. Limitation of Liability.
31.	Judgment on Jury Verdict.	(1) Time for Filing Complaint; Security.
32.	Judgment on Decision by the Court.	(2) Complaint.
33.	Notice of Availability of a Magistrate Judge to Exercise Jurisdiction.	(3) Claims Against Owner; Injunction.
34.	Consent to Exercise of Jurisdiction by a United States Magistrate Judge.	(4) Notice to Claimants.
34A.	Order of Reference.	(5) Claims and Answer.
35.	Report of Parties' Planning Meeting.	(6) Information To Be Given Claimants.
		(7) Insufficiency of Fund or Security.
		(8) Objections to Claims: Distribution of Fund.
		(9) Venue; Transfer.

The Federal Rules of Civil Procedure supplant the Equity Rules since in general they cover the field now covered by the Equity Rules and the Conformity Act (former section 724 of this title).

This table shows the Equity Rules to which references are made in the notes to the Federal Rules of Civil Procedure.

SUPPLEMENTAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS		Equity Rules	Federal Rules of Civil Procedure
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	(1) When Available; Complaint, Affidavit, Judicial Authorization, and Process.	3 .....	79
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	(3) Answer.	5 .....	77
	(a) By Garnishee.	6 .....	78
	(b) By Defendant.	7 .....	4, 70
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	(1) When Available.	9 .....	70
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3. These rules are drawn under the authority of the act of June 19, 1934, U.S.C., Title 28, §723b [see 2072] (Rules in actions at law; Supreme Court authorized to make), and §723c [see 2072] (Union of equity and action at law rules; power of Supreme Court) and also other grants of rule making power to the Court. See Clark and Moore, *A New Federal Civil Procedure—I. The Background*, 44 Yale L.J. 387, 391 (1935). Under §723b after the rules have taken effect all laws in conflict therewith are of no further force or effect. In accordance with §723c the Court has united the general rules prescribed for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both. See Rule 2 (One Form of Action). For the former practice in equity and at law see U.S.C., Title 28, §§723 and 730 [see 2071 et seq.] (conferring power on the Supreme Court to make rules of practice in equity) and the [former] Equity Rules promulgated thereunder; U.S.C., Title 28, [former] §724 (Conformity act); [former] Equity Rule 22 (Action at Law Erroneously Begun as Suit in Equity—Transfer); [former] Equity Rule 23 (Matters Ordinarily Determinable at Law When Arising in Suit in Equity to be Disposed of Therein); U.S.C., Title 28, [former] §§397 (Amendments to pleadings when case brought to wrong side of court), and 398 (Equitable defenses and equitable relief in actions at law).

4. With the second sentence compare U.S.C., Title 28, [former] §§777 (Defects of form; amendments), 767 (Amendment of process); [former] Equity Rule 19 (Amendments Generally).

NOTES OF ADVISORY COMMITTEE ON RULES—1948  
AMENDMENT

The change in nomenclature conforms to the official designation of district courts in Title 28, U.S.C., §132(a).

NOTES OF ADVISORY COMMITTEE ON RULES—1966  
AMENDMENT

This is the fundamental change necessary to effect unification of the civil and admiralty procedure. Just as the 1938 rules abolished the distinction between actions at law and suits in equity, this change would abolish the distinction between civil actions and suits in admiralty. See also Rule 81.

NOTES OF ADVISORY COMMITTEE ON RULES—1993  
AMENDMENT

The purpose of this revision, adding the words “and administered” to the second sentence, is to recognize the affirmative duty of the court to exercise the authority conferred by these rules to ensure that civil litigation is resolved not only fairly, but also without undue cost or delay. As officers of the court, attorneys share this responsibility with the judge to whom the case is assigned.

CROSS REFERENCES

Jurisdiction and venue as unaffected by these rules, see rule 82.

Power of Supreme Court to prescribe rules of procedure and evidence, see section 2072 of this title.

Puerto Rico, district court governed by the rules, see section 119 of this title.

Virgin Islands, district court governed by the rules, see section 1614 of Title 48, Territories and Insular Possessions.

**Rule 2. One Form of Action**

There shall be one form of action to be known as “civil action.”

NOTES OF ADVISORY COMMITTEE ON RULES—1937

1. This rule modifies U.S.C., Title 28, [former] §384 (Suits in equity, when not sustainable). U.S.C., Title 28, §§723 and 730 [see 2071 et seq.] (conferring power on the Supreme Court to make rules of practice in equity), are unaffected insofar as they relate to the rule making

**RULES OF CIVIL PROCEDURE FOR THE UNITED STATES DISTRICT COURTS**

**I. SCOPE OF RULES—ONE FORM OF ACTION**

**Rule 1. Scope and Purpose of Rules**

These rules govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty, with the exceptions stated in Rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

(As amended Dec. 29, 1948, eff. Oct. 20, 1949; Feb. 28, 1966, eff. July 1, 1966; Apr. 22, 1993, eff. Dec. 1, 1993.)

NOTES OF ADVISORY COMMITTEE ON RULES—1937

1. Rule 81 states certain limitations in the application of these rules to enumerated special proceedings.

2. The expression “district courts of the United States” appearing in the statute authorizing the Supreme Court of the United States to promulgate rules of civil procedure does not include the district courts held in the Territories and insular possessions. See *Mookini et al. v. United States*, 303 U.S. 201, 58 S.Ct. 543, 82 L.Ed. 748 (1938).