

Table of Contents

RULES OF CIVIL PROCEDURE ANNOTATED

Rule 1 SCOPE OF RULES

- AC 1:1 Enactment of the Rules
- AC 1:2 Policies underlying the Rules
- AC 1:3 Interpretation of the Rules
- AC 1:4 Proceedings governed by the Rules
- AC 1:5 Circuit court—Exclusive jurisdiction and concurrent jurisdiction with probate court
- AC 1:6 Chancery court—Exclusive jurisdiction
- AC 1:7 Circuit and chancery court—Concurrent jurisdiction
- AC 1:8 Circuit, chancery and probate court—Concurrent jurisdiction
- AC 1:9 Circuit, chancery and juvenile court—Concurrent jurisdiction
- AC 1:10 General sessions court
- AC 1:11 Appeal or transfer from general sessions to circuit court
- AC 1:12 Court of Workers' Compensation Claims
- AC 1:13 Business court
- AC 1:14 Three-judge panel for constitutional challenges
- AC 1:15 Procedure in federal court in a diversity case

Rule 2 ONE FORM OF ACTION

- AC 2:1 Law and equity

Rule 3 COMMENCEMENT OF ACTION

- AC 3:1 Filing; issuance of summons; process
- AC 3:2 Time fixed
- AC 3:3 Additional means of commencing an action—
Prejudgment remedies
- AC 3:4 —Appeal from lower court
- AC 3:5 Rules which measure time from filing date

Rule 3A ENFORCEMENT OF FOREIGN JUDGMENTS

- 3A.01 Enrollment of Foreign Judgments
- 3A.02 Notice of Filing
- 3A.03 Clerk's Duties
- 3A.04 Enrollment and Execution
 - AC 3A:1 Generally
 - AC 3A:2 Uniform Foreign-Country Money Judgments
Recognition Act
 - AC 3A:3 Review

Rule 4 PROCESS

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- 4.01 Summons; Issuance; By Whom Served
- 4.02 Summons; Form
- 4.03 Summons; Return
- 4.04 Service Upon Defendants Within the State
- 4.05 Service Upon Defendant Outside This State
- 4.06 [Reserved]
- 4.07 Waiver of service; Duty to Save Costs of Service; Request to Waive
- 4.08 Constructive Service
- 4.09 Amendment
 - AC 4:1 Form of summons
 - AC 4:2 Service of process
 - AC 4:3 Cost bond or pauper's oath required—Dismissal
 - AC 4:4 Methods of service
 - AC 4:5 Waiver of service of summons
 - AC 4:6 Return of service
 - AC 4:7 Constructive service by publication
 - AC 4:8 Constructive service by attachment
 - AC 4:9 Counterpart process
 - AC 4:10 Amendment of process and proof of service
 - AC 4:11 Long-arm statutes
 - AC 4:12 Registered agents for service of process
 - AC 4:13 Abuse of process
 - AC 4:14 Rules 4 and 5 compared
- Rule 4A SERVICE UPON DEFENDANT IN A FOREIGN COUNTRY
 - AC 4A:1 Generally
- Rule 4B SERVICE UPON SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS
 - AC 4B:1 Generally
- Rule 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS
 - 5.01 Service; When Required
 - 5.02 Service; How Made
 - 5.03 Service; Proof of
 - 5.04 Service; Numerous Defendants
 - 5.05 Filing
 - 5.06 Filing With the Court Defined
 - AC 5:1 Generally
 - AC 5:2 Service made on attorney
 - AC 5:3 Proof of service—Suggested form
 - AC 5:4 Filing by facsimile
 - AC 5:5 Filing, signing or verification by electronic transmission

TABLE OF CONTENTS

AC 5:6	Filing by an incarcerated pro se litigant
AC 5:7	Filing and service under the Federal Rules of Civil Procedure
Rule 5A	FACSIMILE FILING OF PAPERS
5A.01	Definitions
5A.02	Filing Procedures
5A.03	Effect of Facsimile Filing
5A.04	Facsimile Service Charge
AC 5A:1	Generally
Rule 5B	ELECTRONIC FILING, SIGNING, OR VERIFICATION
AC 5B:1	Generally
Rule 6	TIME
6.01	Computation
6.02	Enlargement
6.03	Unaffected by Expiration of Term; Chambers Orders
6.04	For Motions; Affidavits
6.05	Additional Time After Service by Mail
AC 6:1	Purpose
AC 6:2	Computation; excluded days
AC 6:3	Enlargement of time
AC 6:4	Enlargement of time by stipulation
AC 6:5	Statutes of limitations
AC 6:6	Time for serving motions and affidavits
AC 6:7	Additional time after service by mail
Rule 7	PLEADINGS ALLOWED; FORM OF MOTIONS
7.01	Pleadings
7.02	Motions and Other Papers
7.03	Demurrers, Pleas, etc., Abolished
AC 7:1	Function of pleadings
AC 7:2	Time for serving a required pleading
AC 7:3	Failure to serve a required pleading
AC 7:4	Reply to a counterclaim
AC 7:5	Motions
AC 7:6	Tenn. R. Civ. P. 11
Rule 8	GENERAL RULES OF PLEADING
8.01	Claims for Relief
8.02	Defenses; Form of Denials
8.03	Affirmative Defenses
8.04	Effect of Failure to Deny
8.05	Pleading to Be Concise and Direct; Statutes, Ordinances and Regulations; Consistency
8.06	Construction of Pleadings
AC 8:1	Requirements of a claim for relief

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- AC 8:2 Demand for judgment
- AC 8:3 Motion to dismiss for failure to state a claim
- AC 8:4 Defenses and denials
- AC 8:5 Defenses under Tenn. R. Civ. P. 12.02
- AC 8:6 Affirmative defenses
- AC 8:7 —Accord and satisfaction
- AC 8:8 —Arbitration and award
- AC 8:9 —Express assumption of risk
- AC 8:10 —Comparative fault
- AC 8:11 —Discharge in bankruptcy
- AC 8:12 —Duress
- AC 8:13 —Estoppel
- AC 8:14 —Failure or lack of consideration
- AC 8:15 —Fraud
- AC 8:16 —Illegality; Contracts of adhesion
- AC 8:17 —Laches
- AC 8:18 —License
- AC 8:19 —Payment
- AC 8:20 —Release
- AC 8:21 —Res judicata; Collateral estoppel
- AC 8:22 —Statute of frauds
- AC 8:23 —Statute of limitations
- AC 8:24 — —Accrual of cause of action
- AC 8:25 — —Tolled by common law rules
- AC 8:26 — —Tolling by statute
- AC 8:27 — —Savings statutes
- AC 8:28 — —Frustration of the statute
- AC 8:29 —Statute of repose
- AC 8:30 —Waiver
- AC 8:31 —Workers' compensation immunity

Rule 9 PLEADING SPECIAL MATTERS

- 9.01 Capacity
- 9.02 Fraud, Mistake, Condition of the Mind
- 9.03 Conditions Precedent
- 9.04 Official Document or Act
- 9.05 Judgment
- 9.06 Time and Place
- 9.07 Special Damage
 - AC 9:1 Capacity
 - AC 9:2 Fraud, mistake, conditions of the mind
 - AC 9:3 Conditions precedent
 - AC 9:4 Official document or act

TABLE OF CONTENTS

AC 9:5	Judgment
AC 9:6	Time and place
AC 9:7	General damages
AC 9:8	Special damages
AC 9:9	Statutory cap on noneconomic damages
AC 9:10	Punitive damages
AC 9:11	Statutory cap on punitive damages
Rule 9A	PETITION FOR TERMINATION OF PARENTAL RIGHTS; CONTENT OF PETITION
AC 9A:1	Complaint for termination of parental rights must contain a notice
AC 9A:2	Parental rights
AC 9A:3	Concurrent jurisdiction
AC 9A:4	Review
Rule 10	FORM OF PLEADINGS
10.01	Caption; Names of Parties
10.02	Paragraphs; Separate Statements
10.03	Exhibits
10.04	Adoption by Reference
AC 10:1	Caption—Designation of parties
AC 10:2	—Designation of pleading
AC 10:3	Paragraphs—Separate statements
AC 10:4	Exhibits
AC 10:5	Adoption by reference
Rule 11	SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO THE COURT; SANCTIONS
11.01	Signature
11.02	Representations to Court
11.03	Sanctions
11.04	Inapplicability to Discovery
AC 11:1	Signature
AC 11:2	Verification
AC 11:3	Reasonable inquiry—Facts
AC 11:4	—Legal theories
AC 11:5	Continuing duty
AC 11:6	Sanctions
AC 11:7	Sanctions under other rules and statutes
AC 11:8	Procedural issues in Tenn. R. Civ. P. 11 disputes
AC 11:9	Appellate review
Rule 12	DEFENSES AND OBJECTIONS: WHEN AND HOW PRESENTED: BY PLEADING OR MOTION: MOTION FOR JUDGMENT ON PLEADINGS

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- 12.01 When Presented
- 12.02 How Presented
- 12.03 Motion for Judgment on the Pleadings
- 12.04 Preliminary Hearings
- 12.05 Motion for More Definite Statement
- 12.06 Motion to Strike
- 12.07 Consolidation of Defenses
- 12.08 Waiver of Defenses
 - AC 12:1 Tenn. R. Civ. P. 12.01—Defenses and objections—
When presented
 - AC 12:2 Tenn. R. Civ. P. 12.02—Defenses and objections—How
presented
 - AC 12:3 Tenn. R. Civ. P. 12.02(1)—Lack of subject matter
jurisdiction
 - AC 12:4 Tenn. R. Civ. P. 12.02(2)—Lack of personal jurisdiction
 - AC 12:5 Tenn. R. Civ. P. 12.02(3)—Improper venue
 - AC 12:6 Tenn. R. Civ. P. 12.02(4)—Insufficiency of process
 - AC 12:7 Tenn. R. Civ. P. 12.02(5)—Insufficiency of service of
process
 - AC 12:8 Tenn. R. Civ. P. 12.02(6)—Failure to state a claim
 - AC 12:9 Tenn. R. Civ. P. 12.02(7)—Failure to join an
indispensable party
 - AC 12:10 Tenn. R. Civ. P. 12.02(8)—Specific negative averments
made pursuant to Tenn. R. Civ. P. 9.01
 - AC 12:11 Tenn. R. Civ. P. 12.03—Motion for judgment on the
pleadings
 - AC 12:12 Tenn. R. Civ. P. 12.04—Preliminary hearings
 - AC 12:13 Tenn. R. Civ. P. 12.05—Motion for more definite
statement
 - AC 12:14 Tenn. R. Civ. P. 12.06—Motion to strike
 - AC 12:15 Tenn. R. Civ. P. 12.07—Consolidation of defenses
 - AC 12:16 Tenn. R. Civ. P. 12.08—Waiver of defenses
 - AC 12:17 Review
- Rule 13 COUNTERCLAIM AND CROSS-CLAIM
 - 13.01 Compulsory Counterclaims
 - 13.02 Permissive Counterclaim
 - 13.03 Counterclaim Exceeding Opposing Claim
 - 13.04 Counterclaim Against the State of Tennessee
 - 13.05 Counterclaim Maturing or Acquired After Pleading
 - 13.06 Omitted Counterclaim
 - 13.07 Cross-Claim Against Co-party
 - 13.08 Additional Parties May Be Brought In
 - 13.09 Separate Trials; Separate Judgments

TABLE OF CONTENTS

AC 13:1	Counterclaim generally
AC 13:2	Compulsory counterclaim
AC 13:3	—Exceptions
AC 13:4	Permissive counterclaim
AC 13:5	Set off and recoupment
AC 13:6	Counterclaim against the State of Tennessee
AC 13:7	Counterclaim maturing or acquired after pleading
AC 13:8	Omitted counterclaim
AC 13:9	Reply to a counterclaim
AC 13:10	Cross-claim
AC 13:11	Answer to a cross-claim
AC 13:12	Additional parties
AC 13:13	Separate trials
AC 13:14	Statutes of limitation
AC 13:15	Attorney fees awarded counterclaimant when plaintiff voluntarily dismisses
AC 13:16	Appeal
Rule 14	THIRD-PARTY PRACTICE
14.01	When Defendant May Bring in Third Party
14.02	When Plaintiff May Bring in Third Party
AC 14:1	Generally
AC 14:2	Service
AC 14:3	Time for filing; statutes of limitations
AC 14:4	Motion to bring in third-party defendant
AC 14:5	Multiple tortfeasors
AC 14:6	Impleading an insurer
AC 14:7	Fourth-party action
AC 14:8	Defenses
AC 14:9	Third-party practice in general sessions court
AC 14:10	Impleader distinguished from interpleader
AC 14:11	Appeal

Table of Contents

RULES OF CIVIL PROCEDURE ANNOTATED (CONTINUED)

Rule 15 AMENDED AND SUPPLEMENTAL PLEADINGS

- 15.01 Amendments
- 15.02 Amendments to Conform to the Evidence
- 15.03 Relation Back of Amendments
- 15.04 Supplemental Pleadings
 - AC 15:1 Amendment of the pleadings
 - AC 15:2 Amendment as of right
 - AC 15:3 Amendment by leave of court or by written consent
 - AC 15:4 Form of amendment
 - AC 15:5 Pleading in response to amendment; continuances
 - AC 15:6 Original pleading admissible as evidence
 - AC 15:7 Amendment to conform to the evidence
 - AC 15:8 Timeliness of amendment
 - AC 15:9 Relation back of amendment—To add a claim or defense
 - AC 15:10 —To add a plaintiff or defendant
 - AC 15:11 Supplemental pleadings
 - AC 15:12 Review

Rule 16 SCHEDULING AND PLANNING, PRETRIAL AND FINAL PRETRIAL CONFERENCES AND ORDERS

- 16.01 Scheduling and Planning Conferences and Orders
- 16.02 Pretrial Conferences; Objectives
- 16.03 Subjects to Be Discussed at Pretrial Conferences
- 16.04 Final Pretrial Conference
- 16.05 Pretrial Order
- 16.06 Sanctions
 - AC 16:1 Scope of rule
 - AC 16:2 Use and timing of conferences
 - AC 16:3 Subjects to be discussed
 - AC 16:4 Alternative dispute resolution
 - AC 16:5 Procedure at conference
 - AC 16:6 Pretrial order
 - AC 16:7 Sanctions

Rule 17 PARTIES PLAINTIFF AND DEFENDANT; CAPACITY

- 17.01 Real Party in Interest
- 17.02 Capacity to Sue or Be Sued
- 17.03 Infants or Incompetent Persons

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- AC 17:1 Generally
- AC 17:2 Real party in interest
- AC 17:3 Assignees
- AC 17:4 Subrogees
- AC 17:5 Standing distinguished
- AC 17:6 Capacity
- AC 17:7 Infants or incompetent persons
- AC 17:8 Next friend

Rule 18 JOINDER OF CLAIMS AND REMEDIES

18.01 Joinder of Claims

18.02 Joinder of Remedies

- AC 18:1 Joinder of claims
- AC 18:2 Same transaction or common question requirement
- AC 18:3 Joinder of remedies
- AC 18:4 Severance, separate trials, and separate judgment on multiple claims

Rule 19 JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION

19.01 Persons to Be Joined if Feasible

19.02 Determination by Court Whenever Joinder Not Feasible

19.03 Pleading Reasons for Nonjoinder

19.04 Exception of Class Actions

- AC 19:1 Joinder of persons needed for just adjudication
- AC 19:2 The reluctant plaintiff
- AC 19:3 Pleading reasons for nonjoinder
- AC 19:4 Failure to join an indispensable party
- AC 19:5 The interaction of other joinder rules
- AC 19:6 Joint and several liability
- AC 19:7 Contribution
- AC 19:8 Appeal

Rule 20 PERMISSIVE JOINDER OF PARTIES

20.01 Permissive Joinder

20.02 Separate Trials

- AC 20:1 Generally
- AC 20:2 Permissive joinder of plaintiffs
- AC 20:3 Permissive joinder of defendants
- AC 20:4 Same transaction and common question requirements
- AC 20:5 Severance and separate trials
- AC 20:6 Appeal

Rule 21 MISJOINDER AND NONJOINDER OF PARTIES

- AC 21:1 Misjoinder—Drop party or sever

- AC 21:2 Severance and separate trials

Rule 22 INTERPLEADER

TABLE OF CONTENTS

22.01	When Required; Objection
22.02	Procedure
AC 22:1	When the stakeholder is a plaintiff
AC 22:2	When the stakeholder is a defendant
AC 22:3	Substitution of defendant in a property action
AC 22:4	Claimants beyond jurisdiction of court
AC 22:5	Attorney fees
AC 22:6	Interpleader distinguished from impleader
AC 22:7	Interpleader in general sessions court
Rule 23	CLASS ACTIONS
23.01	Prerequisites to a Class Action
23.02	Class Actions Maintainable
23.03	Determination by Order Whether Class Action to Be Maintained; Notice, Judgment; Actions Conducted
23.04	Orders in Conduct of Actions
23.05	Dismissal or Compromise
23.06	Derivative Actions by Shareholders
23.07	Actions Relating to Unincorporated Associations
23.08	Disposition of Residual Funds
AC 23:1	Generally
AC 23:2	Prerequisites—In general
AC 23:3	—Numerosity
AC 23:4	—Commonality
AC 23:5	—Typicality
AC 23:6	—Adequacy of representation
AC 23:7	Class actions maintainable
AC 23:8	Time for determination of whether class action may be maintained
AC 23:9	Notice
AC 23:10	Effect of judgment with respect to absentees
AC 23:11	Dismissal or compromise
AC 23:12	Derivative actions
AC 23:13	Actions by or against members of unincorporated associations
AC 23:14	Attorney fees
AC 23:15	Review
AC 23:16	Disposition of residual funds
Rule 24	INTERVENTION
24.01	Intervention as of Right
24.02	Permissive Intervention
24.03	Procedure
24.04	Notice to Attorney General When Statute, Rule or Regulation Is Questioned

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

24.05 Finality of Judgment

- AC 24:1 Intervention as of right
- AC 24:2 Permissive intervention
- AC 24:3 Time of intervention
- AC 24:4 Subrogees
- AC 24:5 Notice to attorney general
- AC 24:6 Failure to intervene
- AC 24:7 Review

Rule 25 SUBSTITUTION OF PARTIES

25.01 Death

25.02 Incompetency

25.03 Transfer of Interest

25.04 Public Officers; Death or Separation From Office

- AC 25:1 Generally
- AC 25:2 Survival of action after death
- AC 25:3 Suggestion of death
- AC 25:4 Death—Motion for substitution
- AC 25:5 Revivor of an action
- AC 25:6 Security and costs
- AC 25:7 Incompetency
- AC 25:8 Transfer of interest
- AC 25:9 Public officers
- AC 25:10 Service of the motion

Rule 26 GENERAL PROVISIONS GOVERNING DISCOVERY

26.01 Discovery Methods

26.02 Discovery Scope and Limits

26.03 Protective Orders

26.04 Sequence and Timing of Discovery

26.05 Supplementation of Responses

26.06 Discovery Conference

26.07 Signing of Discovery Requests, Responses, and Objections

- AC 26:1 Discovery methods
- AC 26:2 Scope and limitations of discovery—Generally
- AC 26:3 Discovery of electronically stored documents
- AC 26:4 Discovery of identities of trial witnesses
- AC 26:5 Discovery of exhibits intended to be used at trial
- AC 26:6 Discovery of opposing party's financial condition
- AC 26:7 Discoverability of insurance coverage
- AC 26:8 Privileged information
- AC 26:9 Constitutional privilege against self-incrimination
- AC 26:10 Other privileges
- AC 26:11 Procedure for claiming a privilege

TABLE OF CONTENTS

AC 26:12	Waiver of privilege
AC 26:13	Trial preparation—Materials
AC 26:14	—Experts—Within scope of the rule
AC 26:15	— —Procedure for obtaining discovery from experts within the scope of the rule
AC 26:16	Protective orders
AC 26:17	Supplementation of responses
AC 26:18	Discovery conference
AC 26:19	Sanctions for discovery abuse
AC 26:20	Review
AC 26:21	Discovery in general sessions courts and other tribunals
Rule 27	DEPOSITIONS BEFORE ACTION OR PENDING APPEAL
27.01	Before Action
27.02	Pending Appeal
27.03	Perpetuation by Action
27.04	Filing and Recording
AC 27:1	Before action
AC 27:2	Pending appeal
Rule 28	PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN
28.01	Within the United States
28.02	In Foreign Countries
28.03	Disqualification for Interest
AC 28:1	Officers authorized to administer oaths
AC 28:2	Depositions in other states
AC 28:3	Depositions in foreign countries—Methods for taking
AC 28:4	—Treaties
AC 28:5	Uniform Unsworn Foreign Declarations Act
Rule 29	STIPULATIONS REGARDING DISCOVERY PROCEDURE
AC 29:1	Scope of rule
Rule 30	DEPOSITIONS UPON ORAL EXAMINATION
30.01	When Depositions May Be Taken
30.02	Notice of Examination: General Requirements; Special Notice; Non-Stenographic Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone
30.03	Examination and Cross-Examination; Record of Examination; Oath; Objections
30.04	Motion to Terminate or Limit Examination
30.05	Submission to Witness; Changes; Signing

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- 30.06 Disposition
- 30.07 Failure to Attend or to Serve Subpoena; Expenses
 - AC 30:1 Scope of rule
 - AC 30:2 Procedure
 - AC 30:3 Deposition by plaintiff within thirty days of service of summons
 - AC 30:4 Deposition of a prisoner
 - AC 30:5 Designation of persons to be examined; representatives of organizations
 - AC 30:6 Examination of the deponent; objections
 - AC 30:7 Motion to terminate or limit examination
 - AC 30:8 Presence of other witnesses
 - AC 30:9 Disposition of deposition
 - AC 30:10 Use of a deposition to support or oppose a motion
- Rule 31 DEPOSITIONS UPON WRITTEN QUESTIONS
 - 31.01 Serving Questions; Notice
 - 31.02 Officer to Take Responses and Prepare Record
 - 31.03 Notice of Filing
 - AC 31:1 Scope of rule
 - AC 31:2 Procedure
 - AC 31:3 Use of a deposition to support or oppose a motion
- Rule 32 USE OF DEPOSITIONS IN COURT PROCEEDINGS
 - 32.01 Use of Depositions
 - 32.02 Objections to Admissibility
 - 32.03 Effect of Taking or Using Depositions
 - 32.04 Effect of Errors and Irregularities in Depositions
 - AC 32:1 Use of depositions
 - AC 32:2 Use of depositions of experts
 - AC 32:3 Introducing deposition testimony in court proceedings
 - AC 32:4 Use of depositions by jury in deliberations
 - AC 32:5 Use of depositions for contradiction or impeachment
 - AC 32:6 Use of depositions of adverse party or its representative
 - AC 32:7 Use of non-party witness depositions other than for contradiction or impeachment
 - AC 32:8 Party's use of own deposition
 - AC 32:9 Depositions from prior proceedings
 - AC 32:10 Objections to admissibility
- Rule 33 INTERROGATORIES TO PARTIES
 - 33.01 Availability; Procedures for Use
 - 33.02 Scope; Use at Trial
 - 33.03 Option to Produce Business Records
 - AC 33:1 Scope of rule

TABLE OF CONTENTS

AC 33:2	Procedure
AC 33:3	Use and effect of answers to interrogatories
AC 33:4	Option to produce business records
AC 33:5	Duty to supplement answer
Rule 34	PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES
34.01	Scope
34.02	Procedure
34.03	Persons Not Parties
AC 34:1	Scope of rule
AC 34:2	Procedure—Request and response
AC 34:3	Production of tangible things; entry upon land
AC 34:4	Property in possession of non-parties
AC 34:5	Use of document to support or oppose a motion
Rule 34A	SPOILIATION OF EVIDENCE
34A.01	Testing of Tangible Things
34A.02	Other Spoliation
AC 34A:1	Procedure for testing
AC 34A:2	Electronically stored information
AC 34A:3	Sanctions for the spoliation of evidence
Rule 35	PHYSICAL AND MENTAL EXAMINATION OF PERSONS
35.01	Order for Examination
35.02	Report of Examination
AC 35:1	Scope of rule
AC 35:2	Procedure
AC 35:3	Reports of examination; waiver of privilege.
Rule 36	REQUESTS FOR ADMISSION
36.01	Request for Admission
36.02	Effect of Admission
AC 36:1	Scope of rule
AC 36:2	Procedure
AC 36:3	Objections; lack of knowledge; qualified responses
AC 36:4	Non-compliant responses
AC 36:5	Effect of admission
AC 36:6	Effect of failure to respond
AC 36:7	Use of admissions to support or oppose a motion
Rule 37	FAILURE TO MAKE OR COOPERATE IN DISCOVERY: SANCTIONS
37.01	Motion for Order Compelling Discovery
37.02	Failure to Comply With Order
37.03	Failure to Disclose or Refusal to Admit

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- 37.04 Failure of Party to Attend at Own Deposition or Serve
Answers to Interrogatories or Respond to Requests for
Inspection
- 37.05 Failure to Participate in the Framing of a Discovery Plan
- 37.06 Electronically Stored Information
 - AC 37:1 Scope of rule
 - AC 37:2 Procedure for motion and order to compel
 - AC 37:3 Sanctions for failure to comply with order to compel;
contempt
 - AC 37:4 Direct sanctions for complete failure to make discovery
 - AC 37:5 Award of expenses
 - AC 37:6 Sanctions for failure to admit
 - AC 37:7 Sanctions for failure to participate in framing
discovery plan
 - AC 37:8 Sanctions for failure to supplement
 - AC 37:9 Electronically stored information
 - AC 37:10 Review
- Rule 38 JURY TRIAL OF RIGHT
- 38.01 Right Preserved
- 38.02 Demand
- 38.03 Demand: Cases Removed to Trial Court
- 38.04 Demand: Specification of Issues
- 38.05 Waiver
 - AC 38:1 Constitutional right to a jury trial
 - AC 38:2 Statutory right to a jury trial
 - AC 38:3 Tactical considerations of jury demand
 - AC 38:4 Form of demand—Local rules
 - AC 38:5 Time for demand
 - AC 38:6 Waiver
 - AC 38:7 Relief from waiver
 - AC 38:8 Withdrawal of jury demand
 - AC 38:9 Removal of case from jury determination
 - AC 38:10 Bifurcated trial
 - AC 38:11 Reference to a master
 - AC 38:12 Actions inappropriate for jury determination
- Rule 39 TRIAL BY JURY OR BY THE COURT
- 39.01 By Jury
- 39.02 By the Court
- 39.03 Advisory Jury
 - AC 39:1 Trial by jury or by the court
 - AC 39:2 Advisory jury
- Rule 40 SETTING CASES FOR TRIAL
 - AC 40:1 Setting cases for trial

TABLE OF CONTENTS

AC 40:2	Actions expedited
AC 40:3	Continuances
AC 40:4	Review
Rule 41	DISMISSAL OF ACTIONS
41.01	Voluntary Dismissal: Effect Thereof
41.02	Involuntary Dismissal: Effect Thereof
41.03	Dismissal of Counterclaim, Cross-Claim or Third-Party Claim
41.04	Costs of Previously Dismissed Action
AC 41:1	Scope of rule
AC 41:2	Voluntary dismissal—Procedure
AC 41:3	—Effect
AC 41:4	—Dismissal of counterclaims, cross-claims, and third-party claims
AC 41:5	—Costs
AC 41:6	—Reinstituting action—Savings statute
AC 41:7	Involuntary dismissal—In general
AC 41:8	—Conclusion of plaintiff's evidence
AC 41:9	Review
Rule 42	CONSOLIDATION: SEPARATE TRIALS
42.01	Consolidation
42.02	Separate Trials
AC 42:1	Generally
AC 42:2	Consolidation
AC 42:3	Peremptory challenges
AC 42:4	Separation for trial
AC 42:5	Bifurcated trial
Rule 43	EVIDENCE
43.01	Evidence at Trials
43.02	Evidence at Motion Hearings
43.03	Order of Expert Testimony
43.04	Matters Considered by Court
AC 43:1	Evidence at trials
AC 43:2	Audio-visual testimony
AC 43:3	Testimony by telephone
AC 43:4	Evidence at motion hearings
AC 43:5	Order of expert testimony
AC 43:6	Review
Rule 43A	JUROR INFORMATION
43A.01	Juror Notetaking
43A.02	Juror Notebooks
43A.03	Juror Questions of Witnesses
AC 43A:1	Juror notetaking and notebooks

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- Rule 44 [Reserved]
- Rule 44A INTERIM COMMENTARY
 - AC 44A:1 Interim commentary—Rule 44A
- Rule 45 SUBPOENA
 - 45.01 For Attendance of Witnesses; Form; Issuance
 - 45.02 For Production of Documents and Things or Inspection of Premises
 - 45.03 Service
 - 45.04 Subpoena for Taking Depositions—Place of Deposition
 - 45.05 Subpoena for a Hearing or Trial; Personal Attendance
 - 45.06 Contempt
 - 45.07 Protection of Persons Subject to Subpoena
 - 45.08 Duties in Responding to Subpoena
 - 45.09 Form of Issuance of Subpoena
 - AC 45:1 Contents of a subpoena
 - AC 45:2 Subpoena to compel attendance of a non-party
 - AC 45:3 Subpoena unnecessary to compel attendance of a party
 - AC 45:4 Deponents exempt from subpoena to trial but subject to subpoena to a deposition
 - AC 45:5 Service of a subpoena
 - AC 45:6 Attendance at deposition
 - AC 45:7 Attendance at a hearing or trial
 - AC 45:8 Subpoena to deposition for litigation outside the state
 - AC 45:9 Subpoena to deposition of witness in another state
 - AC 45:10 Protection of persons subject to subpoena
 - AC 45:11 Failure to serve a timely subpoena
 - AC 45:12 Failure to obey subpoena
 - AC 45:13 Witness compensation and expenses
 - AC 45:14 Local rules
- Rule 46 EXCEPTIONS UNNECESSARY
 - AC 46:1 Generally
 - AC 46:2 Other rules governing the preservation of error for appeal
- Rule 47 JURORS
 - 47.01 Examination of Jurors
 - 47.02 Alternate Jurors
 - 47.03 Procedures for Exercising Peremptory Challenges
 - AC 47:1 Voir dire examination
 - AC 47:2 Additional jurors
 - AC 47:3 Challenge for cause
 - AC 47:4 Peremptory challenges
 - AC 47:5 Excuse from jury duty
- Rule 48 JURIES OF LESS THAN TWELVE: MAJORITY VERDICT

TABLE OF CONTENTS

AC 48:1	Number of jurors
AC 48:2	Majority verdict
Rule 49	SPECIAL VERDICTS AND INTERROGATORIES
49.01	Special Verdicts
49.02	General Verdict Accompanied by Answer to Interrogatories
49.03	Right to Require General Verdict [Deleted]
AC 49:1	Special verdict
AC 49:2	General verdict accompanied by answer to interrogatories
AC 49:3	Procedure
AC 49:4	Objections
AC 49:5	Review
Rule 50	MOTION FOR A DIRECTED VERDICT
50.01	When Made: Effect
50.02	Reservation of Decision on Motion
50.03	Conditional Rulings on Grant of Motion
50.04	Denial of Motion
50.05	Motion for New Trial Not Necessary After Directed Verdict
AC 50:1	Motion for a directed verdict
AC 50:2	Procedure
AC 50:3	Relationship between Tenn. R. Civ. P. 50 and other rules
AC 50:4	Motion for judgment in accordance with motion for directed verdict
AC 50:5	Motion for judgment in accordance with motion for directed verdict and, in the alternative, motion for a new trial if the judgment is thereafter vacated or reversed
AC 50:6	Motion for new trial unnecessary
AC 50:7	Review
Rule 51	INSTRUCTIONS TO JURY: OBJECTION
51.01	Requests for Instructions
51.02	Objection: Failure to Object
51.03	Timing
51.04	Written Form
AC 51:1	Jury instructions
AC 51:2	Requests for jury instructions
AC 51:3	Objections
AC 51:4	Motion for new trial
AC 51:5	Jury findings required in personal injury and wrongful death actions
AC 51:6	Review
Rule 52	FINDINGS BY THE COURT

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

52.01 Findings Required

52.02 Amendment

AC 52:1 Findings of fact and conclusions of law required

AC 52:2 Findings and conclusions need not be in writing

AC 52:3 Preparation of findings

AC 52:4 Preparation of findings by counsel

AC 52:5 Findings required by other rules

AC 52:6 Findings required by statute

AC 52:7 Amendments

AC 52:8 Appellate review

Rule 53 MASTERS

53.01 Appointment and Compensation

53.02 Powers

53.03 Proceedings

53.04 Report

53.05 Application to References to Clerks and Masters

AC 53:1 Reference to a clerk and master

AC 53:2 Reference to a master other than the clerk and master

AC 53:3 Powers of a master

AC 53:4 Compensation of a master

AC 53:5 Proceedings

AC 53:6 Master's report

AC 53:7 Transcript

AC 53:8 Effect of report in nonjury action

AC 53:9 Effect of report in jury action

AC 53:10 Appellate review

Table of Contents

RULES OF CIVIL PROCEDURE ANNOTATED (CONTINUED)

Rule 54 JUDGMENTS AND COSTS

- 54.01 Definition; Form
- 54.02 Multiple Claims for Relief—Motion to Intervene
- 54.03 Demand for Judgment
- 54.04 Costs
 - AC 54:1 Definition of judgment
 - AC 54:2 Form of judgment
 - AC 54:3 Multiple claims for relief
 - AC 54:4 Appellate review of an interlocutory order
 - AC 54:5 Demand for judgment
 - AC 54:6 Costs
 - AC 54:7 Attorney fees—In general
 - AC 54:8 Prejudgment and postjudgment interest

Rule 55 DEFAULT

- 55.01 Entry
- 55.02 Setting Aside Default
- 55.03 Plaintiffs, Counterclaims, Cross-Claimants
- 55.04 Judgment Against the State of Tennessee
 - AC 55:1 Default judgment
 - AC 55:2 Procedure
 - AC 55:3 Protections against default judgment—Parties under disability
 - AC 55:4 —Servicemembers
 - AC 55:5 —Certain parties protected by requirement of proof; the State of Tennessee
 - AC 55:6 Default judgment as sanction
 - AC 55:7 Contempt for failure to appear
 - AC 55:8 Motion to set aside a default judgment
 - AC 55:9 Time for motion to set aside default judgment
 - AC 55:10 Decree pro confesso; entry by the clerk
 - AC 55:11 Review
 - AC 55:12 Federal procedure

Rule 56 SUMMARY JUDGMENT

- 56.01 For Claimant
- 56.02 For Defending Party
- 56.03 Specifying Material Facts

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- 56.04 Motion and Proceedings Thereon
- 56.05 Case Not Fully Adjudicated on Motion
- 56.06 Form of Affidavits; Further Testimony; Defense Required
- 56.07 When Affidavits Are Unavailable
- 56.08 Affidavits Made in Bad Faith
 - AC 56:1 In general
 - AC 56:2 Procedure—Motion
 - AC 56:3 —Response
 - AC 56:4 —Form of evidence supporting motion or response
 - AC 56:5 Standard for considering motion for summary judgment
 - AC 56:6 Standard for evidence submitted
 - AC 56:7 Partial summary judgment
 - AC 56:8 Defendant’s Tenn. R. Civ. P. 12 motion treated as summary judgment motion
 - AC 56:9 Continuance for discovery
 - AC 56:10 Trial court must state grounds for summary judgment decision
 - AC 56:11 Review
 - AC 56:12 Summary judgment in federal court compared to summary judgment in state court
- Rule 57 DECLARATORY JUDGMENTS
 - AC 57:1 In general
 - AC 57:2 The case must be justiciable
 - AC 57:3 Deeds, wills, contracts or other writings constituting a contract
 - AC 57:4 Declaratory judgment or writ of certiorari
 - AC 57:5 Jury trial or speedy hearing
 - AC 57:6 Review
- Rule 58 ENTRY OF JUDGMENT
 - AC 58:1 Entry of judgment
 - AC 58:2 Significance of date of entry of judgment
 - AC 58:3 Express direction—Multiple claims and parties
 - AC 58:4 Errors in entry; nunc pro tunc
- Rule 59 NEW TRIALS AND ALTERATION OR AMENDMENT OF JUDGMENTS
 - 59.01 Motions Included
 - 59.02 Time for Motions
 - 59.03 Time for Serving Affidavits
 - 59.04 Motion to Alter or Amend a Judgment
 - 59.05 On Initiative of Court
 - 59.06 New Trial Where Verdict Is Against the Weight of the Evidence

TABLE OF CONTENTS

59.07	Motion for New Trial; Grounds
AC 59:1	Time for filing Tenn. R. Civ. P. 59 motions
AC 59:2	Effect of Tenn. R. Civ. P. 59 motions on the time for appeals
AC 59:3	Motion for a new trial
AC 59:4	Motion to alter or amend judgment
AC 59:5	Remittitur and Additur
AC 59:6	Review
AC 59:7	Federal standard for granting a new trial
Rule 60	RELIEF FROM JUDGMENTS OR ORDERS
60.01	Clerical Mistakes
60.02	Mistakes; Inadvertence; Excusable Neglect; Fraud, etc.
AC 60:1	Tenn. R. Civ. P. 60.01—Clerical mistakes
AC 60:2	Tenn. R. Civ. P. 60.02—Relief from judgment on other grounds
AC 60:3	Mistake, inadvertence, surprise or excusable neglect
AC 60:4	Fraud, misrepresentation, or other misconduct of an adverse party
AC 60:5	Judgment is void
AC 60:6	Judgment has been satisfied, released, discharged; prior judgment reversed, or otherwise vacated; or prospective application is no longer equitable
AC 60:7	Any other reason justifying relief
AC 60:8	Time for Tenn. R. Civ. P. 60.02 motion
AC 60:9	Motion to set aside a default judgment
AC 60:10	Motion to set aside judgment for purposes of allowing appeal
AC 60:11	Motion for relief from consent decree
AC 60:12	Suspension of judgment
AC 60:13	Independent action
AC 60:14	Appeal of order
Rule 61	[Reserved]
Rule 62	STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT
62.01	Initial Stay; Exceptions
62.02	Additional Stay on Specified Timely Motions
62.03	Relief Pending Appeal
62.04	Stay on Appeal
62.05	Bond for Stay
62.06	Stay in Favor of the State or Agency Thereof
62.07	Power of Trial Court Not Limited
62.08	Power of Appellate Court Not Limited
62.09	Entry, Enforcement or Stay of Judgment as to Multiple Claims or Multiple Parties

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- AC 62:1 Generally
- AC 62:2 Automatic thirty-day stay
- AC 62:3 Motions that extend a stay
- AC 62:4 Pending appeal
- AC 62:5 Bond for stay
- AC 62:6 Stay in favor of the state or agency thereof
- AC 62:7 Stay of judgment upon multiple claims or parties
- AC 62:8 Servicemembers' Civil Relief Act
- Rule 63 INABILITY OF A JUDGE TO PROCEED
 - AC 63:1 Substitution of successor judge
- Rule 64 SEIZURE OF PERSON OR PROPERTY
 - AC 64:1 Generally
 - AC 64:2 Attachment
 - AC 64:3 Garnishment
 - AC 64:4 Replevin or action to recover personal property
 - AC 64:5 Sequestration
 - AC 64:6 Arrest
 - AC 64:7 Other corresponding remedies—In general
 - AC 64:8 —Lien lis pendens
 - AC 64:9 —Creditor's bills
 - AC 64:10 Other corresponding remedies—Setting aside a fraudulent transfer
 - AC 64:11 Other corresponding remedies—Detainer and ejectment
 - AC 64:12 Servicemembers' Civil Relief Act
 - AC 64:13 Prejudgment remedies and the Bankruptcy Code
- Rule 65 INJUNCTIONS
 - 65.01 Injunctive Relief
 - 65.02 Requisites of Restraining Order or Injunction; Parties Bound
 - 65.03 Restraining Order
 - 65.04 Temporary Injunction
 - 65.05 Injunction Bond
 - 65.06 Enforcement of Restraining Orders and Injunctions
 - 65.07 Exceptions
 - AC 65:1 Scope of Rule
 - AC 65:2 Restraining orders—Grounds for issuance
 - AC 65:3 —Procedure
 - AC 65:4 —Effect of restraining order
 - AC 65:5 Temporary injunctions—Grounds for issuance
 - AC 65:6 —Procedure
 - AC 65:7 Injunction bond
 - AC 65:8 Enforcement of restraining orders and injunctions
 - AC 65:9 Domestic relations cases

TABLE OF CONTENTS

AC 65:10	Review
Rule 65A	FORM OF SECURITY; PROCEEDINGS AGAINST SURETIES
AC 65A:1	Generally
Rule 66	RECEIVERS
AC 66:1	Generally
AC 66:2	Procedure
AC 66:3	Dismissal
AC 66:4	Stay after entry of judgment
AC 66:5	Uniform Commercial Real Estate Receivership Act
AC 66:6	Receivership and the Bankruptcy Code
AC 66:7	Liquidation, reorganization or receivership proceedings for entities that do not qualify for federal bankruptcy protection
Rule 67	DEPOSIT IN COURT
67.01	In an Action
67.02	Court May Order Deposit or Seizure of Property
67.03	Money Paid Into Court
67.04	Post-Judgment Interest
AC 67:1	Generally
AC 67:2	Interest
AC 67:3	Escrow accounts
Rule 68	OFFER OF JUDGMENT
AC 68:1	Generally
AC 68:2	Successive unaccepted offers
AC 68:3	Costs
AC 68:4	No revocation of offer
Rule 69	EXECUTION ON JUDGMENTS
69.01	Scope
69.02	Sequence
69.03	Discovery
69.04	Extension of Time
69.05	Garnishment
69.06	Execution on Personalty
69.07	Execution on Realty
AC 69:1	Creditor remedies—Execution
AC 69:2	—Judgment lien
AC 69:3	—Locating assets of the debtor
AC 69:4	—Garnishment
AC 69:5	—Creditor’s bill
AC 69:6	Debtor protections—Stay of execution
AC 69:7	—In general—Exemptions
AC 69:8	—Exemptions—Real property

TENNESSEE PRACTICE—RULES OF CIVIL PROCEDURE

- AC 69:9 — —Personal property
- AC 69:10 — —State and federal assistance benefits
- AC 69:11 — —Life insurance
- AC 69:12 Assertion of exemption rights
- AC 69:13 Right of redemption
- AC 69:14 Slow-pay motion
- AC 69:15 Servicemembers' civil relief
- AC 69:16 Veterans' benefits
- AC 69:17 Postjudgment remedies and the Bankruptcy Code
- Rule 70 JUDGMENT FOR SPECIFIC ACTS; VESTING TITLE
 - AC 70:1 Remedies available to enforce judgment for specific acts
 - AC 70:2 Civil contempt
 - AC 70:3 Criminal contempt
- Rule 71 CONDEMNATION OF PROPERTY
 - AC 71:1 Eminent domain
 - AC 71:2 The constitutional public use requirement
- Rule 72 DECLARATIONS MADE UNDER PENALTY OF PERJURY
 - AC 72:1 Unsworn declarations

Table of Laws and Rules

Table of Cases

Index