

# **Table of Contents**

## **CIVIL PRACTICE**

### **I. PRELIMINARY**

#### **CHAPTER 1. VENUE**

- § 1:1 Motion for change of venue
- § 1:2 Motion to dismiss for improper venue

#### **CHAPTER 2. CAPTIONS**

- § 2:1 Action in district court
- § 2:2 Basic caption, individual, single parties
- § 2:3 Basic caption, individual, single parties (alternate form)
- § 2:4 More than one plaintiff
- § 2:5 More than one defendant
- § 2:6 Corporation as party
- § 2:7 Multiple party action after original complaint
- § 2:8 Commonwealth suing for benefit of another
- § 2:9 Commonwealth as plaintiff
- § 2:10 Caption in Supreme Court of Kentucky
- § 2:11 Caption in Court of Appeals
- § 2:12 Caption for discretionary review in Supreme Court

### **II. COMMENCEMENT OF ACTION**

#### **CHAPTER 3. COMPLAINT**

- § 3:1 Basic complaint form
- § 3:2 Complaint on a promissory note
- § 3:3 Complaint on an account
- § 3:4 Complaint for goods sold and delivered
- § 3:5 Complaint for money lent
- § 3:6 Complaint for money paid by mistake
- § 3:7 Complaint for money had and received
- § 3:8 Complaint for conversion
- § 3:9 Complaint on a check
- § 3:10 Complaint of payee against drawer of check
- § 3:11 Complaint by pledgor against pledgee
- § 3:12 Complaint on claim for debt and to set aside fraudulent conveyance under CR 18.02
- § 3:13 Complaint to set aside sale made to prefer a creditor
- § 3:14 Complaint on life insurance policy
- § 3:15 Complaint on fire insurance policy
- § 3:16 Complaint on supersedeas bond
- § 3:17 Complaint to enjoin proceedings on judgment, and to vacate judgment
- § 3:18 Complaint to enjoin sale under execution

- § 3:19 Complaint to enjoin waste, and for damages
- § 3:20 Complaint for specific performance of contract to convey land
- § 3:21 Complaint for breach of covenant
- § 3:22 Complaint of owner for negligent damages
- § 3:23 Complaint for use and occupation of land
- § 3:24 Complaint for trespass to real property
- § 3:25 Complaint for disturbing a right-of-way
- § 3:26 Complaint for negligence
- § 3:27 Complaint for negligence where plaintiff is unable to determine definitely whether the person responsible is [tortfeasor 1] or [tortfeasor 2] or whether both are responsible and where his evidence may justify a finding of willfulness or of negligence
- § 3:28 Complaint for wrongful death
- § 3:29 Complaint for assault and battery
- § 3:30 Complaint for malicious prosecution
- § 3:31 Complaint for false imprisonment
- § 3:32 Complaint for libel
- § 3:33 Complaint for slander
- § 3:34 Complaint for injury caused by public nuisance
- § 3:35 Complaint against common carrier
- § 3:36 Complaint for falsely reporting an incident
- § 3:37 Civil case cover sheet

## **CHAPTER 4. SERVICE OF PROCESS**

- § 4:1 Summons
- § 4:2 Summons on third-party complaint
- § 4:3 Affidavit for warning order
- § 4:4 Affidavit for warning order by plaintiff's attorney
- § 4:5 Warning order
- § 4:6 Report of warning order attorney
- § 4:7 Bond to secure compliance with any new judgment after judgment against person constructively summoned is entered
- § 4:8 Waiver of service

## **CHAPTER 5. SERVICE OF PLEADINGS AND MOTIONS**

- § 5:1 Certificate of service by mail
- § 5:2 Certificate of service by hand delivery
- § 5:3 Affidavit of person serving papers, if not attorney
- § 5:4 Notice of hearing on motion
- § 5:5 Notice of hearing on motion at regularly scheduled motion hour
- § 5:6 Motion to dispense with service of pleadings
- § 5:7 Order dispensing with service of pleadings
- § 5:8 Certificate of service in appellate court

## **CHAPTER 6. TIME**

- § 6:1 Motion for an enlargement of time

## TABLE OF CONTENTS

- § 6:2 Motion for an enlargement of time after the prescribed period has expired
- § 6:3 Motion for order fixing time between service of motion and hearing thereon
- § 6:4 Motion for early hearing on motion

## III. PLEADINGS AND MOTIONS

### CHAPTER 7. MOTIONS

- § 7:1 Basic notice, motion, and certificate of service
- § 7:2 Motion, another form

### CHAPTER 8. ANSWERS

- § 8:1 Answer consisting of a general denial of allegations which form the basis of the claim for relief
- § 8:2 Answer denying knowledge or information
- § 8:3 Answer presenting defenses under CR 12.02, and affirmative defenses under CR 8.03
- § 8:4 Answer setting forth affirmative defense of accord and satisfaction
- § 8:5 Answer setting forth affirmative defense of arbitration and award
- § 8:6 Answer setting forth affirmative defense of contributory negligence

### CHAPTER 9. PLEADING SPECIAL MATTERS

- § 9:1 Negative averment of capacity
- § 9:2 Negative averment of authority to institute action in a representative capacity
- § 9:3 Averment of fraud
- § 9:4 Averment of mistake
- § 9:5 General averment of performance of condition precedent
- § 9:6 Denial of performance of condition precedent
- § 9:7 Averment regarding official document
- § 9:8 Pleading a judgment
- § 9:9 Pleading special damages: personal injury
- § 9:10 Alternative pleading of special damages: personal injury

### CHAPTER 10. BASIC PLEADINGS FORMS

- § 10:1 Basic complaint form
- § 10:2 Basic answer form
- § 10:3 Paragraph adopting by reference
- § 10:4 Incorporation into pleading of any written instrument

### CHAPTER 11. SIGNATURES

- § 11:1 Basic signature
- § 11:2 Signature, alternate form
- § 11:3 Verified pleading
- § 11:4 Signature of party to action
- § 11:5 Signature of party and his attorney

## **CHAPTER 12. DEFENSES BY MOTION**

- § 12:1 Motion to dismiss presenting defenses of failure to state a claim, of lack of service of process, and lack of jurisdiction under CR 12.02
- § 12:2 Motion to dismiss pursuant to CR 12.02 (alternate form)
- § 12:3 Motion for a judgment on the pleadings
- § 12:4 Motion for more definite statement
- § 12:5 Motion to strike pleading for failure to file a more definite statement
- § 12:6 Motion to strike any matter from a pleading
- § 12:7 Motion to strike defense as insufficient
- § 12:8 Special motion for expedited relief to dismiss
- § 12:9 Motion to dismiss for lack of jurisdiction/constitutional standing

## **CHAPTER 13. COUNTERCLAIMS AND CROSS-CLAIMS**

- § 13:1 Answer containing a compulsory counterclaim
- § 13:2 Answer containing permissive counterclaim
- § 13:3 Motion to dismiss counterclaim
- § 13:4 Motion for leave to file a counterclaim as a supplemental pleading
- § 13:5 Motion for leave to amend answer to assert counterclaim
- § 13:6 Answer including a cross-claim against a co-party
- § 13:7 Response to a counterclaim with a cross-claim against a co-plaintiff
- § 13:8 Motion to dismiss cross-claim

## **CHAPTER 14. THIRD-PARTY PRACTICE**

- § 14:1 Motion to bring in third-party defendant
- § 14:2 Motion to dismiss third-party complaint
- § 14:3 Third-party answer

## **CHAPTER 15. AMENDED AND SUPPLEMENTAL PLEADINGS**

- § 15:1 Amended complaint
- § 15:2 Amended complaint (alternate form)
- § 15:3 Amended answer
- § 15:4 Motion for leave to file amended pleading
- § 15:5 Amendment of answer in response to service of amended complaint
- § 15:6 Motion to enlarge time for filing responsive pleading to amended pleading

## **CHAPTER 16. PRETRIAL PROCEDURE**

- § 16:1 Motion for pretrial conference
- § 16:2 Pretrial order

## **IV. PARTIES**

### **CHAPTER 17. PARTIES**

- § 17:1 Caption: guardian as plaintiff
- § 17:2 Caption: guardian as defendant
- § 17:3 Motion by plaintiff for appointment of guardian ad litem
- § 17:4 Motion by defendant for appointment of guardian ad litem
- § 17:5 Motion to dismiss on ground that plaintiff is not the real party in interest
- § 17:6 Order dismissing action unless party in interest be joined or substituted

### **CHAPTER 18. JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION**

- § 18:1 Allegation of reason for omitting party
- § 18:2 Pleading reasons for non-joinder pursuant to CR 19.03
- § 18:3 Paragraph in complaint describing unwilling necessary plaintiff joined as defendant
- § 18:4 Motion to dismiss for failure to join an indispensable party
- § 18:5 Motion to dismiss for failure to join an indispensable party when complaint fails to plead reasons for non-joinder
- § 18:6 Alternative motion to dismiss for failure to join an indispensable party when complaint fails to plead reasons for non-joinder

### **CHAPTER 19. MISJOINDER**

- § 19:1 Motion to drop or add a party
- § 19:2 Motion to drop defendant, or for a severance of claims

### **CHAPTER 20. INTERPLEADER**

- § 20:1 Complaint for interpleader and declaratory relief
- § 20:2 Answer to complaint with counterclaim for interpleader

### **CHAPTER 21. CLASS ACTIONS**

- § 21:1 Complaint in class action
- § 21:2 Order determining that class action be maintained
- § 21:3 General form of notice of pendency of class action
- § 21:4 Request for exclusion from membership in the class
- § 21:5 Motion to dismiss a class action
- § 21:6 Motion for approval of dismissal or compromise of class action

### **CHAPTER 22. INTERVENTION**

- § 22:1 Motion to intervene as a defendant under CR 24
- § 22:2 Motion to intervene as a plaintiff or defendant

### **CHAPTER 23. SUBSTITUTION OF PARTIES**

- § 23:1 Motion for substitution for deceased party
- § 23:2 Alternative motion by party plaintiff to substitute representative for deceased defendant

- § 23:3 Motion to dismiss action for failure to substitute for deceased plaintiff
- § 23:4 Motion to dismiss for failure to substitute for deceased defendant
- § 23:5 Motion for substitution for incompetent party
- § 23:6 Motion for substitution for public officer

## **V. DEPOSITIONS AND DISCOVERY**

### **CHAPTER 24. MOTIONS RELATING TO DISCOVERY GENERALLY**

- § 24:1 Motion to bar discovery
- § 24:2 Motion to limit time and place of deposition
- § 24:3 Motion to change method of discovery
- § 24:4 Motion to limit scope of inquiry
- § 24:5 Motion to limit attendance at deposition
- § 24:6 Motion that deposition be sealed
- § 24:7 Motion to protect trade secrets
- § 24:8 Motion for simultaneous filing of documents and information
- § 24:9 Motion to alter sequence of discovery

### **CHAPTER 25. PERPETUATION OF TESTIMONY**

- § 25:1 Petition to perpetuate testimony
- § 25:2 Notice of petition to perpetuate testimony
- § 25:3 Order authorizing perpetuation of testimony
- § 25:4 Motion for leave to take depositions pending appeal

### **CHAPTER 26. AUTHORITY TO TAKE DEPOSITIONS**

- § 26:1 Commission to take deposition
- § 26:2 Subpoena of witness to give deposition for use in other state

### **CHAPTER 27. STIPULATIONS REGARDING DISCOVERY**

- § 27:1 Stipulation, basic form

### **CHAPTER 28. ORAL DEPOSITIONS AFTER COMMENCEMENT OF ACTION**

- § 28:1 Motion and affidavit for leave of court for early deposition
- § 28:2 Motion for leave of court to take deposition of incarcerated person
- § 28:3 Notice of deposition upon oral examination
- § 28:4 Notice of deposition upon oral examination of corporation with subpoena duces tecum
- § 28:5 Special notice for early deposition
- § 28:6 Notice of video recorded deposition

## TABLE OF CONTENTS

- § 28:7 Order to take deposition by other than stenographic means *[Deleted]*
- § 28:8 Certification by officer

## **CHAPTER 29. WRITTEN DEPOSITIONS**

- § 29:1 Notice of taking deposition upon written questions
- § 29:2 Notice of cross, redirect, or recross questions to be propounded
- § 29:3 Motion to enlarge or shorten time for serving cross, redirect, recross questions

## **CHAPTER 30. USE OF DEPOSITION IN COURT PROCEEDINGS**

- § 30:1 Motion for leave to use deposition in lieu of testimony at trial
- § 30:2 Objection to evidence in a deposition on the grounds of admissibility
- § 30:3 Objection to notice of deposition
- § 30:4 Objection to qualification of officer taking deposition
- § 30:5 Objection to form of deposition questions
- § 30:6 Motion to suppress deposition

## **CHAPTER 31. INTERROGATORIES TO PARTIES**

- § 31:1 Form of interrogatories
- § 31:2 Motion to enlarge time for answering interrogatories
- § 31:3 Answers to interrogatories, including objections, and the production of business records in lieu of answer

## **CHAPTER 32. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND**

- § 32:1 Request for production of documents, etc., under CR 34
- § 32:2 Request for production of documents
- § 32:3 Request for production of things for inspection, testing, etc.
- § 32:4 Request to permit entry upon land or property
- § 32:5 Response to request for production or entry

## **CHAPTER 33. COMPELLING MENTAL OR PHYSICAL EXAMINATION**

- § 33:1 Motion for mental or physical examination
- § 33:2 Request for copy of examination report
- § 33:3 Motion to require delivery of examiner's report
- § 33:4 Request for like reports

## **CHAPTER 34. ADMISSIONS**

- § 34:1 Request for Admissions
- § 34:2 Motion to shorten or lengthen time for response to Request for Admissions
- § 34:3 Response to Request for Admissions

- § 34:4 Motion to determine sufficiency of response and objections

## **CHAPTER 35. SANCTIONS**

- § 35:1 Motion to compel discovery regarding depositions, interrogatories, designations of representative, request under CR 34
- § 35:2 Response to motion under CR 37.01(b)(i), requesting movant to pay respondent's expenses
- § 35:3 Motion to impose sanctions for failure to be sworn or to answer after being ordered to do so
- § 35:4 Motion to impose sanctions permitted by CR 37.02(2)
- § 35:5 Motion to impose sanctions on party for failure to attend own deposition, respond to interrogatories, or to respond to a request for inspection under CR 34
- § 35:6 Application for expenses on failure to admit

## **VI. TRIALS**

### **CHAPTER 36. DEMAND FOR JURY TRIAL**

- § 36:1 Demand for jury trial (endorsed upon complaint)
- § 36:2 Demand for jury trial (served independently)

### **CHAPTER 37. TRIAL BY JURY OR BY THE COURT**

- § 37:1 Stipulation waiving trial by jury notwithstanding demand therefor
- § 37:2 Stipulation waiving trial by jury on specific issues
- § 37:3 Motion for trial by court notwithstanding demand for jury trial, on constitutional grounds
- § 37:4 Motion for advisory jury

### **CHAPTER 38. TRIAL DATE**

- § 38:1 Motion for trial date

### **CHAPTER 39. DISMISSAL OF ACTION**

- § 39:1 Notice of voluntary dismissal
- § 39:2 Stipulation of dismissal (by all parties who have appeared)
- § 39:3 Motion to dismiss
- § 39:4 Notice of dismissal of a counterclaim
- § 39:5 Motion to dismiss for failure to prosecute
- § 39:6 Motion to dismiss for failure of plaintiff to comply with Civil Rules or any order of Court
- § 39:7 Motion to require costs for previously dismissed action, and to stay present proceedings

### **CHAPTER 40. CONSOLIDATION AND SEPARATION OF CLAIMS FOR TRIAL**

- § 40:1 Motion to consolidate actions
- § 40:2 Motion for joint hearing on common question of law



## TABLE OF CONTENTS

§ 40:3 Motion for separate trial of claim within an action

## **CHAPTER 41. TRIAL PROCEDURE AND INTRODUCTION OF EVIDENCE**

### **I. MOTIONS**

- § 41:1 Motion and affidavit to continue trial on account of absent witness
- § 41:2 Motion and affidavit to continue trial on account of absence of evidence
- § 41:3 Motion to proceed by deposition
- § 41:4 Motion to proceed orally in open court
- § 41:5 Motion to enlarge time for taking deposition in action to be tried upon deposition

### **II. AFFIDAVITS**

- § 41:6 Affidavit: declaration
- § 41:7 Affidavit with solemn affirmation in lieu of oath

## **CHAPTER 42. PROOF OF OFFICIAL RECORD**

- § 42:1 Authentication of copy of official record by attestation
- § 42:2 Authentication of copy of official record by attestation plus certification

## **CHAPTER 43. SUBPOENA**

- § 43:1 Basic subpoena form
- § 43:2 Subpoena duces tecum
- § 43:3 Subpoena for deposition
- § 43:4 Motion to quash subpoena
- § 43:5 Motion for personal attendance of witness

## **CHAPTER 44. ARBITRATION AND AWARD**

- § 44:1 Binding arbitration agreement, when no action pending
- § 44:2 Agreement to submit to arbitration in a pending action
- § 44:3 Arbitration order
- § 44:4 Motion to appoint arbitrator to fill vacancy
- § 44:5 Subpoena of witness, before arbitrators
- § 44:6 Judgment on award

## **CHAPTER 45. STIPULATION FOR REDUCED JURY**

- § 45:1 Stipulation for reduced jury
- § 45:2 Stipulation for stated majority

## **CHAPTER 46. SPECIAL VERDICTS; GENERAL VERDICTS; INTERROGATORIES**

- § 46:1 Special verdict: will contest

- § 46:2 Special verdict: action based upon negligence theory
- § 46:3 General verdict
- § 46:4 Verdict on counterclaim for damages
- § 46:5 Interrogatories to accompany general verdict

## **CHAPTER 47. MOTION FOR DIRECTED VERDICT; MOTIONS AFTER VERDICT**

### **I. MOTION FOR DIRECTED VERDICT**

- § 47:1 Motion by defendant for directed verdict
- § 47:2 Motion by plaintiff for directed verdict

### **II. MOTIONS AFTER VERDICT**

- § 47:3 Motion for judgment notwithstanding the verdict
- § 47:4 Motion for new trial

## **CHAPTER 48. INSTRUCTIONS TO JURY**

- § 48:1 Proposed jury instructions
- § 48:2 Objection to instructions proposed by opposing party
- § 48:3 Objection to court's instructions

## **CHAPTER 49. FINDINGS OF THE COURT**

- § 49:1 Motion to amend and supplement Findings of Fact and to amend Judgment, where appropriate
- § 49:2 Request for finding on particular issue

## **CHAPTER 50. MASTER COMMISSIONERS**

- § 50:1 Motion to refer to a master commissioner
- § 50:2 Objection to report of master commissioner
- § 50:3 Motion to adopt master commissioner's report
- § 50:4 Motion to reject report of master commissioner and to hear evidence
- § 50:5 Motion to modify report of master commissioner
- § 50:6 Stipulation that master commissioner's Findings of Fact be final
- § 50:7 Order referring case to master commissioner
- § 50:8 Order referring case to master commissioner for judicial sale
- § 50:9 Order referring case to special master commissioner for judicial sale

## **VII. JUDGMENT**

### **CHAPTER 51. JUDGMENTS**

- § 51:1 Judgment on a jury verdict
- § 51:2 Judgment on decision by the Court
- § 51:3 Alternative judgment on decision by Court
- § 51:4 Judgment on less than all claims in an action involving multiple claims or multiple parties

## TABLE OF CONTENTS

§ 51:5 Alternative judgment on less than all claims

§ 51:6 Motion to review taxation of costs

## **CHAPTER 52. DEFAULT JUDGMENT**

§ 52:1 Motion for default judgment where defendant has made no appearance

§ 52:2 Motion for default judgment where defendant has appeared

§ 52:3 Motion to set aside default judgment

§ 52:4 Default judgment

## **CHAPTER 53. SUMMARY JUDGMENT**

§ 53:1 Motion for summary judgment

§ 53:2 Affidavit in support of motion for summary judgment

§ 53:3 Motion for continuance based upon the unavailability of affidavits to opposing party

§ 53:4 Motion for order of payment of costs when affidavit is made in bad faith

## **CHAPTER 54. DECLARATORY JUDGMENT**

§ 54:1 Petition for declaration of rights in action already pending pursuant to KRS 418.040

§ 54:2 Petition for declaration of rights pursuant to KRS 418.045

§ 54:3 Response to petition for declaration of rights

## **CHAPTER 55. ENTRY OF JUDGMENTS**

## **CHAPTER 56. POST-JUDGMENT PROCEEDINGS**

§ 56:1 Motion for a new trial

§ 56:2 Affidavit in support of or opposing motion for a new trial

§ 56:3 Motion to alter, amend, or vacate a judgment

## **CHAPTER 57. RELIEF FROM JUDGMENT OR ORDER**

§ 57:1 Motion to correct clerical mistake

§ 57:2 Motion for relief from judgment

§ 57:3 Motion to abate appeal while motion for relief from judgment is pending

## **CHAPTER 58. STAY OF PROCEEDINGS TO ENFORCE JUDGMENT**

§ 58:1 Motion to stay proceedings to enforce judgment

## **VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS**

### **CHAPTER 59. PROVISIONAL REMEDIES**

#### **I. WRIT OF POSSESSION**

- § 59:1 Motion for Writ of Possession when action concerns specific personal property
- § 59:2 Prerequisite demand for possession
- § 59:3 Writ of Possession
- § 59:4 Application for temporary restraining order in conjunction with motion for Writ of Possession of personal property
- § 59:5 Temporary restraining order pending motion for Writ of Possession of private property
- § 59:6 Motion to quash Writ of Possession
- § 59:7 Plaintiff's bond
- § 59:8 Defendant's bond
- § 59:9 Notice of exception to sureties

#### **II. ORDER OF ATTACHMENT**

- § 59:10 Motion for Order of Attachment
- § 59:11 Prerequisite demand for payment
- § 59:12 Affidavit of compliance with KRS 425.301(3)
- § 59:13 Plaintiff's bond for Order of Attachment
- § 59:14 Motion for ex parte Order of Attachment
- § 59:15 Motion to quash attachment

### **CHAPTER 60. TEMPORARY INJUNCTIVE RELIEF**

- § 60:1 Motion for restraining order
- § 60:2 Restraining order
- § 60:3 Motion to dissolve restraining order
- § 60:4 Motion for temporary injunction
- § 60:5 Temporary injunction
- § 60:6 Injunction bond
- § 60:7 Motion for additional security
- § 60:8 Motion for interlocutory relief in the Court of Appeals
- § 60:9 Motion for interlocutory relief pending appeal of final judgment granting or denying an injunction
- § 60:10 Motion for interlocutory relief in Supreme Court

### **CHAPTER 61. RECEIVERS**

- § 61:1 Motion for appointment of receiver
- § 61:2 Bond of receiver

### **CHAPTER 62. DEPOSIT IN COURT**

- § 62:1 Motion for leave to deposit money or property with the Court

## **CHAPTER 63. OFFER OF JUDGMENT**

- § 63:1 Offer of judgment, unconditional
- § 63:2 Offer of judgment, conditioned upon unsuccessful defense
- § 63:3 Acceptance of offer of judgment
- § 63:4 Judgment upon offer and acceptance
- § 63:5 Judgment when offer conditional, and defense is  
unsuccessful

## **CHAPTER 64. ENFORCEMENT OF JUDGMENTS**

- § 64:1 Execution
- § 64:2 Execution from district court
- § 64:3 Execution on judgment for specific property
- § 64:4 Affidavit of right of claimant to execution
- § 64:5 Execution against executor or administrator
- § 64:6 Execution form
- § 64:7 Writ commanding sale of property
- § 64:8 Affidavit of insufficient property in county to satisfy  
judgment
- § 64:9 Notice by execution purchaser of motion for possession
- § 64:10 Notice by purchaser under execution in his behalf to quash  
levy and return
- § 64:11 Bond of claimant to suspend sale
- § 64:12 Bond of purchaser of property
- § 64:13 Motion by obligor to discharge bond and execution
- § 64:14 Motion or petition to quash execution for fraud
- § 64:15 Return on execution
- § 64:16 Application for order of garnishment
- § 64:17 Affidavit for order of wage garnishment
- § 64:18 Order of wage garnishment (continuous or as designated)
- § 64:19 Notice of rights to assert exemption to wage garnishment
- § 64:20 Affidavit to challenge garnishment
- § 64:21 Garnishment challenge order
- § 64:22 Sheriff's return for wage garnishment
- § 64:23 Affidavit and supplemental order of wage garnishment
- § 64:24 Appearance by affidavit by garnishee
- § 64:25 Action by plaintiff against garnishee

## **CHAPTER 65. JUDGMENT FOR SPECIFIC ACTS**

- § 65:1 Execution for specific act
- § 65:2 Writ of possession for land

## **CHAPTER 66. ACTION AFFECTING REAL PROPERTY**

- § 66:1 Memorandum of action affecting real property
- § 66:2 Alternative notice of lis pendens
- § 66:3 Order for Sale (AOC-140)

## **IX. APPEALS**

### **CHAPTER 67. NOTICE OF APPEAL**

- § 67:1 Notice of appeal under RAP 2
- § 67:2 Motion to extend time for filing notice of appeal
- § 67:3 Supersedeas bond
- § 67:4 Supersedeas Bond - additional form
- § 67:5 Notice of cross-appeal

### **CHAPTER 68. CIVIL APPEAL FROM DISTRICT COURT**

- § 68:1 Statement of appeal from District Court
- § 68:2 Appellee's counterstatement, with or without cross-appeal

### **CHAPTER 69. CROSS-APPEALS**

- § 69:1 Motion for transfer to Supreme Court

### **CHAPTER 70. RECORD ON APPEAL FROM CIRCUIT COURT**

- § 70:1 Designation of record on appeal
- § 70:2 Counterdesignation of record
- § 70:3 Stipulation as to record
- § 70:4 Motion to require appellant to file additional portions of the stenographic record with the clerk
- § 70:5 Motion to require appellee to advance costs of additional record
- § 70:6 Clerk's certificate of record
- § 70:7 Motion in appellate court to extend time for certifying record on appeal
- § 70:8 Motion to correct or modify record
- § 70:9 Narrative statement
- § 70:10 Order filing narrative statement for appeal
- § 70:11 Affidavit of bystander attesting to truth of exception as to record
- § 70:12 Agreed statement in lieu of record

### **CHAPTER 71. PERFECTING CIVIL APPEAL FROM CIRCUIT COURT**

- § 71:1 Prehearing statement *[Deleted]*
- § 71:2 Statement of cross-appeal *[Deleted]*
- § 71:3 Brief cover
- § 71:4 Organizational outline of brief for appellant
- § 71:5 Organizational outline of brief for appellee
- § 71:6 Organizational outline of reply brief

## **X. COURTS AND CLERKS**

### **CHAPTER 72. SPECIAL APPELLATE MOTIONS**

- § 72:1 Motion for transfer to Supreme Court *[Deleted]*
- § 72:2 Motion for discretionary review

## TABLE OF CONTENTS

- § 72:3 Organizational outline of petition for rehearing, modification, or extension
- § 72:4 Motion for intermediate relief in appellate court

## **CHAPTER 73. MOTIONS IN APPELLATE COURT**

- § 73:1 Motion to dismiss appeal
- § 73:2 Motion to extend time for filing appellate brief
- § 73:3 Motion to advance
- § 73:4 Motion for leave to file amicus curiae brief

## **CHAPTER 74. SUMMARY PROCEEDINGS**

- § 74:1 Notice of motion by client to recover money collected by attorney
- § 74:2 Notice of motion by surety to recover money paid upon principal's bond
- § 74:3 Motion in summary proceedings

## **CHAPTER 75. MANDAMUS**

- § 75:1 Mandamus

## **APPELLATE PRACTICE**

### **PLEADINGS AND PRACTICE IN THE COURT OF APPEALS**

## **CHAPTER 1. NOTICE OF APPEAL**

- § 1:1 Introduction
- § 1:2 Decision to appeal
- § 1:3 Time and place of filing, filing fee
- § 1:4 Extensions of time
- § 1:5 Contents
- § 1:6 Service
- § 1:7 Sanctions
- § 1:8 Criminal cases
- § 1:9 Cross-appeals

## **CHAPTER 2. PREHEARING CONFERENCE PROCEDURE**

- § 2:1 Application
- § 2:2 Time
- § 2:3 Form
- § 2:4 Supplemental prehearing statements
- § 2:5 Usage of prehearing conference statement

## **CHAPTER 3. RECORD ON APPEAL**

- § 3:1 Introduction
- § 3:2 Clerk's office record

- § 3:3 Record of evidence
- § 3:4 Corrections of the record after certification
- § 3:5 Custody and transmission of record

## **CHAPTER 4. PERFECTION AND BRIEFING**

- § 4:1 Scope and introduction
- § 4:2 Time, schedule of events
- § 4:3 Filing and service
- § 4:4 Sanctions
- § 4:5 Format and organization of brief

## **CHAPTER 5. SPECIAL APPEALS PROCEDURE**

## **CHAPTER 6. DECISIONAL PROCESS AND POST-DECISION REMEDIES**

- § 6:1 Decisional process
- § 6:2 Opinions
- § 6:3 Finality
- § 6:4 Petition for rehearing

## **CHAPTER 7. INVOKING THE COURT'S DISCRETIONARY JURISDICTION AND MISCELLANEOUS ACTIONS**

- § 7:1 Discretionary review
- § 7:2 Miscellaneous actions in general
- § 7:3 Habeas corpus appeals
- § 7:4 Review of pre-trial bail
- § 7:5 Review of bail pending appeal
- § 7:6 Review of denial of in forma pauperis status
- § 7:7 Election cases
- § 7:8 Injunction actions
- § 7:9 Original actions in the nature of mandamus or prohibition
- § 7:10 Workers' compensation appeals
- § 7:11 Sanctions for deficiencies in appellate procedure

## **CHAPTER 8. INTERMEDIATE MOTION PRACTICE**

- § 8:1 Introduction and jurisdiction
- § 8:2 Motion
- § 8:3 Motions to dismiss, effect on the running of time
- § 8:4 Response
- § 8:5 Handling
- § 8:6 Motions to reconsider
- § 8:7 Emergency relief



## **PLEADINGS AND PRACTICE IN THE SUPREME COURT**

### **CHAPTER 9. GENERAL CONSIDERATIONS**

- § 9:1 Introduction
- § 9:2 Briefs and pleadings
- § 9:3 Oral argument
- § 9:4 Opinions

### **CHAPTER 10. PARTICULAR KINDS OF PROCEEDINGS BEFORE THE SUPREME COURT**

- § 10:1 Discretionary review
- § 10:2 Transfer
- § 10:3 RCr 12.02 appeals
- § 10:4 Appeals from actions originating in the Court of Appeals
- § 10:5 Interlocutory relief in the Supreme Court
- § 10:6 Certification of questions of law

## **APPELLATE PRACTICE**

### **CHAPTER 11. FORMS**

- § 11:1 Sample notice of appeal—RAP 2
- § 11:2 Civil appeal prehearing statement form
- § 11:3 Sample text of order setting prehearing conference
- § 11:4 Sample text of prehearing conference order
- § 11:5 Sample text of order dispensing with prehearing conference
- § 11:6 Sample text of order designating special appeal
- § 11:7 Sample designation of record
- § 11:8 Sample certificate as to transcript under RAP 24
- § 11:9 Sample brief cover, Court of Appeals
- § 11:10 Sample brief cover—Supreme Court of Kentucky, matter of right appeal

Appendix A. Timetable Under the Rules of Civil Procedure in Rule Number Sequence

Appendix B. Timetable Under the Rules of Civil Procedure in Alphabetical Sequence

**Table of Laws and Rules**

**Table of Cases**

**Index**