

Table of Contents

CHAPTER 1. ACTIONS

- § 1:1 Definitions
- § 1:2 Accrual of cause of action
- § 1:3 Demand
- § 1:4 Notice
- § 1:5 Conditions precedent
- § 1:6 Joinder of causes of action and defenses
- § 1:7 Misjoinder of causes of action
- § 1:8 Splitting causes of action
- § 1:9 Survival of action
- § 1:10 Commencement
- § 1:11 Rules of Civil Procedure
- § 1:12 Small claims rules
- § 1:13 Summary proceeding
- § 1:14 Adversary probate and guardianship proceedings
- § 1:15 Family law rules
- § 1:16 Special statutory proceedings
- § 1:17 Transfer
- § 1:18 General and Judicial Rules
- § 1:19 State as a party
- § 1:20 Action notices

CHAPTER 2. JUDGES

- § 2:1 Disqualification when a party
- § 2:2 Disqualification for interest, relationship, witness, prejudice
- § 2:3 Disqualification procedure
- § 2:4 Substitution and assignment
- § 2:5 Administrative duties
- § 2:6 Judicial discretion

CHAPTER 3. JURISDICTION

- § 3:1 Subject matter jurisdiction
- § 3:2 Court system
- § 3:3 Objections to jurisdiction
- § 3:4 Combining claims for jurisdiction
- § 3:5 Multiple pending actions
- § 3:6 Forum selection
- § 3:7 Personal Jurisdiction
- § 3:8 In rem jurisdiction

CHAPTER 4. PARTIES

- § 4:1 Generally

- § 4:2 Persons who may be parties
- § 4:3 Real party in interest
- § 4:4 Types of parties
- § 4:5 Minors or incapacitated persons
- § 4:6 Fictitious names
- § 4:7 Joinder of parties
- § 4:8 Class actions
- § 4:9 Intervention
- § 4:10 Misjoinder and nonjoinder
- § 4:11 Substitution
- § 4:12 Objections to parties
- § 4:13 Third and fourth parties
- § 4:14 Standing
- § 4:15 Court appointed parties
- § 4:16 Statutory subrogated parties

CHAPTER 5. ATTORNEYS

- § 5:1 Representation
- § 5:2 Authority
- § 5:3 Appearance
- § 5:4 Substitution
- § 5:5 Withdrawal
- § 5:6 Disqualification
- § 5:7 Liens
- § 5:8 Discipline

CHAPTER 6. VENUE

- § 6:1 Generally
- § 6:2 Public officers and entities
- § 6:3 Multiple defendants and causes of action
- § 6:4 Special venue statutes
- § 6:5 The local action rule
- § 6:6 Contract venue
- § 6:7 Pleading venue
- § 6:8 Objections to venue
- § 6:9 Transfer
- § 6:10 Change of venue
- § 6:11 Inconvenient venue
- § 6:12 Counterclaims
- § 6:13 Crossclaims
- § 6:14 Third- or fourth-party claims
- § 6:15 Consolidation

CHAPTER 7. COURT DOCUMENTS

- § 7:1 Introduction
- § 7:2 Form of documents
- § 7:3 Electronic filing
- § 7:4 Clerk's duties

TABLE OF CONTENTS

- § 7:5 Electronic service
- § 7:6 Computation of time
- § 7:7 Extension of time
- § 7:8 Confidential information
- § 7:9 Sealing court files

CHAPTER 8. PLEADINGS

- § 8:1 History
- § 8:2 Present rules
- § 8:3 Caption
- § 8:4 Commencement
- § 8:5 Jurisdictional allegations
- § 8:6 Body of pleading
- § 8:7 Conclusions
- § 8:8 Repugnancy
- § 8:9 Precision
- § 8:10 Conciseness
- § 8:11 Simplicity
- § 8:12 Clarity
- § 8:13 Demand for judgment
- § 8:14 Signature
- § 8:15 Verification
- § 8:16 Exhibits
- § 8:17 Pleading negligence
- § 8:18 Pleading breach of contract
- § 8:19 Pleading strict liability
- § 8:20 Pleading breach of warranty
- § 8:21 Pleading intentional torts
- § 8:22 Pleading in equity
- § 8:23 Pleading statutory causes of action and defenses
- § 8:24 Pleading breach of bond
- § 8:25 Pleading capacity to sue
- § 8:26 Pleading fraud, conspiracy, and mental condition
- § 8:27 Pleading conditions precedent
- § 8:28 Pleading official documents, acts, and judgments
- § 8:29 Pleading damages
- § 8:30 Pleading time and place
- § 8:31 Small claims and summary procedure
- § 8:32 Deposits in court
- § 8:33 Judicial bonds
- § 8:34 Stipulations
- § 8:35 Constitutional challenges
- § 8:36 Supplemental pleadings
- § 8:37 Sham Pleadings

CHAPTER 9. THE INITIAL PLEADING

- § 9:1 Definitions
- § 9:2 Purpose

- § 9:3 Form
- § 9:4 Caption and commencement
- § 9:5 Jurisdictional allegations
- § 9:6 Body
- § 9:7 Filing and service
- § 9:8 Supplemental pleadings

CHAPTER 10. SERVICE OF PROCESS

- § 10:1 Definitions
- § 10:2 Purpose and waiver
- § 10:3 Issuance and form
- § 10:4 Authority to serve process
- § 10:5 Method of service
- § 10:6 Service on natural persons
- § 10:7 Service on unincorporated associations
- § 10:8 Service on minors
- § 10:9 Service on incapacitated persons
- § 10:10 Service on prisoners
- § 10:11 Service on partnerships
- § 10:12 Service on limited liability companies
- § 10:13 Service on corporations
- § 10:14 Service on public entities and officers
- § 10:15 Service on labor unions
- § 10:16 Service on agents designated by statute
- § 10:17 Service on nonresidents
- § 10:18 Substituted service on nonresidents and certain parties
- § 10:19 Constructive service
- § 10:20 Constructive service; notice
- § 10:21 Service in foreign countries
- § 10:22 Service under the small claims rules
- § 10:23 Crossclaim, third- and fourth-party service
- § 10:24 Service on unknown parties
- § 10:25 Service for possession by posting
- § 10:26 Return of execution of process
- § 10:27 Objections to process and service of process
- § 10:28 Service when parties change
- § 10:29 Lis pendens
- § 10:30 Discovery to aid service

CHAPTER 11. ANSWERS AND DEFENSES

- § 11:1 The answer
- § 11:2 Time for service
- § 11:3 Form of answer
- § 11:4 Affirmative defenses
- § 11:5 Pleading particular defenses
- § 11:6 Joinder of defenses
- § 11:7 Waiver and consolidation of defenses
- § 11:8 Defenses raised by motion

TABLE OF CONTENTS

- § 11:9 Abatement and bar
- § 11:10 Motion to dismiss
- § 11:11 Motion for more definite statement
- § 11:12 Motion to strike
- § 11:13 Motion for judgment on the pleadings
- § 11:14 Preliminary hearing
- § 11:15 Other motions
- § 11:16 Summary and small claims proceedings

CHAPTER 12. REPLIES

- § 12:1 Definitions
- § 12:2 Purpose of reply
- § 12:3 Form of reply

CHAPTER 13. COUNTERCLAIMS AND CROSSCLAIMS

- § 13:1 Scope and definitions
- § 13:2 Form
- § 13:3 Compulsory counterclaims
- § 13:4 Permissive counterclaims
- § 13:5 Counterclaim subsequent to answer
- § 13:6 Crossclaims
- § 13:7 Adding parties and severance
- § 13:8 Demand exceeding jurisdiction
- § 13:9 Defects and objections
- § 13:10 Trial and judgment
- § 13:11 Summary and small claims proceedings

CHAPTER 14. THIRD-PARTY PRACTICE

- § 14:1 Scope and definitions
- § 14:2 Liability and parties
- § 14:3 Jurisdiction and venue
- § 14:4 Form of pleadings
- § 14:5 Commencement of proceeding
- § 14:6 Subsequent proceedings
- § 14:7 Impleader generally
- § 14:8 Impleader pleadings form
- § 14:9 Impleader commencement
- § 14:10 Impleader subsequent proceedings
- § 14:11 Summary and small claims proceedings

CHAPTER 15. AMENDMENTS

- § 15:1 History
- § 15:2 Purpose and effect
- § 15:3 Time
- § 15:4 Method
- § 15:5 Response to amended pleading

- § 15:6 Amendment to conform with evidence
- § 15:7 Relation back of amendments
- § 15:8 Supplemental pleadings
- § 15:9 Amendment practice
- § 15:10 Summary and small claims proceedings

CHAPTER 16. MOTIONS PRACTICE

- § 16:1 Definitions and scope
- § 16:2 Types of Motion
- § 16:3 Form and service
- § 16:4 Speaking motions
- § 16:5 Response to motion
- § 16:6 Affidavits
- § 16:7 Motions in the clerk's office
- § 16:8 Notices and other papers
- § 16:9 Notices of unavailability
- § 16:10 Notice of related cases

CHAPTER 17. ORDERS

- § 17:1 Definitions
- § 17:2 Form
- § 17:3 Entry
- § 17:4 Reconsideration
- § 17:5 Hearings
- § 17:6 Calendar conflicts

CHAPTER 18. DISCOVERY

- § 18:1 History
- § 18:2 Types and purposes
- § 18:3 Scope of discovery generally
- § 18:4 Scope of discovery for work product and experts
- § 18:5 Initial Discovery Disclosure
- § 18:6 Depositions generally
- § 18:7 Depositions pending action
- § 18:8 Oral depositions
- § 18:9 Depositions of experts
- § 18:10 Deposition on written questions
- § 18:11 Errors and irregularities
- § 18:12 Interrogatories to parties
- § 18:13 Production of documents and things
- § 18:14 Examination of persons
- § 18:15 Requests for admissions
- § 18:16 Protective orders
- § 18:17 Failure to make discovery
- § 18:18 Process for discovery
- § 18:19 Foreign discovery

CHAPTER 19. CASE MANAGEMENT

- § 19:1 History

TABLE OF CONTENTS

- § 19:2 Time limits and track assignments
- § 19:3 Conference and purpose
- § 19:4 Summary judgment
- § 19:5 Order
- § 19:6 Motion in limine
- § 19:7 Pretrial conferences
- § 19:8 Small claims practice

CHAPTER 20. CONSOLIDATION AND SEVERANCE

- § 20:1 Types of consolidation
- § 20:2 Consolidation procedure and effect
- § 20:3 Separate trials
- § 20:4 Severance
- § 20:5 Form

CHAPTER 21. DISMISALS

- § 21:1 History
- § 21:2 Voluntary dismissal of right
- § 21:3 Other voluntary dismissals
- § 21:4 Effect of voluntary dismissal
- § 21:5 Involuntary dismissal
- § 21:6 Costs on dismissal
- § 21:7 Dismissal for failure to prosecute
- § 21:8 Settlements
- § 21:9 Discontinuance
- § 21:10 Dismissal for fraud on court

CHAPTER 22. TRIAL

- § 22:1 Introduction
- § 22:2 Setting trial
- § 22:3 Continuances
- § 22:4 Servicemembers Civil Relief Act
- § 22:5 Failure to appear at trial
- § 22:6 Preliminary statement
- § 22:7 Subpoenas for trial
- § 22:8 Exclusion of witnesses and attorney testimony
- § 22:9 Taking evidence
- § 22:10 Adverse witnesses
- § 22:11 Proffer of excluded evidence
- § 22:12 Exceptions
- § 22:13 Conduct of judge
- § 22:14 Directed verdict or dismissal
- § 22:15 Mistrial
- § 22:16 Voluntary dismissal
- § 22:17 View
- § 22:18 Amendments to conform with evidence

- § 22:19 Argument
- § 22:20 Conduct of attorneys
- § 22:21 Instructions
- § 22:22 Magistrates
- § 22:23 Small claims and summary trial procedure
- § 22:24 Expedited trials

CHAPTER 23. THE JURY

- § 23:1 Scope
- § 23:2 Right to jury
- § 23:3 Demand and waiver
- § 23:4 Selection and summoning
- § 23:5 Impanelment
- § 23:6 Challenge for cause
- § 23:7 Peremptory challenges
- § 23:8 Renewal of objections

CHAPTER 24. THE VERDICT

- § 24:1 Definitions and scope
- § 24:2 General verdicts
- § 24:3 Special verdicts
- § 24:4 Form; certainty; consistency
- § 24:5 Deliberation and mistrial
- § 24:6 Reception of verdict
- § 24:7 Impeachment of verdict and objections
- § 24:8 Investigation of jurors

CHAPTER 25. POST-TRIAL MOTIONS

- § 25:1 Motion for new trial or for rehearing
- § 25:2 Renewed motion for directed verdict
- § 25:3 Motion for judgment notwithstanding the verdict
- § 25:4 Motion in arrest of judgment
- § 25:5 Form of motions
- § 25:6 Other post-trial motions

CHAPTER 26. JUDGMENT

- § 26:1 Definitions and scope
- § 26:2 Defaults
- § 26:3 Vacating defaults
- § 26:4 Final judgment on default
- § 26:5 Summary judgment generally
- § 26:6 Summary judgment procedure
- § 26:7 Partial summary judgment
- § 26:8 Showing for summary judgment
- § 26:9 Final judgment after trial
- § 26:10 Form of judgment
- § 26:11 Entry, recordation, and lien

TABLE OF CONTENTS

- § 26:12 Costs
- § 26:13 Attorney fees
- § 26:14 Interest on judgments
- § 26:15 Merger, res judicata, and estoppel by judgment
- § 26:16 Satisfaction, revival, and renewal
- § 26:17 Proposal for settlement
- § 26:18 Consent judgments
- § 26:19 Judgment transfer bond

CHAPTER 27. POST-JUDGMENT MOTIONS

- § 27:1 Motion to alter or amend judgment
- § 27:2 Motion to correct clerical mistake
- § 27:3 Motion for relief from judgment

CHAPTER 28. ENFORCEMENT OF JUDGMENTS

- § 28:1 Executions
- § 28:2 Relief from executions
- § 28:3 Execution sales
- § 28:4 Judicial sales
- § 28:5 Writs of possession
- § 28:6 Contempt
- § 28:7 Other enforcement methods
- § 28:8 Discovery in aid of execution
- § 28:9 Proceedings supplementary to execution
- § 28:10 Creditors bills
- § 28:11 Charging orders

CHAPTER 29. INJUNCTIONS

- § 29:1 Scope and definitions
- § 29:2 Temporary injunctions
- § 29:3 Injunction bonds
- § 29:4 Dissolution of injunctions
- § 29:5 Permanent injunctions
- § 29:6 Enforcement of injunctions
- § 29:7 Protection of vulnerable adults

CHAPTER 30. RECEIVERS

- § 30:1 Scope and definitions
- § 30:2 Appointment of receivers
- § 30:3 Bonds in receiverships
- § 30:4 Receiver's powers and duties
- § 30:5 Discharge of receiver

CHAPTER 31. FAMILY LAW ACTIONS

- § 31:1 Scope
- § 31:2 Dissolution of marriage pleadings
- § 31:3 Family law discovery

- § 31:4 Dissolution of marriage, temporary relief
- § 31:5 Dissolution of marriage—Ancillary relief
- § 31:6 —Further proceedings and judgment
- § 31:7 —Modification
- § 31:8 —Enforcement of orders and judgments
- § 31:9 —Simplified procedure
- § 31:10 Extended family custody
- § 31:11 Support without dissolution
- § 31:12 Violence and stalking injunctions
- § 31:13 Determination of parentage
- § 31:14 Adoption
- § 31:15 Minor emancipation
- § 31:16 Other actions
- § 31:17 Marriage annulment
- § 31:18 Change of name
- § 31:19 Collaborative process
- § 31:20 Venue

CHAPTER 32. REAL PROPERTY ACTIONS

- § 32:1 Ejectment
- § 32:2 Partition
- § 32:3 Quieting title
- § 32:4 Eminent domain
- § 32:5 Forcible entry, unlawful entry and unlawful detention
- § 32:6 Tenant eviction
- § 32:7 Mortgage and lien foreclosures
- § 32:8 Specific performance
- § 32:9 Governmental restriction relief
- § 32:10 Construction defects remedy
- § 32:11 Way of necessity remedy

CHAPTER 33. ATTACHMENT AND DISTRESS

- § 33:1 Generally
- § 33:2 When attachment is available
- § 33:3 Grounds for attachment
- § 33:4 Proceedings to obtain attachment
- § 33:5 Attachment levy
- § 33:6 Proceedings by attachment defendant
- § 33:7 Further proceedings in attachment
- § 33:8 Distress generally
- § 33:9 Procurement of the distress writ
- § 33:10 Further proceedings in distress

CHAPTER 34. GARNISHMENT

- § 34:1 When available
- § 34:2 Procurement of writ before judgment
- § 34:3 Procurement of writ after judgment
- § 34:4 The writ and its effect

TABLE OF CONTENTS

- § 34:5 Continuing writs
- § 34:6 Responses and notices
- § 34:7 Dissolution of writ
- § 34:8 Further proceedings and judgment

CHAPTER 35. REPLEVIN

- § 35:1 Replevin in general
- § 35:2 Procurement of the writ
- § 35:3 Service of the writ
- § 35:4 Further proceedings and judgment

CHAPTER 36. DECLARATORY JUDGMENTS

- § 36:1 Purpose
- § 36:2 Sufficiency of pleading
- § 36:3 Judgment
- § 36:4 Supplemental relief

CHAPTER 37. EXTRAORDINARY REMEDIES

- § 37:1 Scope generally
- § 37:2 Certiorari
- § 37:3 Prohibition
- § 37:4 Mandamus
- § 37:5 Quo warranto
- § 37:6 Habeas corpus

CHAPTER 38. SPECIAL REMEDIES

- § 38:1 Introduction and scope
- § 38:2 Tax matters
- § 38:3 Ne exeat
- § 38:4 Sequestration
- § 38:5 Statutory lien remedies
- § 38:6 Vexatious litigant actions
- § 38:7 Civil action for victims of human trafficking
- § 38:8 Reestablishment of documents
- § 38:9 Scire facias
- § 38:10 Bond validations
- § 38:11 Interpleader
- § 38:12 Accountings
- § 38:13 RICO and civil theft
- § 38:14 Construction prompt payment
- § 38:15 Medicaid third-party liability
- § 38:16 False claims against Florida
- § 38:17 Asbestos and silica claims
- § 38:18 General assignments
- § 38:19 Civil rights actions
- § 38:20 Libel and slander actions
- § 38:21 Conservatorship

- § 38:22 Medical malpractice
- § 38:23 Negotiable instruments penalties
- § 38:24 Nursing home actions
- § 38:25 Chattel leases

CHAPTER 39. COMPLEX LITIGATION

- § 39:1 Scope
- § 39:2 Pleadings
- § 39:3 Motion practice
- § 39:4 Discovery
- § 39:5 Trial

CHAPTER 40. ALTERNATIVE DISPUTE RESOLUTION

- § 40:1 Arbitration
- § 40:2 Mediation
- § 40:3 Voluntary trial resolution

Table of Laws and Rules

Table of Cases

Index