

Index

ABATEMENT

Substitution of parties, **25:4**

ACCOUNTS AND ACCOUNTING

Complaint form, **84:2**

ADDRESSES

Pleadings, **11:2**

ADMINISTRATIVE LAW

Findings, standards of review of,
89:2

Judicial review, **90:5**

Record on appeal, **93:19**

ADMISSIBILITY OF EVIDENCE

Depositions, **32:8**

Harmless error, **61:2**

ADMISSIONS

Answer, **36:4**

Expenses on refusal to admit, **37:12**

Failure or refusal to respond, **36:7**

Federal Rule, **36:9**

Former law, **36:8**

Genuineness of documents, **36:3**

Objections to request, **36:5**

Pretrial procedure, **16:4**

Requests for, generally, **36:1 to 36:9**

Use of admissions, generally, **36:6,**
36:7

AFFIDAVITS

Indigency, affidavit of, **98:8**

New trial, **59:15**

Summary judgment, **56:6**

Time, **6:5**

AFFIRMATION

Witnesses, **43:5**

AGENCY

Parties, **17:3**

Verification of pleadings by agent,
11:10

ALTERNATIVE

Complaint form in, **84:6**

AMENDED AND SUPPLEMENTAL PLEADINGS

Generally, **15:1 to 15:8**

Discretionary amendment, **15:3**

Evidence, conforming to, **15:4**

Federal Rule, **15:8**

Former law, **15:7**

Pretrial procedure, generally, **16:3**

Relation back, **15:5**

Right to amend, **15:2**

Supplemental pleadings, generally,
15:6

AMENDMENT

Findings by court, **52:4**

Judgment, motion to amend, **59:16**

Pleadings. See index heading

AMENDED AND SUPPLEMENTAL PLEAD-
INGS

Record on appeal, settlement after
appellee's amendment, **93:16**

AMICUS CURIAE BRIEF

Appellate briefs, **92:8, 94:15, 98:23**

Form of motion for leave to file,
98:23

Motions, **92:8, 98:23**

ANSWER

Generally, **7:3**

Admissions requests, **36:4**

Affirmative defenses, **8:5**

Forms, **84:11**

APPEAL AND REVIEW

Generally, **86:1 to 86:8**

Additional authorities, memorandum
of, **98:24**

Administrative agencies, appeals
from, **90:5**

Amicus curiae brief, **92:8, 94:15,**
98:23

APPEAL AND REVIEW—Cont'd

Appellate Division, generally, **85:2**
 Argument of counsel, **96:1 to 96:4**
 Bonds, **90:8**
 Briefs, **88:7, 92:8, 94:1 to 94:19, 98:23**
 Caption, **98:1**
 Certiorari. See index heading CERTIORARI
 Consolidation of actions on appeal, motion for, **92:10, 98:20**
 Constitutional questions, appeals involving, **88:4, 98:4**
 Costs, **90:7, 97:2**
 Depositions pending, **27:7**
 Directed verdict and judgment NOV motions, **50:8**
 Discretionary review, **88:8, 98:27**
 Discretionary rulings, standard of review, **89:4**
 Dismissal of actions for failure to comply with Rules of Appellate Procedure, **92:3, 98:21**
 Dissenting opinions, appeals from, **88:3**
 Extension of time, motion, **92:5, 98:13 to 98:17**
 Extraordinary writs. See index heading EXTRAORDINARY WRITS
 Finality of judgment, **86:4, 86:5**
 Findings of fact, **52:5, 89:3**
 Forms, **98:1 to 98:36**
 General Court of Justice, **85:1 to 85:9**
 Harmless error, **61:1 to 61:8, 89:6**
 Information statement, **90:9**
 Joinder of parties, **91:2, 98:11**
 Jurisdictional requirements generally, **86:7, 90:1 to 90:9**
 Court of Appeals, **87:1 to 87:3**
 Juvenile cases, special rules, **90:3**
 Mandates of the courts, **97:1**
 Manifest injustice, **88:10**
 Motions. See index heading MOTIONS
 Murder convictions, appeals from, **88:5**
 Notice, **98:2 to 98:5, 98:11**
 Oral argument, **96:1 to 96:4**
 Parties, **86:2, 91:1 to 91:4, 98:11**

APPEAL AND REVIEW—Cont'd

Plain error, **88:9**
 Record generally, **93:1 to 93:20**
 for detailed treatment see index heading RECORD ON APPEAL
 Sanctions, motion for, **92:4, 98:22**
 Standards of review, **89:1 to 89:6**
 Substitution of parties, **91:3, 92:9, 98:12**
 Supreme Court, **88:1 to 88:11**
 Suspension of the rules, **88:10**
 Taking an appeal, generally, **90:1 to 90:9**
 Theory of the case on appeal, **88:11**
 Utility rate cases, **88:6**
 Withdrawal of appeal, motion, **92:13**

APPEARANCE FAILURE

Discovery sanctions, **37:13**

APPENDIXES

Appellate briefs, **94:10, 94:11**

APPOINTMENT

Referee, **53:4**

ARGUMENT OF COUNSEL

Generally, **96:1 to 96:4**

ARREST

Generally, **64:2**

ASSIGNMENT OF CASES FOR TRIAL

Generally, **40:1 to 40:3**

ASSIGNMENTS

Parties, **17:4**

ASSOCIATIONS

Service of process, **4:10**

ATTACHMENT

Generally, **64:3**

ATTORNEYS

Appeal, parties to the appeal, **91:4**
 Argument of counsel, **96:1 to 96:4**
 Identification in appellate briefs, **94:9**

AUTHENTICATION OF RECORDS

Generally, **44:1 to 44:3**

INDEX

AUTOMOBILES

Service of process on nonresident drivers, **4:17**

BAIL

Generally, **64:2**

BAILMENTS

Parties, **17:5**

BENCH TRIAL

Generally, **39:1 to 39:6**

Findings by court, **52:1 to 52:7**

BONDS

Appeal and review, **90:8**

Default judgment, **55:5**

Injunctions, **65:5, 65:6**

BRIEFS

Amicus curiae brief. See index heading **AMICUS CURIAE BRIEF**

Appeals, **88:7, 92:8, 94:1 to 94:19, 98:23**

BURDEN OF PROOF

Directed verdict for party having burden of proof, **50:4**

CAPACITY

Form of averment of, **84:16**

Pleadings, **9:2**

CAPTION

Generally, **10:1, 98:1**

CERTIFICATES AND CERTIFICATION

Attorney's certificate in support of rehearing petition, form of, **98:26**

Depositions, **30:9**

Hand delivery, form of certificate of service by, **98:35**

Mail, form of certificate of service by, **98:36**

CERTIORARI

Generally, **95:1 to 95:3**

Determination of a petition for an extraordinary writ, **95:12**

Form of petition for, **98:28**

Preparation and content of writ, **95:3**

CERTIORARI—Cont'd

Responding to a petition for an extraordinary writ, **95:11**

Scope of writ, **95:2**

CHILDREN AND MINORS

Appeals, **90:3**

Parties, **17:14 to 17:16**

CLASS ACTIONS

Generally, **23:1 to 23:9**

Communications, **23:4**

Compromise, **23:6**

Dismissal of actions, **23:6**

Fair and adequate representation, **23:2**

Federal Rule, **23:9**

Former law, **23:8**

Judgment, effect of, **23:4**

Shareholders' actions, **23:5**

CLERK OF COURT

Default judgment by, **55:2**

Relief from judgment, **60:13**

COMMENCEMENT OF ACTION

Generally, **3:1 to 3:6**

COMPENSATION

Referee, **53:4**

COMPLAINT

Generally, **7:2**

Account, **84:2**

Alternative, complaint in, **84:6**

Commencement of action, **3:1**

Declaratory relief, **84:15**

Deposition to obtain information to prepare complaint, **27:6**

Forms, **84:1 to 84:8, 84:13 to 84:15**

Fraud, **84:7**

Interpleader, **84:15**

Money paid by mistake, **84:8**

Negligence, **84:3, 84:4, 84:14**

Promissory note, **84:1**

Specific performance, **84:5**

Third-party practice, **84:13**

COMPROMISE OR SETTLEMENT

Appeal, record on, **93:13 to 93:16, 98:18**

COMPROMISE OR SETTLEMENT

—Cont'd

Class actions, **23:6**
Offer of judgments, **68:1 to 68:4**
Pretrial conference, **16:12**

COMPUTATION OF TIME

Generally, **6:2**

CONCLUSIONS OF LAW

Supersedeas. See index heading FIND-
INGS OF FACT AND CONCLUSIONS OF
LAW

CONDITIONS PRECEDENT

Pleadings, **9:4**

CONFERENCES

Discovery, **26:24, 26:25**
Medical malpractice discovery
conference, **26:25**
Pretrial settlement conference, **16:12**

CONFESSION OF JUDGMENT

Generally, **68A:1 to 68A:7**
Effect of confessed judgment, **68A:5**
Federal Rule, **68A:7**
Former law, **68A:6**
Procedure, **68A:4**
Types of judgment allowed, **68A:2**
Who may confess judgment, **68A:3**

CONFLICTS OF INTEREST

Depositions, **28:3**

CONSENT

Reference to referee, **53:1**
Trial by court, **39:1**

CONSOLIDATION

Defenses and objections, **12:14**
Form of motion to consolidate
actions on appeal, **98:20**
Motions, **92:10, 98:20**
Trial, generally, **42:1 to 42:4**

CONSTITUTIONAL LAW

Appeal of constitutional questions,
88:4, 98:4

CONTEMPT

Discovery sanctions, **37:3**

CONTINUANCES

Generally, **40:2, 40:3**

CONTRACTS

Parties, **17:6**

CORPORATIONS

Service of process, **4:10**
Verification of pleadings, **11:11**

COSTS OF ACTION

Appeal and review, **90:7, 97:2**
Discovery sanctions, **37:10, 37:12**

COUNTERCLAIM AND

CROSS-CLAIM

Generally, **13:1 to 13:12**
Compulsory counterclaim, **13:2**
Coparty, cross-claim against, **13:8**
Federal Rule, **13:12**
Former law, **13:11**
Interpleader, **22:5**
Omitted counterclaim, **13:7**
Permissive counterclaim, **13:3**
Separate trial or judgment, **13:10**
State, counterclaim against, **13:5**

COURT REPORTER

Record on appeal, **93:4**

CRIMINAL OFFENSES

Appellate jurisdiction, **87:3, 90:4**
Jurisdiction of courts, **85:5, 85:8,**
87:3, 90:4
Murder convictions, appeals from,
88:5
Notice of appeal from judgment
sentencing defendant to death,
form, **98:3**
Record on appeal, **93:6**

CROSS-CLAIM

See index heading COUNTERCLAIM AND
CROSS-CLAIM

DAMAGES

Conditional offer of judgments, **68:2**
Injunctions, **65:6**
New trial grounds, **59:7**
Pleadings, **9:8, 9:12**

DEATH

Substitution of parties, **25:2, 25:6**

INDEX

DECLARATORY JUDGMENTS

Generally, **57:1 to 57:6**
Actions allowed, **57:2**
Federal Rule, **57:6**
Former law, **57:5**
Form of complaint, **84:15**
Jury trial right, **57:4**
Parties, **57:3**

DEFAMATION

Pleadings, **9:10**

DEFAULT AND DEFAULT JUDGMENT

Generally, **54:4, 55:1 to 55:8**
Bonds, **55:5**
Clerk of court, default judgment by, **55:2**
Discovery sanctions, **37:8**
Federal Rule, **55:8**
Former law, **55:7**
Judge, default judgment by, **55:3**
Jurisdictional requirements, **55:4**
Service by publication, **55:5**
Setting aside default and default judgment, **55:6**

DEFENSES AND OBJECTIONS

Generally, **12:1 to 12:16**
Admissions requests, **36:5**
Appeal, preserving for, **86:3**
Automatic exceptions, **46:2**
Consolidation of, **12:14**
Depositions, **30:6, 32:2 to 32:5, 32:8**
Discovery sanctions, **37:6**
Failure to state claim, **12:8**
Federal Rule, **12:16, 46:7**
Former law, **12:15, 46:6**
Instructions of judge, objection to, **46:5**
Interrogatories, **33:6**
Joinder failure, **12:9**
Jurisdiction lacking, **12:4, 12:5**
Manner of presenting defenses, **12:3**
Motions
 judgment on pleadings, **12:10**
 more definite statement, **12:12**
 preliminary hearings, **12:11**
 strike, **12:13**

DEFENSES AND OBJECTIONS

—Cont'd

Objections, generally, **46:1 to 46:7**
Pleadings, **8:5, 10:4**
Process or service insufficient, **12:7**
Qualification of witnesses, objection to, **46:1**
Real party in interest, objection for lack of, **17:13**
Record on appeal, settlement after appellee's objection, **93:16**
Time for presenting, **12:2**
Venue improper, **12:6**
Waiver of, **12:14**

DEFINITIONS

Judge, **30:10**
Judgments, **54:1**

DEMAND

Jury trial, **38:3**

DEPOSITIONS

Generally, **27:1 to 27:10**
Action, perpetuation of testimony by, **27:8**
Attendance of witnesses, **30:4**
Certification, **30:9**
Complaint, deposition to obtain information to prepare, **27:6**
Court proceedings, use in, **32:1 to 32:10**
Definition of judge, **30:10**
Federal Rule, **27:10, 28:6, 30:13, 31:6**
Filing, **30:9, 31:4**
Foreign country, deposition taken in or used in, **28:2, 28:4**
Former law, **27:9, 28:5, 30:12, 31:5, 32:9**
Notice and service, **27:3, 30:1, 31:2, 32:2**
Objections, **30:6, 32:2 to 32:5, 32:8**
Oral examinations, **30:1 to 30:13**
Order and examination, **27:4**
Payment for transcript, **30:11**
Persons before whom taken, **28:1 to 28:6**
Petition, **27:2**

DEPOSITIONS—Cont'd

- Production of documents and things at deposition, **30:5**
- Protective orders, **26:12, 26:17, 30:7**
- Signing, **30:8**
- Submission of transcript to witness, **30:8**
- Subpoenas, **45:4**
- Time when taken, **30:2**
- Use of deposition, generally, **27:5, 32:6, 32:7**
- Written questions, **31:1 to 31:6**

DIAGRAMS

- Record on appeal, **93:9**

DIRECTED VERDICT

- Generally, **50:1 to 50:5, 50:7 to 50:10**

DISCHARGE

- Relief from judgment, **60:8**

DISCOVERY

- Generally, **26:1 to 26:28**
- Bankruptcy trust personal injury claims, **26:8**
- Contempt for failure to comply with order, **37:3**
- Copy of statement, right to, **26:9**
- Depositions
 - generally, **27:1 to 27:10**
 - for detailed treatment see index heading DEPOSITIONS
- Electronically stored information, **37:11**
- Experts, discovery of facts and opinions from, **26:10**
- Federal Rule, **26:28, 29:3, 37:14**
- Former law, **26:27, 29:2**
- Inadmissible evidence, scope of examination, **26:4**
- Insurance agreements, **26:8**
- Interrogatories
 - generally, **33:1 to 33:10**
 - for detailed treatment see index heading INTERROGATORIES
- Medical malpractice discovery conference, **26:25**
- Mental examination of persons, **35:1 to 35:6**

DISCOVERY—Cont'd

- Meting or conference, **26:24, 26:25**
- Personal injury claims, bankruptcy trust, **26:8**
- Physical examination of persons, **35:1 to 35:6**
- Plan of discovery, **26:24**
- Privileged matter, **26:6, 26:7, 35:4**
- Production of documents. See index heading PRODUCTION OF DOCUMENTS AND INSPECTION OF PREMISES
- Protective orders
 - generally, **26:11 to 26:21**
 - for detailed treatment see index heading PROTECTIVE ORDERS
- Requests for admissions
 - generally, **36:1 to 36:9**
 - for detailed treatment see index heading ADMISSIONS
- Sanctions, **37:1 to 37:14**
- Scope of examination, **26:3 to 26:7, 26:15**
- Stipulations, **29:1 to 29:3**
- Supplementation of responses, **26:23**
- Timing of discovery, **26:13, 26:22**
- Work product rule, **26:7**

DISCRETIONARY REVIEW

- Petition form, **88:8, 98:27**

DISMISSAL OF ACTIONS

- Generally, **41:1 to 41:8**
- Class actions, **23:6**
- Discovery sanctions, **37:8**
- Federal Rule, **41:8**
- Former law, **41:7**
- Form of motions, **98:21**
- Involuntary dismissal, generally, **41:5, 41:6**
- Motions, **92:3, 98:21**
- New action, **41:4, 41:6**
- Stipulation, dismissal by, **41:2**
- Voluntary dismissal, generally, **41:2 to 41:4**

DURESS

- Pleadings, **9:3**

INDEX

ELECTRONICALLY STORED INFORMATION

Discovery, **37:11**

ENTRY OF JUDGMENT

Generally, **58:1 to 58:6**

Default judgment, **55:4**

Federal Rule, **58:6**

Final judgment entered on less than all claims or fewer than all parties, **58:2**

Former law, **58:5**

Substantial right, entry of judgment affecting, **58:3**

EVIDENCE

Generally, **43:1 to 43:7**

Assignments of error, **93:12**

Authentication of records, **44:1 to 44:3**

Depositions, **32:1 to 32:10**

Harmless error, **61:2, 61:3**

Interrogatories, **33:8**

New trial. See index heading NEW TRIAL

Objections, generally, **46:1 to 46:7**

Official records, **44:1 to 44:7**

Record on appeal, **93:7**

Relief from judgment or order, **60:5**

Witnesses. See index heading WITNESSES

EXECUTION

Motion for stay of, **98:33**

EXECUTORS AND ADMINISTRATORS

Parties, **17:8**

EXEMPLARY DAMAGES

Pleadings, **9:12**

EXEMPTIONS

Jury service, **47:2**

EXHIBITS

Pleadings, **10:6**

Record on appeal, **93:9**

Request to transmit, form of, **98:19**

EXPERT WITNESSES

Discovery, **26:10**

EXPERT WITNESSES—Cont'd

Pretrial procedure, **16:5**

EXTENSION OF TIME

Generally, **6:3, 6:4**

Exceptions, **6:4**

Forms of motion, **98:13 to 98:17**

Motion for, generally, **92:5, 98:13 to 98:17**

EXTRAORDINARY WRITS

Generally, **95:1 to 95:12**

Certiorari. See index heading CERTIORARI

Mandamus. See index heading MANDAMUS

Prohibition. See index heading PROHIBITION WRIT

Supersedeas. See index heading SUPERSEDEAS

FEDERAL EMPLOYER'S LIABILITY ACT

Complaint form, **84:14**

Complaint for negligence, form, **84:14**

FINALITY OF JUDGMENTS

Generally, **60:11**

Appeal, **86:4, 86:5**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Generally, **52:1 to 52:7**

Amendment of findings, **52:4**

Federal Rule, **52:7**

Former law, **52:6**

Review of findings, **52:5, 89:3**

Sufficiency of findings, **52:3**

FOREIGN CORPORATIONS

Depositions, **28:2**

FOREIGN COUNTRIES

Authentication of records, **44:3**

Depositions, **28:2, 28:4**

Official records, proof of, **44:1 to 44:7**

Service of process, **4:14**

FOREIGN LAW

Generally, **4:1:1**

FOREIGN LAW—Cont'd

Determination of foreign law, **44A:1**
Pleadings, **9:13**

FOREIGN STATE

Authentication of records, **44:2**
Process and service of process and
papers, **4:11**

FORMS

Account, complaint on, **84:2**
Additional authorities, memorandum
of, **98:24**
Alternative, complaint in, **84:6**
Amicus curiae brief, motion for leave
to file, **98:23**
Answer to complaint, **84:11**
Appellate practice, **98:1 to 98:36**
Capacity, averment of, **84:16**
Caption, **98:1**
Certiorari, petition for, **98:28**
Complaint, **84:1 to 84:8, 84:13 to**
84:15
Consolidation, motion to consolidate
actions on appeal, **98:20**
Declaratory relief, complaint for,
84:15
Discretionary review, **98:27**
Dismissal of actions, **98:21**
Exhibits, request to transmit, **98:19**
Extension of time, motion, **98:13 to**
98:17
Fraud, complaint for, **84:7**
Indigency, affidavit of, **98:8**
Interpleader, complaint for, **84:15**
Joinder of parties, notice, **98:11**
Judgment on pleadings, motion for,
84:9
Mandamus, petition for, **98:29**
Money paid by mistake, complaint
for, **84:8**
More definite statement, motion for,
84:10
Negligence, complaint for, **84:3,**
84:4, 84:14
Notice of appeal, **98:2 to 98:5**
Official forms, **84:1 to 84:16**
Paupers, **98:8, 98:10**
Prohibition writ, **98:30**

FORMS—Cont'd

Promissory note, complaint on, **84:1**
Rehearings, **98:25, 98:26**
Sanctions, motion for, **98:22**
Service of process and papers, certifi-
cate of, **98:35, 98:36**
Settlement, request for judicial settle-
ment of record on appeal, **98:18**
Specific performance, complaint for,
84:5
Stay of execution, **98:33**
Stay of proceedings, motion for,
98:32
Substitution of parties, **98:12**
Supersedeas, petition for, **98:31**
Third-party practice, **84:12, 84:13**
Transcript, appellant's arrangement
for, **98:7**
Verification, **98:34**

**FRAUD AND
MISREPRESENTATION**

Complaint form, **84:7**
Pleadings, **9:3**
Relief from judgment, **60:6, 60:12**

FRAUDULENT CONVEYANCES

Joinder of claims and remedies, **18:2**

GENERAL COURT OF JUSTICE

Generally, **85:1 to 85:9**

GUARDIAN AD LITEM

Parties, **17:19 to 17:21**

GUARDIAN AND WARD

Parties, **17:9**

HARMLESS ERROR

Generally, **61:1 to 61:8, 89:6**

HOSTILE WITNESSES

Examination, **43:2**

IDENTIFICATION NUMBERS

Record on appeal, **93:20**

IMPLEADER

Generally, **14:1 to 14:12**
For detailed treatment, see index
heading **THIRD-PARTY PRACTICE**

INDEX

INCOMPETENT AND INSANE PERSONS

Parties, **17:14, 17:15**
Substitution of parties, **25:3**

INCORPORATION BY REFERENCE

Pleadings, **10:5**

IN FORMA PAUPERIS

Affidavit of indigency, **98:8**
Motions in proceedings, **92:7**
Order allowing appellant to prosecute appeal as a pauper, form of, **98:10**
Petition to appeal as, **98:8**

INJUNCTIONS

Generally, **65:1 to 65:9**
Stay of enforcement of judgments, **62:3**

INSTRUCTIONS TO JURY

Generally, **51:1 to 51:7**
Assignments of error, **93:11**
Federal Rule, **51:7**
Former law, **51:6**
Harmless error, **61:4**
Law, instructions on, **51:2**
New trial grounds, **59:6**
Objections, **46:5**
Peremptory instructions, **51:3**
Record on appeal, **93:8, 93:11**
Special instructions, requests for, **51:4**
Statement of the evidence and contentions, **51:2**
Verdict, instructions prohibiting comment on, **51:5**

INSURANCE

Bankruptcy trust personal injury claims, **26:8**
Discovery, **26:8**
Personal injury claims, bankruptcy trust, **26:8**

INTERLOCUTORY APPEALS

Generally, **86:5**

INTERPLEADER

Generally, **22:1 to 22:7**

INTERPLEADER—Cont'd

Counterclaim or cross-claim, **22:5**
Federal Rule, **22:7**
Former law, **22:6**
Form of complaint, **84:15**
Funds subject to competing claims, **22:4**

INTERROGATORIES

Generally, **33:1 to 33:10**
Answering interrogatories, **33:7**
Federal Rule, **33:10**
Former law, **33:9**
Number of interrogatories, **33:4**
Objections to interrogatories, **33:6**
Parties subject to interrogatories, **33:2**
Scope of interrogatories, **33:5**
Time of service, **33:3**
Use of interrogatories, generally, **33:8**

INTERVENTION

Generally, **24:1 to 24:11**
Federal Rule, **24:11**
Former law, **24:10**
Government agency, intervention by, **24:6**
Permissive intervention, **24:4, 24:5**
Procedure, generally, **24:8**
Right, intervention of right, **24:2, 24:3**
Statutory intervention, **24:2, 24:4**
Timeline of intervention, **24:7**

INVITED ERROR

Generally, **61:6**

JOINDER OF CLAIMS AND REMEDIES

Generally, **18:1 to 18:4**
Federal rules, **18:4**
Former law, **18:3**
Fraudulent conveyances, **18:2**

JOINDER OF PARTIES

Appeal and review, **91:2, 98:11**
Common question of law or fact, **20:5**
Federal Rule, **19:6, 20:8**
Former law, **19:5, 20:7**

JOINDER OF PARTIES—Cont'd

- Form of notice, **98:11**
- Misjoinder. See index heading
MISJOINDER AND NONJOINDER OF
PARTIES
- Necessary joinder
 - generally, **19:1 to 19:6**
 - for detailed treatment see index
heading NECESSARY JOINDER OF
PARTIES
- Nonjoinder. See index heading
MISJOINDER AND NONJOINDER OF
PARTIES
- Objections, **12:9**
- Permissive joinder, **20:1 to 20:8**
- Separate trials, **20:5**
- Transaction or occurrence test, **20:4**

JUDGES

- Default judgment by judge, **55:3**
- Disability, **63:1 to 63:3**
- Dismissal of actions, **41:3**

JUDGMENT NOTWITHSTANDING VERDICT

- Motions, **50:6 to 50:8**

JUDGMENT ON PLEADINGS

- Form of motion for, **84:9**

JUDGMENTS

- Generally, **54:1 to 54:7**
- Amend judgment, motion to, **59:16**
- Appeal and review. See index head-
ing APPEAL AND REVIEW
- Confession of judgment. See index
heading CONFESSION OF JUDGMENT
- Counterclaim and cross-claim, sepa-
rate judgments, **13:10**
- Declaratory judgments. See index
heading DECLARATORY JUDGMENTS
- Default judgments. See index head-
ing DEFAULT AND DEFAULT JUDGMENT
- Definition, **54:1**
- Entry of judgment
 - generally, **58:1 to 58:6**
 - for detailed treatment see index
heading ENTRY OF JUDGMENT
- Federal Rule, **54:7**
- Finality, **60:11, 86:4, 86:5**
- Former law, **54:6**

JUDGMENTS—Cont'd

- Notwithstanding verdict, judgment
NOV, **50:6 to 50:8**
- Offer of judgment, **68:1 to 68:4**
- Pleadings
 - generally, **9:6**
 - demand for judgment, **8:3**
 - form of motion for judgment on,
84:9
- Relief from judgment. See index
heading RELIEF FROM JUDGMENT OR
ORDER
- Specific performance. See index
heading SPECIFIC PERFORMANCE
- Stay of enforcement, **62:1 to 62:7**
- Summary judgment
 - generally, **56:1 to 56:10**
 - for detailed treatment see index
heading SUMMARY JUDGMENT
- Third-party practice, **14:10**

JUDICIAL NOTICE

- Pretrial procedure, **16:6**

JURISDICTION

- Generally, **85:1 to 85:9**
- Appeal. See index heading APPEAL AND
REVIEW
- Default judgment, **55:4**
- Defenses, **12:4, 12:5**
- In rem, **4:16**
- Service of process. See index heading
PROCESS AND SERVICE OF PROCESS
AND PAPERS

JURY AND JURY TRIAL

- Advisory jury, **39:4**
- Challenges
 - for cause, **47:5**
 - peremptory challenges, **47:6**
- Consent to trial by jury, **39:4**
- Declaratory judgments, **57:4**
- Demand for jury trial, **38:3**
- Discretion of court, **39:3**
- Examination of jurors at trial, **47:5**
- Excuses from jury duty, **47:4**
- Exemption of jurors, **47:2**
- Federal Rule, **38:7, 39:6, 47:8, 48:3**
- Former law, **38:6, 39:5, 47:7, 48:2**

INDEX

JURY AND JURY TRIAL—Cont'd

- Instructions. See index heading
INSTRUCTIONS TO JURY
- Majority verdict, **48:1 to 48:3**
- Number of jurors, juries of less than twelve, **48:1 to 48:3**
- Peremptory challenges, **47:6**
- Preservation of right to jury trial, **38:2**
- Qualifications of jurors, **47:2**
- Reference to referee, **53:3**
- Right to jury trial, **38:1 to 38:7, 39:2, 57:4**
- Selecting jurors, **47:1 to 47:8**
- Specification of issues, **38:4**
- Summary jury trial, **39:5**
- Summoning jurors, **47:3**
- Verdict. See index heading VERDICT
- Waiver, **38:5, 49:4**

LIBEL AND SLANDER

- Pleadings, **9:10**

LIMITATION OF ACTIONS

- Commencement of action, effect of, **3:4**
- Computing time limitations, **92:5**

MAGISTRATES

- Jurisdiction, **85:7, 85:8**

MAIL

- Form of certificate of service by, **98:36**
- Service of process, **4:12**
- Time after service, additional, **6:6**

MANDAMUS

- Generally, **95:4, 95:5**
- Determination of a petition for an extraordinary writ, **95:12**
- Form of petition for, **98:29**
- Preparation and content of writ, **95:5**
- Responding to a petition for an extraordinary writ, **95:11**

MANDATES OF THE COURTS

- Generally, **97:1**

MANIFEST INJUSTICE

- Review standard, **88:10**

MEDIATED SETTLEMENT CONFERENCE

- Pretrial procedure, **16:12**

MEDICAL MALPRACTICE

- Discovery conference, **26:25**
- Pleadings, **9:11**
- Pretrial procedure, **16:11**

MENTAL CONDITION

- Examination of persons, **35:1 to 35:6**
- Pleadings, **9:3**

MISCONDUCT

- New trial grounds, **59:3**
- Relief from judgment or order, **60:6**

MISJOINDER AND NONJOINDER OF PARTIES

- Generally, **21:1 to 21:6**
- Federal Rule, **21:6**
- Former law, **21:5**
- Misjoinder, generally, **21:1, 21:2**
- Nonjoinder, generally, **21:3**
- Severance, **21:4**

MISREPRESENTATION

- See index heading FRAUD AND MISREPRESENTATION

MISTAKE

- Money paid by mistake, complaint form for, **84:8**
- Pleadings, **9:3**
- Relief from judgment or order, **60:1, 60:4**

MODELS

- Record on appeal, **93:9**

MONEY

- Complaint for money paid by mistake, **84:8**

MOTIONS

- Generally, **7:5, 92:1 to 92:13**
- Amend judgment, **59:16**
- Amicus curiae brief, form of motion for leave to file, **92:8, 98:23**
- Appellate advocacy, generally, **92:1 to 92:13**
- Consolidation, **92:10, 98:20**

MOTIONS—Cont'd

- Defenses. See index heading **DEFENSES AND OBJECTIONS**
- Directed verdict, **50:1 to 50:5, 50:7 to 50:10**
- Dismissal, **92:3, 98:21**
- Evidence on, **43:4**
- Extension of time to serve proposed record, form of, **98:13, 98:15, 98:17**
- Filing of motion, **92:2**
- In forma pauperis proceedings, motions in, **92:7**
- Judgment notwithstanding verdict, **50:6**
- Judgment on pleadings, form of motion for, **84:9**
- More definite statement, form of, **84:10**
- New trial, **50:7, 59:13**
- Rehearing, **92:11**
- Relief from judgment, **60:14**
- Responses to motions, **92:11**
- Sanctions, **92:4, 98:22**
- Service of motion, **92:2**
- Stay of proceedings, **92:6, 98:32, 98:33**
- Subpoenas duces tecum, motion to quash, **45:3**
- Substitution of parties, **92:9**
- Time. See index heading **TIME**
- Withdrawal of appeal, **92:13**

MOTOR VEHICLES

- Service of process on nonresident drivers, **4:17**

**MUNICIPALITIES AND
POLITICAL SUBDIVISIONS**

- Intervention, **24:6**
- Service of process, **4:9**

MURDER

- Appeals, **88:5**

NAMES

- Pleadings, **10:2**

**NECESSARY JOINDER OF
PARTIES**

- Generally, **19:1 to 19:6**

**NECESSARY JOINDER OF
PARTIES—Cont'd**

- Federal Rule, **19:6**
- Former law, **19:5**
- Pleading reasons for nonjoinder, **19:4**

NEGLIGENCE

- Complaint form, **84:3, 84:4, 84:14**

NEW TRIAL

- Generally, **59:1 to 59:18**
- Affidavits, **59:15**
- Damages, excessive or inadequate, **59:7**
- Evidence
 - insufficiency of evidence, **59:8**
 - new evidence, **59:5**
- Exceptions, **59:10**
- Initiative of court, new trial on, **59:15**
- Instructions to jury, disregard of, **59:6**
- Irregularities, **59:2**
- Misconduct, **59:3**
- Motions, **50:7, 59:13**
- Nonjury new trial, **59:11**
- Surprise, **59:4**
- Verdict defective, **59:9**

NONJOINDER OF PARTIES

- See index heading **MISJOINDER AND
NONJOINDER OF PARTIES**

NOTICE

- Appeal forms, **98:2 to 98:5, 98:11**
- Depositions, **27:3, 30:1, 31:2, 32:2**

OBJECTIONS

- Generally, **12:1 to 12:16**
- For detailed treatment, see index heading **DEFENSES AND OBJECTIONS**

OFFICIAL DOCUMENT OR ACT

- Pleadings, **9:5**
- Proof of, **44:1 to 44:7**

ONE FORM OF ACTION

- Generally, **2:1 to 2:7**

ORAL ARGUMENT

- Generally, **96:1 to 96:4**

ORDERS

- Depositions, **27:4**

INDEX

ORDERS—Cont'd

- Dismissal of actions, **41:3**
- Extension of time to serve proposed record, form of, **98:14, 98:16**
- Injunctions, **65:7**
- Objections, **46:4**
- Pretrial, **16:9**
- Protective orders. See index heading PROTECTIVE ORDERS
- Record on appeal, court order, **93:16**
- Relief from order. See index heading RELIEF FROM JUDGMENT OR ORDER
- Temporary restraining order, **65:3, 65:5**

PARTIES

- Generally, **17:1 to 17:23**
- Agency, **17:3**
- Appeal and review, **86:2, 91:1 to 91:4, 98:11**
- Assignments, **17:4**
- Bailments, **17:5**
- Children and minors, **17:14 to 17:16**
- Class actions
 - generally, **23:1 to 23:9**
 - for detailed treatment see CLASS ACTIONS
- Contracts, **17:6**
- Counterclaim and cross-claim, **13:8, 13:9**
- Declaratory judgments, **57:3**
- Executors and administrators, **17:8**
- Federal Rule, **17:23**
- Former law, **17:22**
- Guardian ad litem, **17:19 to 17:21**
- Guardian and ward, **17:9**
- Incompetent and insane persons, **17:14, 17:15**
- Interpleader
 - generally, **22:1 to 22:7**
 - for detailed treatment see index heading INTERPLEADER
- Intervention
 - generally, **24:1 to 24:11**
 - for detailed treatment see INTERVENTION
- Joinder
 - generally, **19:1 to 20:8**

PARTIES—Cont'd

- Joinder—Cont'd
 - for detailed treatment, see index heading JOINDER OF PARTIES
- Names of parties, pleadings, **10:2**
- Objection for lack of real party in interest, **17:13**
- Real party in interest, **17:2, 17:13**
- State, **17:12**
- Statute, party authorized by, **17:11**
- Subrogation, **17:7**
- Substitution
 - generally, **25:1 to 25:9**
 - for detailed treatment, see index heading SUBSTITUTION OF PARTIES
- Third-party beneficiaries, **17:6**
- Trustees, **17:10**
- Unborn persons, **17:16**
- Verification of pleadings by party, **11:11**
- Virtual representation, **17:18**

PARTNERSHIPS

- Service of process, **4:10**

PAUPERS

- See index heading IN FORMA PAUPERIS

PEREMPTORY CHALLENGES

- Jurors, **47:6**

PERMISSIVE JOINDER OF PARTIES

- Generally, **20:1 to 20:8**

PERPETUATION OF TESTIMONY

- Depositions, **27:8**

PETITIONS

- Depositions, **27:2**
- Rehearing, **92:12**

PHYSICAL EXAMINATION OF PERSONS

- Generally, **35:1 to 35:6**

PLACE

- Discovery, protective orders, **26:13**
- Pleadings, **9:7**

PLAIN ERROR

- Appeals, **88:9**

PLEADING

Generally, **8:1 to 8:10**
 Abolished pleas, **7:6**
 Addresses, **11:2**
 Affirmative defenses, **8:5**
 Agent, verification by, **11:10**
 Allowed pleadings, **7:1 to 7:8**
 Amended pleadings
 generally, **15:1 to 15:8**
 for detailed treatment, see index
 heading AMENDED AND
 SUPPLEMENTAL PLEADINGS
 Answer. See index heading ANSWER
 Capacity, **9:2**
 Caption, **10:1, 98:1**
 Complaint. See index heading COMPLAINT
 Conditions precedent, **9:4**
 Consistency, **8:7**
 Construction, **8:8**
 Counterclaim and cross-claim
 generally, **13:1 to 13:12**
 for detailed treatment, see index
 heading COUNTERCLAIM AND
 CROSS-CLAIM
 Damages, **9:8, 9:12**
 Demand for judgment, **8:3**
 Denials
 failure to deny, **8:6**
 form of, **8:4**
 Discovery sanctions, striking pleadings, **37:7**
 Duress, **9:3**
 Exhibits, **10:6**
 Federal Rule, **7:8, 8:10, 9:15, 10:13**
 Foreign law, **9:13**
 Former law, **8:9, 9:14, 10:12**
 Form of pleadings, generally, **10:1 to 10:8**
 Fraud and misrepresentation, **9:3**
 Incorporation by reference, **10:5**
 Joinder, pleading reasons for nonjoinder, **19:4**
 Judgments. See index heading JUDGMENTS
 Libel and slander, **9:10**
 Medical malpractice, **9:11**
 Mental condition, **9:3**

PLEADING—Cont'd

Mistake, **9:3**
 Names of parties, **10:2**
 Numbering paragraphs, **10:3**
 Official document or act, **9:5**
 Petitions. See index heading PETITIONS
 Place, **9:7**
 Private statutes, **9:9**
 Punitive damages, **9:12**
 Reading of pleadings, **7:7**
 Separate statements of claims and defenses, **10:4**
 Service of pleadings. See index heading PROCESS AND SERVICE OF PROCESS AND PAPERS
 Signing and verification of pleadings
 generally, **11:1 to 11:13**
 addresses, **11:2**
 agent, verification by, **11:10**
 attorneys
 signature of attorney as certificate, **11:3**
 verification by, **11:10**
 corporation or state, verification by, **11:11**
 Federal Rule, **11:13**
 form, verification, **98:34**
 former law, **11:12**
 investigation duty, **11:5**
 party, verification by, **11:9**
 sanctions, **11:7**
 standard of objective reasonableness, **11:4**
 Special matters, generally, **9:1 to 9:15**
 Statement of claim, **8:2**
 Supplemental
 generally, **15:1 to 15:8**
 for detailed treatment, see index
 heading AMENDED AND
 SUPPLEMENTAL PLEADINGS
 Third-party practice, **14:5**
 Time, **9:7**
 Verification. Signing and verification of pleadings, above

PRECEDENT

Generally, **85:9**

INDEX

PRELIMINARY INJUNCTION

Generally, **65:2**

PRETRIAL PROCEDURE

Generally, **16:1 to 16:14**

Admissions, **16:4**

Expert witnesses, limitation of, **16:5**

Federal Rule, **16:14**

Former law, **16:13**

Judicial notice, **16:6**

Mediated settlement conference,
16:12

Medical malpractice, **16:11**

Orders, **16:9**

Reference, **16:7**

PRIVILEGED MATTERS

Discovery, **26:6, 26:7, 35:4**

PROCESS AND SERVICE OF PROCESS AND PAPERS

Generally, **4:1 to 4:19, 5:1 to 5:7**

Acceptance of service, **4:15**

Appellate briefs, **94:9, 94:16 to
94:18**

Certified mail, **4:12**

Cities, service on, generally, **4:9**

Corporations, service on, generally,
4:10

Counties, service on, generally, **4:9**

Default judgment, **55:5**

Defenses and objections, **12:7**

Depositions, **27:3**

Extension of time to serve proposed
record, appellate forms, **98:14 to
98:16**

Federal Rule, **4:19, 5:7**

Foreign country, **4:14**

Foreign state, service in, **4:11**

Former law, **4:18, 5:6**

Forms of certificate of service, **98:35,
98:36**

Hand delivery, form of certificate of
service by, **98:35**

Individuals, service on, generally, **4:8**

In rem jurisdiction, **4:16**

Interrogatories, **33:3**

Mail, form of certificate of service
by, **98:36**

Motions, **92:2**

PROCESS AND SERVICE OF PROCESS AND PAPERS

—Cont'd

Motor vehicles, nonresident drivers
of, **4:17**

Numerous defendants, service
among, **5:4**

Partnerships, service on, generally,
4:10

Personal jurisdiction, **4:7**

Pleadings, generally, **5:1 et seq.**

Procedure for service, **5:3**

Publication, **4:13, 55:5**

Quasi in rem jurisdiction, **4:16**

Registered mail, **4:12**

State, service on, generally, **4:9**

Subpoenas, **45:5**

Summons

generally, **3:3, 4:2 to 4:6**

for detailed treatment see index
heading SUMMONS

Time. See index heading TIME

Unincorporated associations, service
on, generally, **4:10**

PRODUCTION OF DOCUMENTS AND INSPECTION OF PREMISES

Generally, **34:1 to 34:9**

Depositions, **30:5**

Designation of documents, **34:4**

Federal Rule, **34:9**

Former law, **34:8**

Good cause, showing, **34:3**

Possession, custody, or control, **34:5**

Procedure, generally, **34:2**

Scope of examination, **34:7**

PROHIBITION WRIT

Generally, **95:4, 95:5**

Determination of a petition for an
extraordinary writ, **95:12**

Form of petition for, **98:30**

Preparation and content of writ, **95:5**

Responding to a petition for an
extraordinary writ, **95:11**

PROMISSORY NOTE

Complaint form, **84:1**

PROTECTIVE ORDERS

- Annoyance, protective order to prevent, **26:20**
- Depositions, **26:12, 26:17, 30:7**
- Discovery, generally, **26:11 to 26:21**
- Embarrassment, protective order to prevent, **26:20**
- Expense, protective order to prevent, **26:20**
- Frequency or extent of discovery, protective order to limit, **26:21**
- Method of discovery, protective order to change, **26:14**
- Opening of deposition, protective order to limit, **26:17**
- Oppression, protective order to prevent, **26:20**
- Presence of persons, protective order to limit, **26:16**
- Scope of examination, protective order to limit, **26:15**
- Sealed filing of document, protective order to require, **26:19**
- Time or place of discovery, protective order to change, **26:13**
- Trade secret, protective order to prevent disclosure of, **26:18**

PUBLICATION

- Oral argument, disposition without publication, **96:4**
- Service of process and papers, **4:13, 55:5**

PUBLIC OFFICERS AND EMPLOYEES

- Substitution of parties, **25:7**

PUNITIVE DAMAGES

- Pleadings, **9:12**

QUALIFICATIONS

- Depositions, officer before whom taken, **32:3**
- Jurors, **47:2**

QUESTIONS OF LAW OR FACT

- Standards of review, **89:4**

REAL PARTY IN INTEREST

- Generally, **17:2, 17:13**

RECEIVERS

- Seizure of property, **64:5**
- Substitution of parties, **25:6**

RECORD ON APPEAL

- Generally, **93:1 to 93:20, 98:7**
- Administrative agencies, record on appeal from, **93:19**
- Assembling the record on appeal, **93:1**
- Assignments of error, **93:10 to 93:12**
- Contents of record, **93:5, 93:6**
- Court reporter's duty, **93:4**
- Diagrams, **93:9**
- Exhibits, **93:9**
- Filing the record on appeal, **93:17**
- Identification numbers, **93:20**
- Jury instructions, **93:8, 93:11**
- Models, **93:9**
- Ordering the transcript, **93:3**
- Preparation of transcript, generally, **93:2**
- Presentation of evidence, **93:7**
- Sealed items, **93:20**
- Settling the record, **93:13 to 93:16, 98:18**
- Supreme court, record on appeal to, **93:18**

RECORDS AND RECORDING

- Appeal, record on generally, **93:1 to 93:20**
 - for detailed treatment see index heading **RECORD ON APPEAL**
- Filing of pleadings and other papers. See index heading **PROCESS AND SERVICE OF PROCESS AND PAPERS**
- Foreign official records, proof of, **44:1 to 44:7**
- Judgments vesting title, **70:3**

REFERENCE AND REFEREES

- Generally, **53:1 to 53:10**
- Appointment of referee, **53:4**
- Compensation of referee, **53:4**
- Compulsory reference, **53:2**
- Consent, reference by, **53:1**
- Federal Rule, **53:10**
- Former law, **53:9**
- Jury trial, **53:3**

INDEX

REFERENCE AND REFEREES

—Cont'd

Powers of referee, **53:5**
Pretrial procedure, **16:7**
Proceedings before referee, **53:6**
Report of referee, **53:7, 53:8**

REHEARINGS

Appellate briefs, **94:19**
Attorney's certificate in support of rehearing petition, form of, **98:26**
Petitions, **92:12, 98:25**

RELATION BACK

Amended and supplemental pleadings, **15:5**

RELEASE

Relief from judgment, **60:8**

RELIEF FROM JUDGMENT OR ORDER

Generally, **54:5, 60:1 to 60:17**
Appeal. See index heading **APPEAL AND REVIEW**
Clerk's judgments, **60:13**
Default judgment, **54:4, 55:6**
Discharged judgments, **60:8**
Excusable neglect, **60:4**
Federal Rule, **60:17**
Finality of judgments, **60:11**
Former law, **60:16**
Fraud, **60:6, 60:12**
Inadvertence, **60:4**
Independent action, **60:14, 60:15**
Misconduct, **60:6**
Misrepresentation, **60:6**
Mistake, **60:1, 60:4**
New evidence, **60:5**
Released judgments, **60:8**
Satisfaction of judgment, **60:8**
Surprise, **60:4**
Time for motion, **60:10**
Void judgments, **60:7**

REPLY

Generally, **7:4**
Appellate briefs, **94:14**

REPORTS

Physical and mental examination of persons, **35:4**
Referee, **53:7, 53:8**

REQUESTS FOR ADMISSIONS

Generally, **36:1 to 36:9**
For detailed treatment see index heading **ADMISSIONS**

RULES OF CIVIL PROCEDURE

Generally, **1:1 to 1:5**

SANCTIONS

Discovery, **37:1 to 37:14**
Form of motions, **98:22**
Motions, **92:4, 98:22**
Pleadings, **11:7**
Subpoenas, failure to obey, **45:6**

SEALED ITEMS

Protective orders, **26:19**
Record on appeal, **93:20**

SEIZURE OF PERSON OR PROPERTY

Generally, **64:1 to 64:7**
Arrest, **64:2**
Attachment, **64:3**
Bail, **64:2**
Claim and delivery, **64:4**
Federal Rule, **64:7**
Former law, **64:6**
Receivers, **64:5**

SEPARATE TRIALS

Generally, **42:2 to 42:4**
Counterclaim and cross-claim, **13:10**
Permissive joinder of parties, **20:6**
Third-party practice, **14:8**

SERVICE OF PROCESS

See index heading **PROCESS AND SERVICE OF PROCESS AND PAPERS**

SETTING ASIDE

Default and default judgment, **55:6**

SETTLEMENT

See index heading **COMPROMISE OR SETTLEMENT**

SEVERANCE OF PARTIES OR CLAIMS

See index heading *SEPARATE TRIALS*

SHAREHOLDERS' ACTIONS

Class actions, **23:7**

SIGNATURES

Depositions, **30:8**

Pleadings

generally, **11:1 to 11:13**

for detailed treatment see index heading *PLEADING*

SLANDER

Pleadings, **9:10**

SPECIAL VERDICTS

Generally, **49:1**

SPECIFIC PERFORMANCE

Generally, **70:1 to 70:5**

Complaint form, **84:5**

STATE

Foreign state. See index heading

FOREIGN STATE

Intervention, **24:6**

Parties, **17:12**

Verification of pleadings by, **11:11**

STAY OF PROCEEDINGS

Discovery sanctions, **37:8**

Enforcement of judgments, **62:1 to 62:7**

Execution, **98:33**

Form of motion for, **98:32, 98:33**

Motion for, **92:6, 98:32, 98:33**

Supersedeas, temporary stay pending determination of petition for writ of, **95:10**

STIPULATIONS

Discovery, **29:1 to 29:3**

Dismissal of actions, **41:2**

SUBPOENAS

Generally, **45:1 to 45:9**

Depositions, **45:4**

Duces tecum subpoenas, **45:2, 45:3**

Federal Rule, **45:9**

Former law, **45:8**

SUBPOENAS—Cont'd

Inspection of materials obtained from subpoena, **45:6**

Punishment for failure to obey, **45:7**

Service of subpoena, **45:5**

Witness, subpoena for, generally, **45:1**

SUBPOENAS DUCES TECUM

Generally, **45:2, 45:3**

SUBROGATION

Parties, **17:7**

SUBSTITUTION OF PARTIES

Generally, **25:1 to 25:9**

Abatement, **25:4**

Appeal and review, **91:3, 92:9, 98:12**

Death, **25:2, 25:6**

Federal Rule, **25:9**

Former law, **25:8**

Form of motion, **98:12**

Incompetent persons, **25:3**

Motions, **92:9, 98:12**

Public officers and employees, **25:7**

Receiver of corporation, **25:6**

SUMMARY JUDGMENT

Generally, **56:1 to 56:10**

Affidavits and other proof, **56:6**

Failure of adverse party to defend, **56:7**

Federal Rule, **56:10**

Former law, **56:9**

Genuine issue, **56:5**

Partial summary judgment, **56:8**

Procedure, generally, **56:4**

Time when application can be made, **56:3**

Who may apply for summary judgment, **56:2**

SUMMONS

Generally, **3:3, 4:2 to 4:6**

Alias and pluries, **4:5**

Amendment of summons, **4:6**

Commencement of action, **3:2**

Commencement of action by summons, **3:2**

Contents, **4:3**

Discontinuance, **4:5**

INDEX

SUMMONS—Cont'd

- Extension of summons, **4:5**
- Issuance, generally, **4:2**
- Return, **4:4**
- Service, generally, **3:3**
- Who may serve, **4:2**

SUPERIOR COURT

- Generally, **85:3 to 85:5**

SUPERSEDEAS

- Generally, **95:6 to 95:12**
- Determination of a petition for an extraordinary writ, **95:12**
- Form of petition for, **98:31**
- Preparation and content of writ, **95:9**
- Responding to a petition for an extraordinary writ, **95:11**
- Temporary stay pending determination of writ, **95:10**

SUPPLEMENTATION

- Discovery responses, **26:23**
- Pleadings
 - generally, **15:1 to 15:8**
 - for detailed treatment, see index heading AMENDED AND SUPPLEMENTAL PLEADINGS

SURPRISE

- New trial grounds, **59:4**
- Relief from judgment or order, **60:4**

TEMPORARY RESTRAINING ORDER

- Generally, **65:3, 65:5**

THIRD-PARTY BENEFICIARIES

- Parties, **17:6**

THIRD-PARTY PRACTICE

- Generally, **14:1 to 14:12**
- Federal Rule, **14:12**
- Former law, **14:11**
- Form of complaint, **84:13**
- Form of motion to bring in third party, **84:12**
- Judgment, **14:10**
- Procedure for impleading, **14:4**
- Severance or separate trial, **14:8**
- When parties may be impleaded, **14:3**

THIRD-PARTY PRACTICE—Cont'd

- Who may be impleaded, **14:2**

TIME

- Generally, **6:1 to 6:8**
- Affidavits, **6:5**
- Computation of time, **6:2**
- Defenses and objections, presenting, **12:2**
- Depositions, **30:2**
- Discovery, **26:13, 26:22**
- Extension. See index heading EXTENSION OF TIME
- Interrogatories, **33:3**
- Intervention, **24:7**
- Limitation of actions. See index heading LIMITATION OF ACTIONS
- Mail service, additional time after, **6:6**
- Motions
 - generally, **6:5**
 - extension of time. See index heading EXTENSION OF TIME
 - relief from judgment or order, **60:10**
- New trial motions and affidavits, **59:13, 59:14**
- Pleadings, **9:7**
- Relief from judgment motion, **60:10**
- Summary judgment, when application may be made, **56:3**

TITLE

- Judgments conveying title, **70:2**

TRADE SECRETS

- Protective orders, **26:18**

TRANSCRIPTS

- Appeal, record on
 - generally, **93:1 to 93:4, 98:7**
 - for detailed treatment see index heading RECORD ON APPEAL
- Depositions, **30:11**

TRIAL

- Assignment of cases for, **40:1 to 40:3**
- Harmless error, **61:1 to 61:8**
- Jury and jury trial. See index heading JURY AND JURY TRIAL

TRIAL—Cont'd

New trial
generally, **59:1 to 59:18**
for detailed treatment, see index
heading NEW TRIAL
Separate trials. See index heading
SEPARATE TRIALS

TRUSTS AND TRUSTEES

Bankruptcy trust personal injury
claims, **26:8**
Discovery, **26:8**
Insurance agreements, **26:8**
Parties, **17:10**
Personal injury claims, bankruptcy
trust, **26:8**

UNBORN PERSONS

Parties, **17:16**

UTILITIES

Appeals in rate cases, **88:6**

VEHICLES

Service of process on nonresident
drivers, **4:17**

VENUE

Defenses and objections, **12:6**

VERDICT

Generally, **49:1 to 49:6**
Directed verdict, **50:1 to 50:5, 50:7
to 50:10**
Federal Rule, **49:6**
Form and number of issues, **49:3**
Former law, **49:5**
Instructions prohibiting comment on,
51:5
Judgment notwithstanding the
verdict, **50:6 to 50:10**

VERDICT—Cont'd

Majority verdict, **48:1 to 48:3**
New trial, defective verdict, **59:9**

VERIFICATION

Form, **98:34**
Pleadings
generally, **11:1 to 11:13**
for detailed treatment see index
heading PLEADING

VIRTUAL REPRESENTATION

Parties, **17:18**

VOID JUDGMENTS

Relief from, **60:7**

WAIVER

Defenses and objections, **12:14**
Jury trial, **38:5, 49:4**
Physical and mental examination of
persons, **35:4**

WITNESSES

Affirmation of evidence by witness,
43:5
Depositions, **30:4**
Experts. See index heading EXPERT
WITNESSES
Form of testimony, **43:1**
Hostile witnesses, **43:2**
Objection to qualification of, **46:1**
Subpoenas. See index heading
SUBPOENAS

WORK PRODUCT PRIVILEGE

Discovery, **26:7**

WRITTEN QUESTIONS

Depositions upon, **31:1 to 31:6**