

AMENDMENTS

TO ORCP 15

promulgated by

COUNCIL ON COURT PROCEDURES

1982 to 2006

**TIME FOR FILING PLEADINGS OR MOTIONS
RULE 15**

A. Time for filing motions and pleadings. A motion or answer to the complaint or third party complaint and the reply to a counterclaim or answer to a crossclaim [~~of a party summoned under the provisions of Rule 22-D~~] shall be filed with the clerk by the time required by Rule 7 C(2) to appear and defend. Any other motion or responsive pleading shall be filed not later than 10 days after service of the pleading moved against or to which the responsive pleading is directed.

B. Pleading after motion.

B(1) If the court denies a motion, any responsive pleading required shall be filed within 10 days after service of the order, unless the order otherwise directs.

B(2) If the court grants a motion and an amended pleading is allowed or required, such pleading shall be filed within 10 days after service of the order, unless the court otherwise directs.

C. Responding to amended pleading. A party shall respond to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise directs.

D. Enlarging time to plead or do other act. The court may, in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or allow any other pleading or motion

after the time limited by the procedural rules, or by an order to enlarge such time.

COMMENT

15 A is amended at the suggestion of the OSB Practice and Procedure Committee to clarify that pleadings or motions responsive to any counterclaims or cross-claims, not merely those by a party joined under ORCP 22 D, must be filed with the clerk within 30 days after service of a pleading containing a counterclaim or cross-claim to which the pleading or motion responds, rather than 10 days after such service as might have been inferred from the prior language of this section. While this section speaks only of filing with the clerk, pleadings and motions responding to counterclaims and cross-claims must, pursuant to ORCP 9 A, also be served upon all other parties who have appeared in the action and not in default.