

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER OF ADOPTION

Supreme Court No. 20210286

Amendments to North Dakota Rule of Civil Procedure 7 Regarding Pleadings and Form of Motions

[¶1] The Joint Procedure Committee submitted proposed amendments to North Dakota Rule of Civil Procedure 7 to correct punctuation. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210286>. Individuals who do not have internet access may contact the Office of the Clerk of the Supreme Court to obtain a copy of the proposal. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that the amendments to North Dakota Rule of Civil Procedure 7 are ADOPTED effective immediately.

[¶3] The Supreme Court of the State of North Dakota convened this 20th day of October, 2021, with, the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order.

/s/ Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court

RULE 7. PLEADINGS ALLOWED--FORM OF MOTIONS

(a) Pleadings. Only these pleadings are allowed:

(1) a complaint;

(2) an answer to a complaint;

(3) an answer to a counterclaim designated as a counterclaim;

(4) an answer to a crossclaim;

(5) a third-party complaint;

(6) an answer to a third-party; and

(7) if the court orders one, a reply to an answer or a third-party answer.

(b) Motions.

(1) In General. A request for a court order must be made by motion. The motion must:

(A) be in writing, unless made during a hearing or trial;

(B) state with particularity the grounds for seeking the order; and

(C) state the relief sought.

(2) Form. The rules governing captions and other matters of form in pleadings apply to motions and other documents.

EXPLANATORY NOTE

Rule 7 was amended, effective March 1, 1986; March 1, 2011; March 1, 2018;

_____.

This rule is derived from Fed.R.Civ.P. 7.

Under paragraph (a)(7), a reply to an answer or third-party answer is allowed only on court order.

24 Subdivision (b) was amended, effective March 1, 2018, to eliminate language allowing a
25 motion to be stated as part of a notice of motion.

26 Subdivision (b) was amended, effective _____, to correct punctuation.

27 Rule 7 was amended, effective March 1, 2011, in response to the December 1, 2007,
28 revision of the Federal Rules of Civil Procedure. The language and organization of the rule were
29 changed to make the rule more easily understood and to make style and terminology consistent
30 throughout the rules.

31 SOURCES: Joint Procedure Committee Minutes of September 30, 2021, pages _____;
32 September 28, 2017, pages 11-12; January 24, 2008, page 15; April 26, 1984, page 25; January
33 20, 1984, page 15; September 20-21, 1979, page 6; Fed.R.Civ.P. 7.

34 CROSS REFERENCE: N.D.R.Civ.P. 8 (General Rules of Pleading), 10 (Form of
35 Pleadings), 11 (Signing of Pleadings), 13 (Counterclaim and Cross-Claim), 14 (Third-Party
36 Practice), and 15 (Amended and Supplemental Findings); N.D.R.Crim.P. 47 (Motions),
37 N.D.R.Ct. 3.2 (Submission on Briefs and Filing).