

Where Are We? Civ Pro One Class 9.2—Pldg & Mo Charts:

COMPLAINT

FQ

(8a1) Q: 1st para? SMJ ↗ DIV
↘ or both

8a2 Conley “no set of facts” & *Bell Atlantic*

(8a2) Q: 2nd para? short & plain ↗
↘ 9b heightened scrutiny

(8a3) Q: 3rd para? Prayer:

- ↗ spec damages
- compensatory → pain & suffering
- \$ damages ↗ ↘ punitives
- ↘ injunction (not \$: D do/refrain doing)

↗ Admit (if not in issue) Q: Result if no answer?

↗ General denial =

ANSWER → Deny → Specific denial =

↘ Info & belief =

↗ compare denial

↘ Aff Defenses → adds *new* matter not present *every* case

↘ HYPO: one year SOL

case filed 3 yrs after accident

gen denial by D

P jmt

Q: Good jmt? Q: What *should* D have done?

CHALLENGES TO PLEADING (in lieu of answer or aff defenses when first appear)

• 12(b) Mo Dismiss (1= 2= 3= [no 4/5] 6= 7=)

Q: Grant motion = end of case or opportunity cure defect (amendment)?

- 12(c) JOP pleading stage closed / answer filed
@ shows no poss claim (sov immunity); *or* no valid defense (CBE scenario re answer)
- 12(e) Mo Def: more info resp pleading / vagueness of @; eg, which claims v. which Ds
- 12(f) Mo Strike sham, irrelevant
eg, garden-variety tort claim neg auto accid / punies alleged / strike fm @
- 12(g) consol rule:
 - if file Rule 12 mo, raise all challenges 1st appearance or waive ‘em
 - Q: exception? (SMJ) [b6 & b7 too, per 12(h)2]