

**EXHIBIT 6:25 Pleadings, Motions, and Time Limits**

Pleading/Act	Purpose If Not Clear	Due	Federal Rule	State Rule/Due
<b>PLEADINGS/PARTIES</b>				
<b>Complaint</b>				
Service of summons and complaint	For personal jurisdiction	120 days after filing complaint	4, 4(m), 5	
Request for Entry of Default and Judgment of Default	To prevent defendant's response after time limit for answer, to get judgment concluding case and awarding remedy	Entry may be sought on first day after expiration of time limit for answer. Judgment sought as soon after as possible. Notice of hearing on application for default—three days prior to hearing when required.	55, 54(c)	
Motion to set Aside Default Judgment		In reasonable time and not more than one year after judgment	55(c), 60(b)	
Motions Attacking Complaint or Action (in general)	To dismiss action for lack of subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of service, failure to state a claim, and failure to join a party, or to make complaint more definite or to strike language, or for <i>forum non conveniens</i>	Within time permitted to answer complaint, which depends on method used for service of process. Could be 20, 60, or 90 days. Twenty days generally; motion to dismiss for lack of subject matter jurisdiction can be made any time, including on appeal.	12(a), (b), (e), (f), 28 U.S.C. § 1406(a), 28 U.S.C. § 1404	
Notice of Motion plus Affidavit		Served at least five days before hearing unless ex parte	6(d)	

Pleading/Act	Purpose If Not Clear	Due	Federal Rule	State Rule/Due
Responsive Motion plus Affidavit		Served not later than one day before hearing on motion, generally, or pursuant to local court rule	6(d)	
Amendment to Pleadings (generally)	To correct errors, vagueness, or other inadequacies	Prior to service of a responsive pleading or within twenty days after service if no responsive pleading is permitted. If in response to order to make more definite, ten days after notice of order.	15(a), 12(e)	
Answer	To admit, deny, or state defenses to plaintiff's allegation; may include counterclaim and motions attacking complaint	Twenty, sixty, or ninety days, depending on method used for service of process (U.S. has sixty days) or in ten days after decision on motion attacking complaint	12(a)	
Answer in Response to Amended Complaint		In remaining time to respond to original or within ten days, whichever is greater	15(a)	
Counterclaim	To state a claim defendant has against plaintiff, usually arising out of same transaction alleged by plaintiff	At same time answer is served or as permitted by court	13	
Cross-Claim	To state a claim against a party on the same side of the action and may allege that the party is the one fully or partially liable for claim alleged in complaint or counterclaim	With answer, reply to counterclaim, or other appropriate pleading	12(b)	
Reply to Counterclaim or Cross-Claim	To admit, deny, or state defenses to allegations in counterclaim or cross-claim. May include motions attacking these pleadings	Twenty days after service of answer or twenty days after service of notice of order to reply to counterclaim or as otherwise directed (U.S. has sixty days)	12(a)(2)	

<b>Pleading/Act</b>	<b>Purpose If Not Clear</b>	<b>Due</b>	<b>Federal Rule</b>	<b>State Rule/Due</b>
Third-Party Complaint	To bring in third party who may be liable to one of the original parties for the claim or counterclaim brought against the original party	Ten days after service of original answer (counterclaim) or by leave of court	14(a)	
Third-Party Answer	To attack, or to admit, deny, or state defenses to the third-party complaint (may include counter and cross-claims)	Twenty days after service of answer	14(a), 12(a)	
Motion to Dismiss: Not Real Party in Interest	To attack jurisdiction of court and to avoid harassment of defendant by parties having no right to claim	Within time permitted for regular response to complaint	17(a), 12(a), (b)	
Motion to Join a Party	To add either plaintiffs or defendants for the purpose of adjudicating all claims of all parties arising from same or series of transactions	In reasonable time after action begins	19, 20	
Motion to Add Interpleader	To add a party to resolve all possible claims against a third party	In reasonable time after action begins	22	
Motions Regarding Class Actions	To certify a group of plaintiffs as a class or to dismiss or compromise	As soon as practical after start of action	23(c)(1)	
Motion to Intervene	To permit party to enter lawsuit so can protect interest or where statute permits intervention	In reasonable time after start of action	24, 5	
Motion for Substitution of a Party	To permit continuation of action by substituting a party in the case of death, incompetency, transfer of interest, or resignation of office	Ninety days after death, etc., made part of record	25	

<b>Pleading/Act</b>	<b>Purpose If Not Clear</b>	<b>Due</b>	<b>Federal Rule</b>	<b>State Rule/Due</b>
Motion for Enlargement of Time	To gain extension from original date pleading is due	In time within which pleading is originally due or after if due to excusable neglect	6(b)	
Motion for Judgment on the Pleadings	To get final judgment in case based solely on the pleadings	After pleadings closed but not so late as to delay trial	12(c)	
Motion of Application for Seizure of Property (Writ of Attachment)	To secure property so that if suit is successful, judgment can be paid. Also final remedy to collect judgment.	After filing of lawsuit (generally) or after judgment	64 (incorporating state law)	
Motion or Application for Injunctions including Temporary Restraining Order, Preliminary Injunction, and Permanent Injunctions	To prevent irreparable damage to persons or property involved in the original action, to require another party to do some act or to refrain from some act	After filing of lawsuit (temporary restraining order good for up to ten days unless extended by court for good cause); after ten days must secure preliminary injunction	65	
Motion for Summary Judgment	Seeks final judgment based on pleadings and supporting affidavits (may come after discovery). Alleges no genuine issue in case.	Plaintiff: twenty days after filing complaint or after being served with such motions by adverse party. Defendant: Any time after action filed. Notice: Served ten days prior to hearing on motion	56	
<b>DISCOVERY</b>				
Parties' Planning Meeting	To decide on a plan for disclosure and discovery	(unless opted out) As soon as practical and at least 21 days prior to 16(b) scheduling conference	26(f)	
Planning Meeting Report		Within 14 days after parties' planning meeting	26(f)(4)	

<b>Pleading/Act</b>	<b>Purpose If Not Clear</b>	<b>Due</b>	<b>Federal Rule</b>	<b>State Rule/Due</b>
Initial Disclosure		Within 14 days of 26(f) meeting unless otherwise stipulated or ordered. At least 90 days before trial if expert witness information.	26(a)	
Pretrial Disclosure	Witnesses, documents, exhibits, and other information for trial	At least 30 days prior to trial. Objection to admissibility within 14 days after disclosure.	26(a)(3)	
Petition for Deposition Before Action or Pending Appeal	To preserve testimony or other evidence before action or appeal started	Notice to each party due twenty days before hearing on petition	27(a)(1-2)	
Notice to Take Deposition (notice to all other parties)	To gather evidence from the oral or written statements of others	After parties' 26(f) meeting	26(d), 30(a), 30(b)(1)	
Motion to Enlarge or Shorten Time for Taking Deposition			30(d)(2)	
Notice to Take Deposition on Written Questions	Requested when oral deposition impractical	After parties' 26(f) meeting; cross questions within fourteen days of service of original questions; redirect and recross questions within seven days of service of follow-up questions	31(a)	
Objections to form of Written Deposition Questions		In time permitted for response as stated above and in five days after service of the last question	32(d)(3)(C)	
Interrogatories	To discover evidence through written questions to any party	After parties' 26(f) meeting; limited to twenty-five interrogatories	26(d), 33(a)	
Answers or Objections to Interrogatories		Within thirty days after service of questions; must be written	33(b)	

<b>Pleading/Act</b>	<b>Purpose If Not Clear</b>	<b>Due</b>	<b>Federal Rule</b>	<b>State Rule/Due</b>
Request for Production of Documents and Things and Entry to Land	To inspect documents (writings, photos, data collections, etc.) and land to gather evidence	After parties' 26(f) meeting	26(d), 34(a)(b)	
Response to Request for Production, Etc.		Within thirty days after service of request. Objection waived if no written responses served.	34(b)	
Motion for Order to Submit to Physical or Mental Exam	To require a party to submit to exam when condition in question (injury, emotional illness, other) relates to cause of action or damages	After parties' 26(f) meeting	26(d), 35(a)	
Request for Admission(s)	To get opponent to admit to certain facts so they do not have to be proven at trial by separate evidence	After parties' 26(f) meeting	36(a)	
Answer or Objection to Request for Admission		Within thirty days after service of request	36(a)	
Duty to Supplement Discovery Responses	To keep discovery current	Seasonably	26(a)(1) and (2)	
Motion to Compel Discovery	To get court to order party to provide discovery	On reasonable notice to all parties and all persons affected and after attempt to resolve	37(a)(d)	
Motion for Protective Order	To get order permitting party to not respond to certain aspects of discovery or to prevent abuse of discovery by opponent	In reasonable period of time and after attempt to resolve	26(c)	
Motion to Enforce Subpoena	To require person to appear and/or produce documents for examination	Any time after objection to subpoena is made and upon notice to person commanded to produce	45(c)(2)(B)	

<b>Pleading/Act</b>	<b>Purpose If Not Clear</b>	<b>Due</b>	<b>Federal Rule</b>	<b>State Rule/Due</b>
Objection to Subpoena for Production and Inspection	To change or stop the enforcement of subpoena	Before time for compliance with subpoena or within 14 days after service of subpoena	45(c)(2)(B)	
<b>PRETRIAL</b>				
Demand for Jury Trial		To all parties any time after action starts but no later than ten days after the last pleading directed to such issue. Check local rules	38(b)	
Motion for Involuntary Dismissal	To dismiss action for failure of plaintiff to prosecute	120 days after filing of action absent service of summons and complaint	41 (b), 4(m)	
Consolidation of Actions or Separation for Trial	To combine actions for the sake of judicial economy or to provide separate trials where combined trial would cause prejudice or inconvenience	In reasonable time before trial	42(a)(b)	
Motion for Voluntary Dismissal	So plaintiff or parties can agree to action dismissal	By notice of dismissal at any time before service by adverse party of an answer or motion for summary judgment, whichever occurs first, or by filing stipulation signed by all parties appearing in action	41(a)(1)	
Motion to Use Deposition at Trial	To use deposition as testimony at trial	Reasonable time before trial and on reasonable notice	32(a)(3)	
Motion in Limine	For protective order against prejudicial questions or statements by adverse party	Pursuant to scheduling order and usually a reasonable time before trial or reasonable time after selection of jury	16(b)	

<b>Pleading/Act</b>	<b>Purpose If Not Clear</b>	<b>Due</b>	<b>Federal Rule</b>	<b>State Rule/Due</b>
Motion to Exclude Evidence	To exclude evidence for a variety of reasons	Pursuant to scheduling order and usually a reasonable time before trial or as matter arises at trial	16(b)	
<b>TRIAL</b>				
Motion for Judgment as a Matter of Law (Directed Verdict)	To have court enter judgment for moving party for failure of opponent to prove prima facie case	Any time before submission of case to jury	50(a)(2)	
Renewal of Motion for Judgment as a Matter of Law (JNOV)	To have court enter judgment contrary to that returned by jury on basis jury verdict goes against weight of evidence (may be joined with motion for new trial)	Within ten days after entry of judgment	50(b)	
<b>POST-TRIAL</b>				
Motion for New Trial or to Alter or Amend Judgment	To have judgment set aside and new trial ordered because of error or other injustice at first trial	Within ten days after entry of judgment	59, 52(b)	
Response to Motion for New Trial/ Affidavits	To oppose motion for new trial	Within ten days after service of motion or twenty more days with leave of court	59(c)	
Motion to Correct Clerical Errors in Judgment		Any time	60(a)	
Motion for Stay of Execution of Judgment Pending Post-Trial Motions		Within ten days after entry of judgment or with motion for post-trial relief	62(b)	

Pleading/Act	Purpose If Not Clear	Due	Federal Rule	State Rule/Due
<b>APPEAL</b>				
Notice of Appeal	To notify all parties of appeal	Within thirty days after judgment or order; sixty days if U.S. or officer or agency	Rule 4(a) of Appellate Procedure	
Stay on Appeal	To prevent execution of judgment until appeal decided	At filing notice of appeal or soon after	62(d)	