

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 734
Second Edition Engrossed 5/9/89

Short Title: Amend Pleadings Rule.

(Public)

Sponsors: Senator Ballance.

Referred to: Judiciary II.

April 3, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL RULES OF PLEADINGS TO ALLOW THE CLAIMANT THIRTY DAYS TO RESPOND TO A REQUEST FOR A STATEMENT OF THE MONETARY RELIEF SOUGHT, AND TO AMEND THE RULES OF CIVIL PROCEDURE, SUMMARY JUDGMENT, TO REQUIRE THAT MOTIONS FOR SUMMARY JUDGMENT BE ACCOMPANIED BY SUPPORTING AFFIDAVITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 8(a) reads as rewritten:

"(a) Claims for relief. – A pleading which sets forth a claim for relief, whether an original claim, counterclaim, crossclaim, or third-party claim shall contain

(1) A short and plain statement of the claim sufficiently particular to give the court and the parties notice of the transactions, occurrences, or series of transactions or occurrences, intended to be proved showing that the pleader is entitled to relief, and

(2) A demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded. In all negligence actions, and in all claims for punitive damages in any civil action, wherein the matter in controversy exceeds the sum or value of ten thousand dollars (\$10,000), the pleading shall not state the demand for monetary relief, but shall state that the relief demanded is for damages incurred or to be incurred in excess of ten thousand dollars (\$10,000). However, at any time after service of the

1 claim for relief, any party may request of the claimant a written
2 statement of the monetary relief sought, and the claimant shall, within
3 ~~10~~30 days after such service, provide such statement, which shall not
4 be filed with the clerk until the action has been called for trial or entry
5 of default entered. Such statement may be amended in the manner and
6 at times as provided by Rule 15."

7 Sec. 2. This act is effective October 1, 1989.