

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1417

By: Howard

AS INTRODUCED

An Act relating to the Oklahoma Pleading Code; amending 12 O.S. 2021, Section 2008, which relates to general rules of pleading; requiring inclusion of certain information in pleading; making language gender neutral; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2021, Section 2008, is amended to read as follows:

Section 2008.

GENERAL RULES OF PLEADING

A. CLAIMS FOR RELIEF. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim or third-party claim, shall contain:

1. A short and plain statement of the claim showing that the pleader is entitled to relief with sufficient factual allegations to demonstrate the reasonable plausibility of the asserted claim; and

2. A demand for judgment for the relief to which ~~he~~ the pleader deems himself or herself entitled. Every pleading demanding relief

1 for damages in money in excess of the amount required for diversity
2 jurisdiction pursuant to Section 1332 of Title 28 of the United
3 States Code shall, without demanding any specific amount of money,
4 set forth only that the amount sought as damages is in excess of the
5 amount required for diversity jurisdiction pursuant to Section 1332
6 of Title 28 of the United States Code, except in actions sounding in
7 contract. Every pleading demanding relief for damages in money in
8 an amount that is required for diversity jurisdiction pursuant to
9 Section 1332 of Title 28 of the United States Code or less shall
10 specify the amount of such damages sought to be recovered. Relief
11 in the alternative or of several different types may be demanded.

12 B. DEFENSES; FORM OF DENIALS. A party shall state in short and
13 plain terms ~~his~~ defenses to each claim asserted and shall admit or
14 deny the averments upon which the adverse party relies. If ~~he~~ the
15 party is without knowledge or information sufficient to form a
16 belief as to the truth of an averment, he or she shall so state and
17 this statement has the effect of a denial. Denials shall fairly
18 meet the substance of the averments denied. When a pleader intends
19 in good faith to deny only a part or a qualification of an averment,
20 ~~he~~ the pleader shall specify so much of it as is true and material
21 and shall deny only the remainder. Unless the pleader intends in
22 good faith to controvert all the averments of the preceding
23 pleading, he or she may make ~~his~~ denials as specific denials of
24 designated averments or paragraphs or ~~he~~ may generally deny all the

1 averments except such designated averments or paragraphs as ~~he~~ the
2 pleader expressly admits; but, when ~~he~~ the pleader does so intend to
3 controvert all its averments, he or she may do so by general denial
4 subject to the obligations set forth in Section 2011 of this title.

5 C. AFFIRMATIVE DEFENSES. In pleading to a preceding pleading,
6 a party shall set forth affirmatively:

- 7 1. Accord and satisfaction;
- 8 2. Arbitration and award;
- 9 3. Assumption of risk;
- 10 4. Contributory negligence;
- 11 5. Discharge in bankruptcy;
- 12 6. Duress;
- 13 7. Estoppel;
- 14 8. Failure of consideration;
- 15 9. Fraud;
- 16 10. Illegality;
- 17 11. Injury by fellow servant;
- 18 12. Laches;
- 19 13. License;
- 20 14. Payment;
- 21 15. Release;
- 22 16. Res judicata;
- 23 17. Statute of frauds;
- 24 18. Statute of limitations;

1 19. Waiver; and

2 20. Any other matter constituting an avoidance or affirmative
3 defense.

4 When a party has mistakenly designated a defense as a
5 counterclaim or a counterclaim as a defense, the court on terms, if
6 justice so requires, shall treat the pleading as if there had been a
7 proper designation.

8 D. EFFECT OF FAILURE TO DENY. Averments in a pleading to which
9 a responsive pleading is required, other than those as to the amount
10 of damage, are admitted when not denied in the responsive pleading.
11 Averments in a pleading to which no responsive pleading is required
12 or permitted shall be taken as denied or avoided.

13 E. PLEADING TO BE CONCISE AND DIRECT; CONSISTENCY.

14 1. Each averment of a pleading shall be simple, concise, and
15 direct. No technical forms of pleadings or motions are required.

16 2. A party may set forth, and at trial rely on, two or more
17 statements of a claim or defense alternately or hypothetically,
18 either in one count or defense or in separate counts or defenses.

19 When two or more statements are made in the alternative and one of
20 them if made independently would be sufficient, the pleading is not
21 made insufficient by the insufficiency of one or more of the
22 alternative statements. A party may also state as many separate
23 claims or defenses as ~~he~~ the party has regardless of consistency and
24 whether based on legal or equitable grounds. All statements shall

1 be made subject to the obligations set forth in Section 2011 of this
2 title.

3 F. CONSTRUCTION OF PLEADINGS. All pleadings shall be so
4 construed as to do substantial justice.

5 SECTION 2. This act shall become effective November 1, 2022.

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