

1 **Rule 8. General rules of pleadings.**

2 **(a) Claims for relief.** An original claim, counterclaim, cross-claim or third-party claim ~~shall~~must
3 contain a short and plain: (1) statement of the claim showing that the party is entitled to relief; and (2)
4 demand for judgment for specified relief. Relief in the alternative or of several different types may be
5 demanded. A party who claims damages but does not plead an amount ~~shall~~must plead that ~~their~~the
6 damages are such as to qualify for a specified tier defined by Rule [26\(c\)\(3\)](#). A pleading that qualifies for
7 tier 1 or tier 2 discovery ~~shall~~constitutes a waiver of any right to recover damages above the tier limits
8 specified in Rule [26\(c\)\(3\)](#), unless the pleading is amended under Rule [15](#).

9 **(b) Defenses; form of denials.** A party ~~shall~~must state in simple, short and plain terms any
10 defenses to each claim asserted and ~~shall~~must admit or deny the statements in the claim. A party without
11 knowledge or information sufficient to form a belief about the truth of a statement ~~shall~~must so state, and
12 this has the effect of a denial. Denials ~~shall~~must fairly meet the substance of the statements denied. A
13 party may deny all of the statements in a claim by general denial. A party may specify the statement or
14 part of a statement that is admitted and deny the rest. A party may specify the statement or part of a
15 statement that is denied and admit the rest.

16 **(c) Affirmative defenses.** An affirmative defense ~~shall~~must contain a short and plain: (1) statement
17 of the affirmative defense; and (2) a demand for relief. A party ~~shall~~must set forth affirmatively in a
18 responsive pleading accord and satisfaction, arbitration and award, assumption of risk, ~~contributory~~
19 ~~negligence~~, comparative fault, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud,
20 illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute
21 of limitations, waiver, and any other matter constituting an avoidance or affirmative defense. If a party
22 mistakenly designates a defense as a counterclaim or a counterclaim as a defense, the court, on terms,
23 may treat the pleadings as if the defense or counterclaim had been properly designated.

24 **(d) Effect of failure to deny.** Statements in a pleading to which a responsive pleading is required,
25 other than statements of the amount of damage, are admitted if not denied in the responsive pleading.
26 Statements in a pleading to which no responsive pleading is required or permitted are deemed denied or
27 avoided.

28 **(e) Consistency.** A party may state a claim or defense alternately or hypothetically, either in one
29 count or defense or in separate counts or defenses. If statements are made in the alternative and one of
30 them is sufficient, the pleading is not made insufficient by the insufficiency of an alternative statement. A
31 party may state legal and equitable claims or legal and equitable defenses regardless of consistency.

32 **(f) Construction of pleadings.** All pleadings ~~shall~~will be construed to do substantial justice.

33 [Advisory Committee Notes](#)

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