

**Rule 12. Defenses and objections.****(a) When presented.**

**(1) In actions other than domestic relations.** Unless otherwise provided by statute or order of the court, a defendant shall serve an answer within 21 days after the service of the summons and complaint is complete within the state and within 30 days after service of the summons and complaint is complete outside the state. A party served with a pleading stating a cross-claim shall serve an answer thereto within 21 days after the service. The plaintiff shall serve a reply to a counterclaim in the answer within 21 days after service of the answer or, if a reply is ordered by the court, within 21 days after service of the order, unless the order otherwise directs. The service of a motion under this rule alters these periods of time as follows, unless a different time is fixed by order of the court, but a motion directed to fewer than all of the claims in a pleading does not affect the time for responding to the remaining claims:

~~(1A)~~ If the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 14 days after notice of the court's action;

~~(2B)~~ If the court grants a motion for a more definite statement, the responsive pleading shall be served within 14 days after the service of the more definite statement.

**(2) In domestic relations actions.** A party served with a domestic relations action shall serve an answer within 21 days after service of the summons and petition is complete within the state and within 30 days after service of the summons and petition is complete outside the state. Any counterpetition must be filed with the answer. A party served with a counterpetition shall serve an answer within 21 days after service of the counterpetition.

26 **(b) How presented.** Every defense, in law or fact, to claim for relief in any pleading,  
27 whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the  
28 responsive pleading thereto if one is required, except that the following defenses may at  
29 the option of the pleader be made by motion: (1) lack of jurisdiction over the subject  
30 matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of  
31 process, (5) insufficiency of service of process, (6) failure to state a claim upon which  
32 relief can be granted, (7) failure to join an indispensable party. A motion making any of  
33 these defenses shall be made before pleading if a further pleading is permitted. No  
34 defense or objection is waived by being joined with one or more other defenses or  
35 objections in a responsive pleading or motion or by further pleading after the denial of  
36 such motion or objection. If a pleading sets forth a claim for relief to which the adverse  
37 party is not required to serve a responsive pleading, the adverse party may assert at the  
38 trial any defense in law or fact to that claim for relief. If, on a motion asserting the  
39 defense numbered (6) to dismiss for failure of the pleading to state a claim upon which  
40 relief can be granted, matters outside the pleading are presented to and not excluded by  
41 the court, the motion shall be treated as one for summary judgment and disposed of as  
42 provided in Rule [56](#), and all parties shall be given reasonable opportunity to present all  
43 material made pertinent to such a motion by Rule [56](#).

44 **(c) Motion for judgment on the pleadings.** After the pleadings are closed, but within  
45 such time as not to delay the trial, any party may move for judgment on the pleadings.  
46 If, on a motion for judgment on the pleadings, matters outside the pleadings are  
47 presented to and not excluded by the court, the motion shall be treated as one for  
48 summary judgment and disposed of as provided in Rule [56](#), and all parties shall be  
49 given reasonable opportunity to present all material made pertinent to such a motion  
50 by Rule [56](#).

51 **(d) Preliminary hearings.** The defenses specifically enumerated (1) - (7) in subdivision  
52 (b) of this rule, whether made in a pleading or by motion, and the motion for judgment  
53 mentioned in subdivision (c) of this rule shall be heard and determined before trial on

54 application of any party, unless the court orders that the hearings and determination  
55 thereof be deferred until the trial.

56 **(e) Motion for more definite statement.** If a pleading to which a responsive pleading is  
57 permitted is so vague or ambiguous that a party cannot reasonably be required to frame  
58 a responsive pleading, the party may move for a more definite statement before  
59 interposing a responsive pleading. The motion shall point out the defects complained of  
60 and the details desired. If the motion is granted and the order of the court is not obeyed  
61 within 14 days after notice of the order or within such other time as the court may fix,  
62 the court may strike the pleading to which the motion was directed or make such order  
63 as it deems just.

64 **(f) Motion to strike.** Upon motion made by a party before responding to a pleading or,  
65 if no responsive pleading is permitted by these rules, upon motion made by a party  
66 within 21 days after the service of the pleading, the court may order stricken from any  
67 pleading any insufficient defense or any redundant, immaterial, impertinent, or  
68 scandalous matter.

69 **(g) Consolidation of defenses.** A party who makes a motion under this rule may join  
70 with it the other motions herein provided for and then available. If a party makes a  
71 motion under this rule and does not include therein all defenses and objections then  
72 available which this rule permits to be raised by motion, the party shall not thereafter  
73 make a motion based on any of the defenses or objections so omitted, except as  
74 provided in subdivision (h) of this rule.

75 **(h) Waiver of defenses.** A party waives all defenses and objections not presented either  
76 by motion or by answer or reply, except (1) that the defense of failure to state a claim  
77 upon which relief can be granted, the defense of failure to join an indispensable party,  
78 and the objection of failure to state a legal defense to a claim may also be made by a  
79 later pleading, if one is permitted, or by motion for judgment on the pleadings or at the  
80 trial on the merits, and except (2) that, whenever it appears by suggestion of the parties  
81 or otherwise that the court lacks jurisdiction of the subject matter, the court shall

82 dismiss the action. The objection or defense, if made at the trial, shall be disposed of as  
83 provided in Rule 15(b) in the light of any evidence that may have been received.

84 **(i) Pleading after denial of a motion.** The filing of a responsive pleading after the  
85 denial of any motion made pursuant to these rules shall not be deemed a waiver of such  
86 motion.

87 **(j) Security for costs of a nonresident plaintiff.** When the plaintiff in an action resides  
88 out of this state, or is a foreign corporation, the defendant may file a motion to require  
89 the plaintiff to furnish security for costs and charges which may be awarded against  
90 such plaintiff. Upon hearing and determination by the court of the reasonable necessity  
91 therefor, the court shall order the plaintiff to file a \$300.00 undertaking with sufficient  
92 sureties as security for payment of such costs and charges as may be awarded against  
93 such plaintiff. No security shall be required of any officer, instrumentality, or agency of  
94 the United States.

95 **(k) Effect of failure to file undertaking.** If the plaintiff fails to file the undertaking as  
96 ordered within 30 days of the service of the order, the court shall, upon motion of the  
97 defendant, enter an order dismissing the action.