

1 **NRCP 9 – Proposed**
2 **(Adopt Federal rule with edits)**

3 **Rule 9. Pleading Special Matters**

4 **(a) Capacity or Authority to Sue; Legal Existence.**

5 (1) **In General.** Except when required to show that the court has
6 jurisdiction, a pleading need not allege:

7 (A) a party’s capacity to sue or be sued;

8 (B) a party’s authority to sue or be sued in a representative
9 capacity; or

10 (C) the legal existence of an organized association of persons that
11 is made a party.

12 (2) **Raising Those Issues.** To raise any of those issues, a party must do
13 so by a specific denial, which must state any supporting facts that are peculiarly
14 within the party’s knowledge.

15 (b) **Fraud or Mistake; Conditions of Mind.** In alleging fraud or mistake, a
16 party must state with particularity the circumstances constituting fraud or mistake.
17 Malice, intent, knowledge, and other conditions of a person’s mind may be alleged
18 generally.

19 (c) **Conditions Precedent.** In pleading conditions precedent, it suffices to
20 allege generally that all conditions precedent have occurred or been performed. But
21 when denying that a condition precedent has occurred or been performed, a party
22 must do so with particularity.

23 (d) **Official Document or Act.** In pleading an official document or official
24 act, it suffices to allege that the document was legally issued or the act legally done.

1 (e) **Judgment.** In pleading a judgment or decision of a domestic or foreign
2 court, a judicial or quasi-judicial tribunal, or a board or officer, it suffices to plead the
3 judgment or decision without showing jurisdiction to render it.

4 (f) **Time and Place.** An allegation of time or place is material when testing
5 the sufficiency of a pleading.

6 (g) **Special Damages.** If an item of special damage is claimed, it must be
7 specifically stated.

8 ~~(h) **ADMIRALTY OR MARITIME CLAIM.**~~

9 ~~(1) *How Designated.* If a claim for relief is within the admiralty or~~
10 ~~maritime jurisdiction and also within the court's subject matter jurisdiction on some~~
11 ~~other ground, the pleading may designate the claim as an admiralty or maritime~~
12 ~~claim for purposes of Rules 14(e), 38(e), and 82 and the Supplemental Rules for~~
13 ~~Admiralty or Maritime Claims and Asset Forfeiture Actions. A claim cognizable only~~
14 ~~in the admiralty or maritime jurisdiction is an admiralty or maritime claim for those~~
15 ~~purposes, whether or not so designated.~~

16 ~~(2) *Designation for Appeal.* A case that includes an admiralty or~~
17 ~~maritime claim within this subdivision (h) is an admiralty case within 28 U.S.C. §~~
18 ~~1292(a)(3).~~

1 **NRCP 9 – Proposed**
2 **(Subcommittee note to the Committee)**

- 3 (1) The jurisdiction language in NRCP 9(a)(1) is retained to correspond with the
4 approved NRCP 8(a).
5 (2) The admiralty and maritime provisions of FRCP 9 are rejected as inapplicable
6 to Nevada.