

## TITLE 2

# PROCEDURE IN ACTIONS AT LAW AND SUITS IN EQUITY

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### Chapter 11

#### 1961 REPLACEMENT PART (1968 reprint)

### Forms of Actions and Suits

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|--------|---|--------|--|
| 11.010 | Distinction abolished; but one form of action | 11.030 | Successive actions or suits                            |
| 11.020 | Cases when suits are maintainable             | 11.040 | Consolidation of actions or suits; when deemed pending |

#### CROSS REFERENCES

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|--------|---|---|
| 11.010 | Action brought on wrong side of court not to be dismissed, 16.460 | Equitable suits of specific kinds, Chs. 31, 32      |
| 11.020 | Equitable relief by answer in actions at law, 16.460              | Joinder of causes, 16.230                           |
| 11.030 | Cross-bills and counterclaims, 16.460                             | Conclusiveness of judgment, 43.160                  |
| 11.040 | Equitable defenses in actions at law, 12.040, 16.460              | Trial defined, 17.025                               |
|        |   | Joinder of causes of action or suit, 16.220, 16.230 |

**§ 11.010 PROCEDURE IN ACTIONS AT LAW AND SUITS IN EQUITY**

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**11.010 Distinction abolished; but one form of action.** The distinction heretofore existing between forms of actions at law is abolished, and hereafter there shall be but one form of action at law, for the enforcement of private rights or the redress of private wrongs.

**11.020 Cases when suits are maintainable.** The enforcement or protection of a private right, or the prevention of or redress for an injury thereto, shall be obtained by a suit in equity in all cases where there is not a plain, adequate and complete remedy at law, and may be obtained thereby in all cases where courts of equity have been used to exercise concurrent jurisdiction with courts of law, unless otherwise specially provided by statute.

**11.030 Successive actions or suits.** Successive actions or suits may be maintained upon the same contract or transaction, whenever, after the former action or suit, a new cause of action or suit arises therefrom.

**11.040 Consolidation of actions or suits; when deemed pending.** Whenever two or more actions or suits are pending at one time, between the same parties and in the same court, upon causes which might have been joined, the court may, upon the motion of the defendant, order the same to be consolidated. An action or suit is deemed to be pending from the commencement thereof until its final determination upon appeal, or until the expiration of the period allowed to take an appeal.

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 1, 1961.

Sam R. Haley  
Legislative Counsel