

TITLE 2

PROCEDURE IN ACTIONS AT LAW AND SUITS IN EQUITY

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Chapter 11

1973 REPLACEMENT PART

(1977 reprint)

Forms of Actions and Suits

11.010	Distinction between forms of action abolished	11.050	Joint hearing or trial; consolidation of actions or suits
11.020	Cases when suits are maintainable	11.060	Separate trial on certain matters
11.030	Successive actions or suits		

CROSS REFERENCES

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Action brought on wrong side of court not to be dismissed, equitable relief by answer in actions at law, 16 460	Class actions, 13 210 to 13 410 Cross-bills and counterclaims, 16 460 Equitable defenses in actions at law, 12 040, 16 460 Equitable suits of specific kinds, Chs 31, 32

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11.030

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Trial defined, 17 025

11.050

Class actions, coordination of class actions, 13 410

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Class actions, division of classes on particular issues,
13 070

11.010 Distinction between forms of action abolished. 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11.040 [Repealed by 1973 c 85 §3]

11.050 Joint hearing or trial; consolidation of actions or suits. Upon motion of any party, when more than one action or suit involving a common question of law or fact is pending before the court, the court may order a joint hearing or trial of any or all of the matters in issue in such actions or suits. Upon motion of any party, the court may order all such actions or suits consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

[1973 c 85 §1]

11.060 Separate trial on certain matters. Upon motion of any party, the court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, crossclaim, counterclaim or of any separate issue or of any number of claims, crossclaims, counterclaims or issues.

[1973 c.85 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Thomas G Clifford, 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,
November 1, 1973

Thomas G Clifford
Legislative Counsel

