

**PROPOSED AMENDMENT TO THE FEDERAL  
RULES OF CIVIL PROCEDURE<sup>1</sup>**

1   **Rule 12.       Defenses and Objections: When and How**  
2                   **Presented; Motion for Judgment on the**  
3                   **Pleadings;   Consolidating   Motions;**  
4                   **Waiving Defenses; Pretrial Hearing**

5   **(a)       Time to Serve a Responsive Pleading.**

6               ~~(1) *In General.*~~ Unless another time is specified by  
7 ~~this rule~~ or a federal statute, the time for serving a responsive  
8 pleading is as follows:

9               **(1)    *In General.***

10               **(A)**     A defendant must serve an answer:

11                               \* \* \* \* \*

**Committee Note**

Rule 12 is amended to make it clear that a federal statute that specifies another time supersedes the times to serve a responsive pleading set by paragraphs (a)(2) and (3). Paragraph (a)(1) incorporates this provision, but the structure of subdivision (a) does not seem to extend it to paragraphs (2) and (3). There is no reason to supersede an inconsistent statute by any part of Rule 12(a). The amended

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<sup>1</sup> New material is underlined; matter to be omitted is lined through.

structure recognizes the priority of any statute for all of paragraphs (1), (2), and (3).