# I.R.C.P. 12.g. Waiver or Preservation of Certain Defenses.

Idaho Rules of Civil Procedure Rule 12(g) Waiver or Preservation of Certain Defenses.

(1) A defense of lack of jurisdiction over the person, insufficiency of process, or insufficiency of service of process is waived unless it is made by motion prior to filing a responsive pleading and prior to filing any other motion, other than a motion for an extension of time to answer or otherwise appear or a motion under Rule 40(d)(1) or (2). It is not waived, however, by being joined with one or more other motions or by filing a special appearance as provided in Rule 4(i)(2).

(2) A defense of failure to state a claim upon which relief can be granted, a defense of failure to join a party indispensable under Rule 19, a defense of another action pending between the same parties for the same cause, and an objection of failure to state a legal defense to a claim may be raised by motion made at or before the trial on the merits.

(3) An objection to improper venue is waived unless a timely motion for proper venue is made as provided in Rule 40(e).

(4) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

(Amended April 22, 2004, effective July 1, 2004; amended March 25, 2005 effective July 1, 2005.)

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