



I.R.C.P. 9. Pleadings Special Matters

Idaho Rules of Civil Procedure Rule 9. Pleading Special Matters.

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

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

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

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

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

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

(3) *Unknown Owner; Unknown Heirs or Devisees.* When persons are made parties by designation of unknown owners of property, the pleader must briefly allege such facts known by the pleader to identify the unknown owners and their connection to the claim, including a brief description of the property. When persons are made parties by designation of unknown heirs or devisees of any deceased person, the pleader must briefly allege such facts known by the pleader to identify the unknown heirs or devisees and their connection to the claim, including the name of the deceased person.

(b) Fraud or Mistake; Conditions of Mind; Violation of Rights. In alleging fraud or mistake, or a violation of civil or constitutional rights, a party must state with particularity the circumstances constituting the fraud or mistake or the violation of civil or constitutional rights. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

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

(d) Official Document or Act. In pleading an official document or official act, it suffices to allege that the document was legally issued or the act legally done, and to refer to any statute, regulation or ordinance by appropriate designation in the official or a recognized compilation.

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

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



(g) Damages. If an item of special damage is claimed, it must be specifically stated by category and specific dollar amounts may be alleged. When items of general damage or punitive damages are alleged, the pleading must not allege or state a dollar amount or figure, except that it may state that the amount claimed meets a jurisdictional threshold.

(h) Limitations. In pleading the statute of limitations it is sufficient to state generally that the action is barred, and the applicable statute or Session Law relied upon must be pled with particularity.

(i) Libel and Slander. In an action for libel or slander it is sufficient to state, generally, the defamatory matter that was published or spoken concerning the plaintiff. In such an action, the defendant may in his answer, allege both the truth of the alleged defamatory statement, and any mitigating circumstances to reduce the amount of damages.

(j) Description of Real Property. In an action for the recovery of real property, the property at issue must be described sufficiently as to enable an officer, upon execution, to identify it.

(Adopted March 1, 2016, effective July 1, 2016.)

Source URL: <https://isc.idaho.gov/ircp9-new>