

CHAPTER 1256
RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
 IN THE IOWA RULES OF CIVIL
 PROCEDURE

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REPORT OF THE
 SUPREME COURT

TO: THE HONORABLE JOHN McINTEE, RANKING MEMBER OF THE HOUSE
 JUDICIARY AND LAW ENFORCEMENT COMMITTEE OF THE 1986 REGULAR
 SESSION OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF THE STATE OF
 IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Ranking Member of the House Judiciary and Law Enforcement Committee the attached Exhibit "A", concerning the amending of Rule 80 of the Iowa Rules of Civil Procedure, which is issued on this date.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect April 1, 1986.

Respectfully submitted,
 THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
 W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
 January 21, 1986

ACKNOWLEDGMENT

I, the undersigned, Ranking Member of the House Judiciary and Law Enforcement Committee, hereby acknowledge delivery to me on the twenty-first day of January, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ John McIntee
 Ranking Member of the House Judiciary
 and Law Enforcement Committee

EXHIBIT "A"

80. Verification abolished—affidavits.

(a) Pleadings need not be verified unless special statutes so require and, where a pleading is verified, it is not necessary that subsequent pleadings be verified unless special statutes so require. Counsel's signature to every motion, or pleading, or other paper shall be deemed his a certificate that: there are good grounds for making the claims therein, and that it is not interposed for delay; counsel has read the motion, pleading, or other paper; that to the best of counsel's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation. If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a motion, pleading, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee. The signature of a party who is not represented by counsel shall impose a similar obligation on such party.

(b) If a party commencing an action has in the preceding five-year period unsuccessfully prosecuted three or more actions, the court may, if it deems the actions to have been frivolous, stay the proceedings until that party furnishes an undertaking secured by cash or approved sureties to pay all costs resulting to opposing parties to the action including a reasonable attorney fee.

(c) Any motion asserting facts as the basis of the order it seeks, and any pleading seeking interlocutory relief, shall contain an affidavit of the person or persons knowing the facts requisite to such relief. A similar affidavit shall be appended to all petitions which special statutes require to be verified.