

CHAPTER 1204
INTERROGATORIES; TRANSFER TO PROPER COUNTY

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE)	
IN THE IOWA RULES OF CIVIL)	REPORT OF THE
PROCEDURE)	SUPREME COURT

TO: MS. DIANE BOLENDER, SECRETARY OF THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.42091 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports on this date to the Secretary of the Legislative Council concerning amendments to Iowa Rules of Civil Procedure 126(d) and 175 as shown in the attached Exhibits "A" and "B".

Pursuant to Iowa Code section 602.4202(2), the changes to Rule 126(d) are to take effect March 1, 1994. Changes to Rule 175 are to take effect July 1, 1994.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin
ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa
November 30, 1993

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the sixth day of December, 1993, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Diane E. Bolender
Secretary of the Legislative Council

EXHIBIT "A"

126. Interrogatories to parties.

d. Notwithstanding the provisions of R.C.P. 82 "d," copies of the interrogatories which are served ~~need~~ shall not be filed with the clerk unless approved by the court for good cause. Parties who serve interrogatories shall serve and file a notice of serving interrogatories stating the parties upon whom interrogatories were served, the numbers of the interrogatories, and the date of service.

EXHIBIT "B"

175. Action brought in wrong county.

a. An action brought in the wrong county may be prosecuted there until termination, unless a defendant, before answer, moves for its change to the proper county. Thereupon the court shall order the change at plaintiff's costs, which may include reasonable compensation for defendant's trouble and expense, including attorney's fees, in attending in the wrong county.

b. If all such costs are not paid ~~within a time to be fixed by the court, or the papers are not filed in the proper court~~ within twenty days after such order of the transfer order, the action shall be dismissed. Upon payment of the costs, the clerk shall forthwith transmit to the proper court the transcript of the proceedings, with any original papers, an authenticated copy of which shall be retained. The case shall be docketed in the second court without fee and shall proceed.