

Proposed Amendments to Rule 71

Rule 71 is amended as follows:

Rule 71. ~~Process in Behalf of and Against Persons not Parties~~ **Enforcing Relief For or Against a Nonparty**

~~When an order is made in favor of~~ **grants relief for** ~~a person who is not a party to the action, that person may enforce obedience to the order by the same process as if a party; and, when obedience to an order~~ **nonparty or** ~~may be lawfully enforced against a person who is not a party, that person is liable to the same process~~ **nonparty, the procedure** ~~for enforcing obedience to the order~~ **is the same** ~~as if~~ **for** a party.

PRACTICE COMMENT: ~~Pursuant to the renumbering of the Rules, the former Rule 71 now will be identified as Rule 73.2. New Rule 71 conforms to Rule 71 of the Federal Rules of Civil Procedure.~~

(As amended July 28, 1988, eff. Nov. 1, 1988; Oct. 3, 1990, eff. Jan. 1, 1991; Nov. 14, 1997, eff. Jan. 1, 1998; Jan. 25, 2000, eff. May 1, 2000; Sept. 30, 2003, eff. Jan. 1, 2004; **_____, 2009, eff. _____, 2010.**)

Advisory Committee Note

Rule 71 (Enforcing Relief For or Against a Nonparty) has been moved to Title VIII (Provisional and Final Remedies) to conform to the structure of the Federal Rules of Civil Procedure and because it does not fit within the subject matter of Title IX (Filing of Official Documents) of the rules of this court. In addition, the language of Rule 71 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. Further, the Practice Comment has been deleted as no longer necessary.