

1 **1-008. General rules of pleading.**

2 A. **Claims for relief.** A pleading which sets forth a claim for relief, whether an original
3 claim, counterclaim, cross-claim, or third-party claim shall contain:

4 (1) proper allegations of venue, provided the name of the county stated in the
5 complaint shall be taken to be the venue intended by the plaintiff and it shall not be necessary to
6 state a venue in the body of the complaint or in any subsequent pleading;

7 (2) a short and plain statement of the claim showing that the pleader is entitled
8 to relief; and

9 (3) a demand for judgment for the relief to which the pleader claims to be
10 entitled to receive. Relief in the alternative or of several different types may be demanded. Unless
11 it is a necessary allegation of the complaint, the complaint shall not contain an allegation for
12 damages in any specific monetary amount.

13 B. **Defenses; form of denials.** A party shall state in short and plain terms the party's
14 defenses to each claim asserted and shall admit or deny the averments [~~upon~~] on which the adverse
15 party relies. If the party is without knowledge or information sufficient to form a belief [~~as to~~]
16 about the truth of an averment, the party shall so state and this has the effect of a denial. Denials
17 shall fairly meet the substance of the averments denied. When a pleader intends in good faith to
18 deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true
19 and material and shall deny only the remainder. Unless the pleader intends in good faith to
20 controvert all the averments of the preceding pleading, the pleader may make the pleader's denials
21 as specific denials of designated averments or paragraphs, or the pleader may generally deny all
22 the averments except [~~such~~] the designated averments or paragraphs as the pleader expressly
23 admits; but, when the pleader does so intend to controvert all its averments, including averments

1 of the grounds [~~upon~~] on which the court's jurisdiction depends, the pleader may do so by general
2 denial subject to the obligations set forth in Rule 1-011 NMRA.

3 C. **Affirmative defenses.** In pleading to a preceding pleading, a party shall set forth
4 affirmatively accord and satisfaction, arbitration and award, [~~contributory~~] comparative
5 negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality,
6 laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver and
7 any other matter constituting an avoidance or affirmative defense. When a party has mistakenly
8 designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice
9 so requires, shall treat the pleading as if there had been a proper designation.

10 D. **Effect of failure to deny.** Averments in a pleading to which a responsive pleading
11 is required, other than those [~~as to~~] about the amount of damage, are admitted when not denied in
12 the responsive pleading. Averments in a pleading to which no responsive pleading is required or
13 permitted shall be taken as denied or avoided.

14 E. **Pleading to be concise and direct; consistency.**

15 (1) Each averment of a pleading shall be simple, concise and direct. No
16 technical forms of pleading or motions are required.

17 (2) A party may set forth two or more statements of a claim or defense
18 alternatively or hypothetically, either in one count or defense or in separate counts or defenses.
19 When two or more statements are made in the alternative and one of them if made independently
20 would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of
21 the alternative statements. A party may also state as many separate claims or defenses as the party
22 has regardless of consistency and whether based on legal or on equitable grounds or on both. All
23 statements shall be made subject to the obligations set forth in Rule 1-011 NMRA.

1 F. **Construction of pleadings.** All pleadings shall be so construed as to do substantial
2 justice.

3 [Approved, effective August 1, 1942; as amended, June 13, 1973; as amended by Supreme Court
4 Order No. 07-8300-016, effective August 1, 2007; as amended by Supreme Court Order No. S-1-
5 RCR-2024-00076, effective for all cases pending or filed on or after December 31, 2025.]