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Open Access to Courts Act of 2009 (Introduced in House)

HR 4115 IH

111th CONGRESS

1st Session

H. R. 4115

To amend title 28, United States Code, to provide a restoration of notice pleading in Federal courts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 19, 2009

Mr. NADLER of New York (for himself, Mr. JOHNSON of Georgia, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Ms. CHU, Mr. MICHAUD, Ms. KILPATRICK of Michigan, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide a restoration of notice pleading in Federal courts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Open Access to Courts Act of 2009'.

SEC. 2. NOTICE PLEADING RESTORATION.

(a) In General- Chapter 131 of title 28, United States Code, is amended by adding at the end the following:

Sec. 2078. Limitation on dismissal of complaints

(a) A court shall not dismiss a complaint under subdivision (b)(6), (c) or (e) of Rule 12 of the Federal Rules of Civil Procedure unless it appears beyond doubt that the plaintiff can prove no set of facts in support of the claim which would entitle the plaintiff to relief. A court shall not dismiss a complaint under one of those subdivisions on the basis of a determination by the judge that the factual contents of the complaint do not show the plaintiff's claim to be plausible or are insufficient to warrant a reasonable inference that the defendant is liable for the misconduct alleged.

(b) The provisions of subsection (a) govern according to their terms except as otherwise expressly provided by an Act of Congress enacted after the date of the enactment of this section or by amendments made after such date to the Federal Rules of Civil Procedure pursuant to the procedures prescribed by the Judicial Conference under this chapter.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 131 of title 28, United States Code, is amended by adding at the end the following new item:

' 2078. Limitation on dismissal of complaints.'

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Notice Pleading Restoration Act of 2009 (Introduced in Senate)

S 1504 IS

111th CONGRESS

1st Session

S. 1504

To provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

IN THE SENATE OF THE UNITED STATES

July 22, 2009

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Notice Pleading Restoration Act of 2009'.

SEC. 2. DISMISSAL OF COMPLAINTS IN FEDERAL COURTS.

Except as otherwise expressly provided by an Act of Congress or by an amendment to the Federal Rules of Civil Procedure which takes effect after the date of enactment of this Act, a Federal court shall not dismiss a complaint under rule 12 (b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

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