

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CIVIL PROCEDURE**

PLEADING AND MOTIONS

CR 12.08 Waiver or preservation of certain defenses

(1) A defense of lack of jurisdiction over the person, improper venue, insufficiency of process, or insufficiency of service of process is waived (a) if omitted from a motion in the circumstances described in Rule 12.07, or (b) if it is neither made by motion under Rule 12 nor included in a responsive pleading or an amendment thereof permitted by Rule 15.01 to be made as a matter of course.

(2) A defense of failure to state a claim upon which relief can be granted, a defense of failure to join a party indispensable under Rule 19, and an objection of failure to state a legal defense to a claim may be made in any pleading permitted or ordered under Rule 7.01, or by motion for judgment on the pleadings, or at the trial on the merits.

(3) Whenever it appears that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

HISTORY: Amended eff. 7-1-69; adopted eff. 7-1-53