

SUMMARY – JOINDER

Consider:

1. Is this type of joinder appropriate under the circumstances?
2. Does the court have jurisdiction over these new claims/parties?

	Definition	Who must join them?	How it's determined/test
<i>Joinder of parties</i>			
Compulsory joinder FRCP Rule 19	Requires joinder of multiple plaintiffs or multiple defendants	The Plaintiff or they will face dismissal of the lawsuit	<p>Appropriateness – consider:</p> <ol style="list-style-type: none"> 1. Should the absentee be joined? I.e. complete relief cannot be accorded among the current parties or absentee claims an interest and not being joined may impair their ability to protect that interest 2. Can the absentee be joined I.e. will court have PJ over absentee and will the court still have SMJ over the action after joinder 3. If the absentee cannot be joined, can the action proceed in equity and good conscience without the absentee? <p>Jurisdictional requirements: court must have 1. personal jurisdiction over absentee and 2. subject matter jurisdiction cannot be destroyed</p>
Permissive joinder FRCP Rule 20	Allows joinder of multiple plaintiffs or multiple defendants	The plaintiff or the parties themselves	<p>Appropriate when:</p> <ol style="list-style-type: none"> 1. A claim is made by each plaintiff and against each defendant relating to or arising out of the same series of occurrences or transactions; and 2. There is a question of law or fact common to all the parties <p>Jurisdictional requirements: court must have 1. personal jurisdiction over absentee and 2. Subject matter jurisdiction cannot be destroyed (i.e. joinder must not alter complete diversity and each claim must satisfy the jurisdictional amount/supplemental jurisdiction. Federal question jurisdiction a non-issue because additional people will not affect SMJ</p>
<i>Joinder of claims</i>			
<i>Premise: all plaintiffs and defendants are able to bring all claims against each other subject to jurisdictional requirements (Rule 18)</i>			
Multiple claims by plaintiff(s)* *Class actions: see separate summary	Allows a party to bring additional claims against another party	Plaintiff	<p>Appropriate when: always (subject to jurisdictional requirements)</p> <p>Jurisdictional requirements: SMJ/supplemental jurisdiction required</p> <p>1 P against 1 D:</p> <ul style="list-style-type: none"> - Claims based on diversity jurisdiction: aggregation may be used to satisfy jurisdictional amount - Original claim federal and additional non-diverse, nonfederal claim: must be part of same case/controversy (federal supplemental jurisdiction) - Adding a new federal claim: always ok <p>Multiple Ps and Ds: at least one claim must arise out of a transaction in which all were involved</p>

Interpleader FRCP Rule 22/ s1335	Allows a person holding property potentially subject to multiple claimants (and double liability) to require claimants to assert their claims against the property in the same action.	The stakeholder	<p>Appropriate when: the stakeholder needs the adverse claimants to determine which has the valid claim to the stake (otherwise the stakeholder will face double liability).</p> <p>Jurisdictional requirements: Rule 22: requires (i) complete diversity between the stakeholder and all adverse claimants and >\$75k in issue or (ii) federal question claim. Normal service/venue rules apply. Section 1335: requires one claimant must be diverse from one other and an amount in controversy of at least \$500. Service may be nationwide and venue is proper where any claimant resides.</p>
Intervention of right FRCP Rule 24(a)	Allows a third party to enter the action as a party	The intervenor	<p>Appropriate when:</p> <ol style="list-style-type: none"> 1. The applicant claims an interest in the property or transaction that is the subject matter of the action; and 2. The disposition of the action without them may impair their ability to protect that interest; and 3. The current parties don't adequately represent the intervenor's rights. <p>Jurisdictional requirements: None – jurisdiction is established by original claim. However, intervention cannot violate diversity jurisdiction (if case relies on diversity), and supplemental jurisdiction does not apply.</p>
Permissive intervention FRCP Rule 24(b)	Allows a third party to enter the action as a party	The intervenor	<p>Appropriate when: the applicant's claim or defense and the main action have a question of fact or law in common (no direct personal or pecuniary interest is required).</p> <p>Jurisdictional consideration: Must be supported by own jurisdictional ground (cannot destroy diversity) and court has discretion.</p>
Impleader/third - party practice FRCP Rule 14	Allows a defendant to join a third party who may be derivatively liable for all or part of the claim	Third party plaintiff (sometimes plaintiff also)	<p>Appropriate when: a nonparty is liable to a defendant for any part of a judgement that the plaintiff may recover against them (e.g. indemnity claims).</p> <p>Jurisdictional requirements: Supplemental jurisdiction (generally found because generally related to original claim) Venue doesn't need to be proper for TPD. Court has discretion to sever and try case separately.</p>
Cross-claims FRCP Rule 13	A claim against a co-party	A party	<p>Appropriate when: a party wants to bring a claim against a co-party.</p> <p>Jurisdictional requirement: the claim needs to arise out of the same transaction or occurrence as the main action.</p>
Compulsory counterclaims	A claim by the defendant against the plaintiff	The defendant	<p>Appropriate when: defendant wants to bring a claim against a plaintiff, related to the plaintiff's claim.</p> <p>Jurisdictional requirement: Available when the claim arises out of the same transaction or occurrence as the plaintiff's claim. Barred if they are not pleaded.</p>
Permissive counterclaims	A claim against the plaintiff that does not arise out of the same transaction or occurrence	The defendant	<p>Appropriate when: defendant wants to bring a claim against a plaintiff not related to plaintiff's claim.</p> <p>Jurisdictional requirement: federal question or diversity jurisdiction required (as not same T/O)</p>

