

RULE 18. JOINDER OF CLAIMS AND REMEDIES

(a) Joinder of Claims. A party asserting a claim to relief as an original claim, counterclaim, cross-claim, or third-party claim, may join either as independent or as alternate claims as many claims either legal or equitable or both, and individually and in the aggregate within the subject-matter jurisdiction of the court, as the party has against an opposing party.

(b) Joinder of Remedies; Fraudulent Conveyances. Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims, if within the subject-matter jurisdiction of the court, may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties. In particular, a plaintiff may state a claim for money and a claim to have set aside a conveyance fraudulent as to the plaintiff, without first having obtained a judgment establishing the claim for money.

Advisory Committee's Notes May 1, 2000

Subdivision (b) is amended to eliminate the specific reference to the Superior Court. This change was apparently overlooked in the merger of the District Court and Superior Court rules.

Explanation of Amendment November 1, 1966

This amendment was taken from a 1966 amendment rewriting F.R. 18(a). It clears up confusion in the federal cases by stating clearly, as a comprehensive proposition, that a party asserting a claim (an original claim, counterclaim, cross-claim, or third-party claim) may join as many claims as he has against an opposing party. This permitted joinder is not affected by the fact that there are multiple parties in the action. This is only a rule of pleading and does not, of course, prevent a separation of issues for trial for convenience or to avoid prejudice, as provided in Rule 42(b).

Reporter's Notes December 1, 1959

This rule is the same as Federal Rule 18. Rule 18(a) allows unlimited joinder of claims by a plaintiff or a counterclaiming defendant. Law and equity having been merged, this means that legal and equitable claims may be joined, either independently or in the alternative. The rule changes Maine practice, which still maintains the artificial common law restrictions on joinder of claims involving different forms of action. These present restrictions may prevent the joinder of logically connected claims and allow the joinder of wholly unrelated ones.