

RULE 20. PERMISSIVE JOINDER OF PARTIES

(a) Permissive Joinder. All persons may join in one action as plaintiffs if they assert any right to relief within the subject-matter jurisdiction of the court jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of these persons will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief within the subject-matter jurisdiction of the court in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

(b) Separate Trials. The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom the party asserts no claim and who asserts no claim against the party, and may order separate trials or make other orders to prevent delay or prejudice.

Explanation of Amendment November 1, 1966

This amendment was taken from a 1966 amendment to F.R. 20(a). It simply changes “of them” to “these persons” in one place and to “defendants” in another place in order to resolve a possible ambiguity as to the antecedent of “them.” The amendment to Rule 18 should be enough to prevent construing “them” to refer to claims, but this amendment removes any possible doubt.

Reporter's Notes December 1, 1959

This rule is the same as Federal Rule 20. It offers greater freedom in joinder of parties than does existing law, but it does not provide for unrestricted joinder of parties to the extent that Rule 18 provides for unrestricted joinder of claims. The rule applies to allow an action on claims of two or more plaintiffs or against two or more defendants arising out of the same or related transactions. It abrogates the Maine rule preventing the joinder of a master and servant in a single action arising

out of the latter's negligence. *Hobbs v. Hurley*, 117 Me. 449, 104 A. 815 (1918). The claims may be in the alternative. Where the plaintiff is uncertain as to which of several defendants is liable, he may plead to that effect and join them all in a single action. See Form 10 in the Appendix of Forms.