RULE 21. MISJOINDER AND NONJOINDER OF PARTIES

Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and presented separately.

Advisory Committee's Notes
May 1, 2000

The substitution of "presented" for "proceeded with" merely corrects awkward language and no change in substance is intended.

Reporter's Notes
December 1, 1959

This rule is the same as Federal Rule 21. It does not greatly affect Maine law. Plaintiffs may be added or stricken by amendment of the writ. R.S.1954, Chap. 113, Sec. 12 (repealed in 1959). Defendants may similarly be stricken by amendment and, in actions of contract express or implied, added by amendment. R.S.1954, Chap. 113, Sec. 14 (repealed in 1959). In equity also misjoinder of plaintiffs is harmless, *Brown v. Lawton*, 87 Me. 83, 32 A. 733 (1894), and nonjoinder of plaintiffs may be cured by amendment. *Hussey, v. Dole*, 24 Me. 20 (1844). Similarly misjoinder of defendants in equity is not a ground for dismissal of the bill. *See Kennebec etc. Ry. v. Portland etc. Ry.*, 54 Me. 173 (1866). N onjoinder may usually be cured by amendment of the bill. *See Beals v. Cobb,* 51 Me. 348 (1863).

The rule must be read in conjunction with Rules 18 and 19. It is not a general authorization for adding parties.

Since the demurrer and the plea in abatement have been abolished, defects in joinder of parties will be raised by the responsive pleading, or, if a failure to join an indispensable party, by motion under Rule 12(b) (7).