

Rule 14. Third-Party Practice**14.01 When a Defending Party May Bring in a Third Party**

(a) Timing of the Summons and Complaint. A defending party may, as third-party plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it. But the third-party plaintiff must, by motion, obtain consent of all parties to the action or the court's leave granted on notice to all parties to the action if it files the third-party complaint more than 90 days after service of the summons upon that defending party.

(b) Service of Complaint with Third-Party Complaint. The third-party plaintiff must serve a copy of the plaintiff's complaint with the third-party summons and complaint.

(c) Service on Other Parties. A copy of the third-party summons and complaint must be promptly served on all other parties to the action.

(Amended effective July 1, 2018.)

14.02 Third-Party Defendant's Claims and Defenses

The person served with the summons and third-party complaint - the "third-party defendant":

(A) must assert any defense against the third-party plaintiff's claim under Rule 12;

(B) must assert any counterclaim against the third-party plaintiff under Rule 13.01 and may assert any counterclaim against the third-party plaintiff under Rule 13.02 or any crossclaim against another third-party defendant under Rule 13.07;

(C) may assert against the plaintiff any defense that the third-party plaintiff has to the plaintiff's claim; and

(D) may also assert against the plaintiff any claim arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff.

(Amended effective July 1, 2018.)

14.03 Plaintiff's Claims Against a Third-Party Defendant

The plaintiff may assert against the third-party defendant any claim arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The third-party defendant must then assert any defense under Rule 12 and any counterclaim under Rule 13.01, and may assert any counterclaim under Rule 13.02 or any crossclaim under Rule 13.07. With leave of the court, the third-party defendant may assert counterclaims permitted under Rule 13.05 or Rule 13.06.

(Amended effective July 1, 2018.)

14.04 Motion to Strike, Sever, or Try Separately

Any party may move to strike the third-party claim, to sever it, or to try it separately.

(Added effective July 1, 2018.)

14.05 Third-Party Defendant's Claim Against a Nonparty

A third-party defendant may proceed under this rule against a nonparty who is or may be liable to the third-party defendant for all or part of any claim against it.

(Added effective July 1, 2018.)

14.06 When a Plaintiff May Bring in a Third Party

When a claim is asserted against a plaintiff, the plaintiff may bring in a third party if this rule would allow a defendant to do so.

(Added effective July 1, 2018.)

14.07 Defending Against a Demand for Judgment for the Plaintiff

The third-party plaintiff may demand judgment in the plaintiff's favor against the third-party defendant. In that event, the third-party defendant must defend under Rule 12 against the plaintiff's claim as well as the third-party plaintiff's claim; and the action proceeds as if the plaintiff had sued both the third-party defendant and the third-party plaintiff.

(Added effective July 1, 2018.)

14.08 Protective Orders for Parties and Prevention of Delay

The court may make such orders to prevent a party from being embarrassed or put to undue expense, or to prevent delay of the trial or other proceeding by the assertion of a third-party claim, and may dismiss the third-party claim, order separate trials, or make other orders to prevent delay or prejudice. Unless otherwise specified in the order, a dismissal pursuant to this rule is without prejudice.

(Added effective July 1, 2018.)

Advisory Committee Comment - 2018 Amendments

Rule 14 is substantially reorganized and reformatted to include paragraphing and headings. The amended rule is modeled on Fed. R. Civ. P. 14 after its restyling amendment in 2007. The committee believes that the current Rule 14.01, set forth in a single (and long) paragraph, is not particularly readable. These changes are intended to make the rule easier to use and understand, but are not intended to change the substantive interpretation of the rule. Because the rule closely follows its federal counterpart, federal court decisions on third-party practice will have greater value in interpreting the state rule.

Rule 14.08 is new in number, but identical to the former Rule 14.03, except for the change of title. "Orders for Protection" is replaced with the more familiar "Protective Orders" for limitations on discovery. This change is made to avoid confusion with restraining orders to prevent personal abuse or harassment.