

Rule 14. Third-Party Practice

(a) WHEN A DEFENDING PARTY MAY BRING IN A THIRD PARTY.

(1) *Timing of the Summons and Complaint.* A defending party may, as third-party plaintiff, serve a summons and complaint, in the manner and within the time limits prescribed by Rule 4, on a nonparty who is or may be liable to it for all or part of the plaintiff's claim against it. But the third-party plaintiff must, by motion, obtain the court's leave if it files the third-party complaint more than 14 days after serving its original answer.

(2) *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(a), and may assert any counterclaim against the third-party plaintiff under Rule 13(b), or any crossclaim against another third-party defendants under Rule 13(g);

(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.

(3) *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(a), and may assert any counterclaim under Rule 13(b) or any crossclaim under Rule 13(g).

(4) *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.

(5) *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. Persons brought into the action pursuant to the preceding sentence must be designated as fourth-party defendants, fifth-party defendants, and so on, as appropriate, but the practice as to such parties must be governed by the rules respecting third-party defendants.

(6) [Omitted].

(b) 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.

(c) [Omitted].

COMMENT TO 2017 AMENDMENTS

This rule is substantially similar to *Federal Rule of Civil Procedure 14*, as amended in 2007 and 2009, but maintains the following local distinctions: 1) subsection (a)(1) contains a provision indicating that service on a third-party defendant must be made in accordance with Rule 4; 2) subsection (a)(5) contains language specifying the designations given to additional parties brought into the action; and 3) subsection (a)(6)

and section (c) are omitted as locally inapplicable because both address admiralty and maritime jurisdiction.

COMMENT

Substantially identical to *Federal Rule of Civil Procedure 14* except for deletion therefrom of section (c) and the last sentence of section (a), both of which deal with matters within the exclusive admiralty and maritime jurisdiction of federal district courts, 28 U.S.C. § 1331(1), and addition to section (a) of one sentence making clear the designations to be given to persons brought into the action by the third-party defendant or by later-party defendants. Also added to the Rule is the provision that service of process must be accomplished in accordance with Rule 4, including the time limit imposed by Rule 4(j). For principles governing service of process on third-party defendants within one hundred miles of the place of hearing or trial, see Rule 4(f) and D.C. Code § 11-943 (b) (1981).