

Rule 3-II. Joinder of Persons or Entities Needed for Just Adjudication

(a) **PERSONS OR ENTITIES SUBJECT TO JOINDER.** A person or entity, including one not in possession of the premises, is subject to joinder as a defendant in an action based on alleged nonpayment of rent if an existing party to the action claims that the person or entity is legally liable for all or part of the amount alleged in the complaint to be due and owing and establishes that joinder is warranted under Civil Rule 19.

(b) **PROCEDURES.**

(1) *Motion for Joinder.* A party seeking joinder must file a written motion no later than the time for appearance of the existing defendant stated in the summons or within such additional time as the court may allow for good cause. The motion must comply with the procedural requirements of Rule 13 and must set forth the basis for the claim of liability against the person or entity to be joined. The motion must be served on all other existing parties to the action in accordance with Rule 13.

(2) *Court's Consideration of Motion.*

(A) *In General.* A motion for joinder must be considered by the court in accordance with the procedures set forth in Rules 13 and 13-I.

(B) *Requirements of Order.* Any order granting a motion for joinder must:

- (i) be in writing;
- (ii) be served on the existing parties to the action;
- (iii) set a deadline for service of process on the person or entity to be joined in accordance with Rule 3-II(b)(3);
- (iv) set a further hearing at which the joined defendant is to appear; and
- (v) direct the clerk to issue a summons to that person or entity.

(C) *Hearing.* The further hearing must be set as promptly as practicable but no sooner than 28 days after the issuance of the order granting the motion for joinder.

(3) *Serving Party to Be Joined.*

(A) *In General.* Except as provided in Civil Rule 54-II(i), the party that moved for joinder is responsible for serving the person or entity to be joined. The person or entity to be joined must be served in the manner provided for service of summons in Civil Rule 4.

(B) *Materials to Be Served.* The following materials must be served on the person or entity to be joined:

- (i) the summons issued by the clerk in accordance with the court's order granting the motion for joinder;
- (ii) the court's order granting the motion for joinder;
- (iii) the complaint and any answers and counterclaims that have been filed; and
- (iv) the motion for joinder.

(C) *Deadline for Service.* Unless the court for good cause orders otherwise, the person or entity to be joined must be served at least 7 days before the date of the further hearing (not counting Sundays and legal holidays). Any motion to extend the time for service of process must set forth in detail the efforts that have been made, and will be made in the future, to obtain service.

(4) *Proof of Service.* Proof of service on the person or entity to be joined must be filed at least 6 days before the date set for the further hearing.

(5) *Pleading by Joined Defendant.* A person or entity joined as a defendant under this rule is not required to file any answer, plea, affidavit, or other defense

in writing. However, any counterclaim, jury demand, or other pleading allowed by these rules must be filed no later than the further hearing set in the court's order granting the motion for joinder or within such additional time as the court may allow for good cause.

(c) JUDGMENT AND REDEMPTION OF TENANCY.

(1) *Money Judgments.* A party joined under this rule and served with process in accordance with any of the methods of service authorized by Civil Rule 4 is subject to a money judgment.

(2) *When Court May Not Enter Judgment for Possession.* Where a party has been joined under this rule, the court may not enter a judgment for possession in favor of the plaintiff if the court finds that the party in possession of the premises is not legally liable for any of the amount owed to the plaintiff.

(3) *Redemption.* The redemption figure required by Rule 14-II must be limited to the amount determined to be owed by the party in possession of the premises and must not include any amount determined to be owed by any other party.

COMMENT TO 2019 AMENDMENTS

This new rule is intended to standardize the procedures for joinder of additional parties, consistent, to the greatest extent practicable, with the summary nature of landlord and tenant proceedings.