

FEBRUARY 2020 MEE
QUESTION 3—CIVIL PROCEDURE

During a snowstorm, a woman and a man were driving in opposite directions on a state highway when their cars collided head-on in the middle of the road. At the moment of impact, the locking mechanism on the woman's seat belt malfunctioned, and the woman was thrown from her car and seriously injured.

The woman was transported from the scene of the accident in an ambulance owned and operated by AmCo, a private ambulance company. On the way to the hospital, the ambulance driver lost control of the ambulance, which skidded off the highway, causing further injury to the woman and exacerbating the injuries she had suffered in the original accident.

Six months later, the woman filed a tort action in federal district court against the man, AmCo, and CarCo, the manufacturer of the woman's car. The complaint alleges that each defendant is liable for all or part of the woman's injuries. In particular, the complaint alleges that the man caused the original accident by swerving across the median of the highway, that AmCo's driver was driving too fast for the weather and road conditions, and that CarCo is liable because the seat belt in the woman's car was defectively manufactured. The woman's complaint properly invoked the court's diversity jurisdiction, and each defendant was properly served with process. Each defendant filed an answer to the complaint and denied liability.

Seven days after it served its answer, CarCo served a summons and complaint on LockCo, the company that manufactured and supplied the seat belt locking mechanism that CarCo installed in the woman's car. CarCo seeks to join LockCo as a party to the woman's action, alleging that LockCo must indemnify CarCo if the seat belt locking mechanism is found to have been defective and CarCo is held liable to the woman.

1. Under the Federal Rules of Civil Procedure, did the woman properly join the man, AmCo, and CarCo as defendants in a single action? Explain.
2. Under the Federal Rules of Civil Procedure, did CarCo properly join LockCo as a party to the woman's action against CarCo? Explain.

Question Presented

In a snowstorm, the woman's and the man's cars collided head-on on the highway.

← first accident (the man's alleged negligent driving)

At impact her seat belt's locking mechanism malfunctioned and she was thrown from the car, seriously injured.

← the alleged product defect (CarCo, and in turn LockCo)

An AmCo ambulance took her to the hospital, but on the way its driver lost control and crashed, worsening the same injuries.

← second accident, logically related to the first

She filed one federal tort action against the man, AmCo, and CarCo, alleging each is liable for all or part of her injuries.

← joining three defendants in one action → Rule 20

The theories differ: the man's driving, AmCo's driver's speed, and CarCo's defective seat belt.

← different legal theories do not defeat joinder

Diversity jurisdiction was proper, each defendant was properly served and answered.

← clean posture; the only issues are joinder and impleader

Seven days after answering, CarCo served a summons and complaint on LockCo, which made and supplied the locking mechanism.

← bringing in a nonparty → Rule 14 impleader (14-day window)

CarCo seeks indemnity from LockCo if the mechanism was defective and CarCo is held liable to the woman.

← derivative liability = the essence of impleader

1. Did the woman properly join the man, AmCo, and CarCo as defendants?

← → Rule 20 permissive joinder

2. Did CarCo properly join LockCo?

← → Rule 14 impleader

Question 1: Permissive Joinder of Defendants

Issue. Whether the woman properly joined the man, AmCo, and CarCo as defendants in a single action.

Rule. G/R: under Rule 20(a)(2), defendants may be joined in one action if (1) the claims against them arise out of the same transaction, occurrence, or series of transactions or occurrences, and (2) at least one question of law or fact is common to all defendants. The transaction test is met where the claims are logically related and trying them together serves judicial economy; differing legal theories do not defeat joinder.

Analysis. Here, the claims arise from a single series of related occurrences: the ambulance crash would not have happened but for the first collision and it exacerbated the same injuries, so the two accidents are logically related. That the theories differ (negligent driving, a speeding ambulance, and a defective seat belt) does not bar joinder. And common questions run to all three: the nature, extent, and cause of the woman's injuries, and her own possible fault.

Conclusion. Therefore, the woman properly joined all three defendants under Rule 20.

Can these three ride in one suit?

Rule 20: same transaction/occurrence/series + a common question. Logical relationship; different theories are fine.

Related accidents + shared injury/causation/fault questions → both prongs met.

Yes: joinder proper.

Question 2: Impleader of a Third Party

Issue. Whether CarCo properly joined LockCo as a third-party defendant.

Rule. G/R: under Rule 14(a)(1), a defending party may implead a nonparty who is or may be liable to it for all or part of the plaintiff's claim against it (derivative liability, such as indemnity or contribution). The third-party complaint may be served as of right within 14 days after the answer; later filings need leave of court. Impleader is not Rule 19 or Rule 20 joinder.

Analysis. Here, CarCo alleges that if the seat belt was defective it was because LockCo's locking mechanism was defective, so LockCo must indemnify CarCo for part of the woman's claim against CarCo, which is exactly the derivative liability impleader is for. CarCo served LockCo seven days after its answer, within the 14-day window, so no leave of court was needed.

Conclusion. Therefore, CarCo properly impleaded LockCo under Rule 14.

Can CarCo pull LockCo into the case?

Rule 14: implead a nonparty who owes the defendant indemnity/contribution on the claim; as of right within 14 days of the answer.

Indemnity = derivative liability; filed inside the 14-day as-of-right window.

Yes: impleader proper.

Step-by-Step: Joining Defendants and Third Parties

Permissive joinder and impleader are different tools: one groups co-defendants, the other passes liability down the chain.

1. Plaintiff joining multiple defendants? Rule 20 permissive joinder.

→ Same transaction, occurrence, or series (logical relationship) AND a common question of law or fact. **Q1: related accidents + shared injury questions → proper**



2. Do the defendants' differing legal theories matter?

→ No. Different theories of liability do not defeat Rule 20 joinder.



3. A defendant bringing in a nonparty who may owe it indemnity or contribution? That is Rule 14 impleader, not Rule 20.

→ The nonparty must be or may be liable to the defendant for all or part of the plaintiff's claim.

Q2: LockCo owes CarCo indemnity



4. Timing of impleader?

→ Within 14 days of the answer = **as of right**; later needs leave of court. **Q2: served 7 days after answering → as of right**