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NRCP 14 – Proposed
(Adopt federal rule with edits)

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~~ file a third-party complaint ~~on~~ against a nonparty, the third-party defendant, 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 the court’s leave to file the third-party complaint if it files the third-party complaint more than 14 days after serving its original answer. A summons, the complaint, and the third-party complaint must be served on the third-party defendant, or service must be waived, under NRCP 4.

(2) **Third-Party Defendant’s Claims and Defenses.** After being served or waiving service, ~~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 NRCP~~Rule~~ 12;

(B) must assert any counterclaim against the third-party plaintiff under NRCP~~Rule~~ 13(a), and may assert any counterclaim against the third-party plaintiff under NRCP~~Rule~~ 13(b) or any crossclaim against a defendant or another third-party defendant under NRCP~~Rule~~ 13(g);

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

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

4 (3) **Plaintiff's Claims Against a Third-Party Defendant.** The
5 plaintiff may assert against the third-party defendant any claim arising out of the
6 transaction or occurrence that is the subject matter of the plaintiff's claim against
7 the third-party plaintiff. The third-party defendant must then assert any defense
8 under NRCPRule 12 and any counterclaim under NRCPRule 13(a), and may assert
9 any counterclaim under NRCPRule 13(b) or any crossclaim under NRCPRule 13(g).

10 (4) Defendant's Claims Against a Third-Party Defendant. A
11 defendant may assert against the third-party defendant any crossclaim under NRCP
12 13(g).

13 (45) **Motion to Strike, Sever, or Try Separately.** Any party may
14 move to strike the third-party claim, to sever it, or to try it separately.

15 (56) **Third-Party Defendant's Claim Against a Nonparty.** A third-
16 party defendant may proceed under this rule against a nonparty who is or may be
17 liable to the third-party defendant for all or part of any claim against it.

18 ~~(6) **Third Party Complaint In Rem.** If it is within the admiralty or~~
19 ~~maritime jurisdiction, a third party complaint may be in rem. In that event, a~~
20 ~~reference in this rule to the "summons" includes the warrant of arrest, and a~~
21 ~~reference to the defendant or third party plaintiff includes, when appropriate, a~~
22 ~~person who asserts a right under Supplemental Rule C(6)(a)(i) in the property~~
23 ~~arrested.~~

1 (b) **When a Plaintiff May Bring in a Third Party.** When a claim is asserted
2 against a plaintiff, the plaintiff may bring in a third party if this rule would allow a
3 defendant to do so.

4 ~~(c) ADMIRALTY OR MARITIME CLAIM.~~

5 ~~(1) *Scope of Impleader.* If a plaintiff asserts an admiralty or maritime~~
6 ~~claim under Rule 9(h), the defendant or a person who asserts a right under~~
7 ~~Supplemental Rule C(6)(a)(i) may, as a third party plaintiff, bring in a third party~~
8 ~~defendant who may be wholly or partly liable either to the plaintiff or to the third-~~
9 ~~party plaintiff for remedy over, contribution, or otherwise on account of the same~~
10 ~~transaction, occurrence, or series of transactions or occurrences.~~

11 ~~(2) *Defending Against a Demand for Judgment for the Plaintiff.* The~~
12 ~~third party plaintiff may demand judgment in the plaintiff's favor against the third-~~
13 ~~party defendant. In that event, the third party defendant must defend under Rule~~
14 ~~12 against the plaintiff's claim as well as the third party plaintiff's claim; and the~~
15 ~~action proceeds as if the plaintiff had sued both the third party defendant and the~~
16 ~~third party plaintiff.~~

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18 **DRAFTER'S NOTE—2017 AMENDMENT**

19 The changes to NRCP 14(a)(2)(B) and NRCP 14(a)(4) permit defendants and
20 third-party defendants to bring crossclaims against each other as “coparties” under
21 NRCP 13(g).

1 **NRCP 14 – Proposed**
2 **(Subcommittee notes to the Committee)**

- 3 (1) Changes have been made to NRCP 14(a)(2)(B) and NRCP 14(a)(4) to permit
4 defendants and cross-defendants to bring crossclaims against each other under
5 NRCP 13(g). See committee note (1) to NRCP 13.
- 6 (2) FRCP 14(a)(6) and (c), regarding admiralty claims, has been deleted as not
7 applicable to Nevada.
- 8 (3) NRCP 14(a)(1) and (2) are modified to incorporate waiver of service in NRCP
9 4.