

A buyer from State A and a seller from State B entered into a contract in which the buyer agreed to purchase a parcel of State B land from the seller for \$200,000. However, the seller did not disclose to the buyer that the seller co-owned the land with his mother, who is from State A. The seller's mother was never mentioned in the contract, and she never authorized the sale of the land. The buyer paid the seller \$200,000 pursuant to the contract but was prevented from taking possession of the land by the seller's mother.

The buyer sued the seller in federal court in State B to obtain possession of the land. The seller has filed a motion to dismiss the buyer's lawsuit for failing to join the seller's mother in the action.

Should the court grant the seller's motion to dismiss the case?

- A. No, because although the seller's mother is a required party to the lawsuit, dismissing the case would leave the buyer with no adequate remedy.
- B. No, because the seller's mother is not a required party to the lawsuit.
- C. Yes, because although the seller's mother is a required party to the lawsuit, joining her in the action would destroy subject-matter jurisdiction.
- D. Yes, because although the seller's mother is a required party to the lawsuit, the State B federal court lacks personal jurisdiction over her.

### Explanation:

Federal Rule of Civil Procedure 19—the **required (ie, compulsory) joinder** rule—provides a three-step process for determining whether an absent party *must* be joined in a lawsuit. The **first step** considers whether the absent party is a **required party** because:

- **complete relief cannot be granted** without that party's presence
- the party's absence will subject the other parties to a substantial risk of **multiple or inconsistent obligations** *or*
- the party's absence will impair his/her **ability to protect an interest** related to the lawsuit—as seen here with the seller's mother since she has a co-ownership interest in the land (**Choice B**).

The **second step** considers whether it is **feasible to join** the required party. Joinder is feasible when:

- the court can obtain **personal jurisdiction** over the required party
- **subject-matter jurisdiction** remains after joinder *and*
- **proper venue** remains.

Here, the court can obtain personal jurisdiction over the seller's mother because the suit arises from her minimum contacts with State B—her ownership of State B land (**Choice D**). But joining her as a party would destroy subject-matter jurisdiction because she and the buyer are both citizens of State A (no diversity) and the claim arises under state law (no federal question). Therefore, joinder is *not* feasible.

When joinder is not feasible, the **third step** considers whether **equity allows the action to proceed** without the required party or compels a dismissal. Here, dismissal is required—and the seller's motion should be granted—because:

- a judgment would **severely prejudice** the mother's interest in the land
- the court **cannot reasonably lessen or avoid** this prejudice
- in the mother's absence, the **judgment would be inadequate** since she could later sue to enforce her ownership rights *and*
- the buyer can **pursue an adequate remedy** by refiling this action in state court (**Choice A**).

### Educational objective:

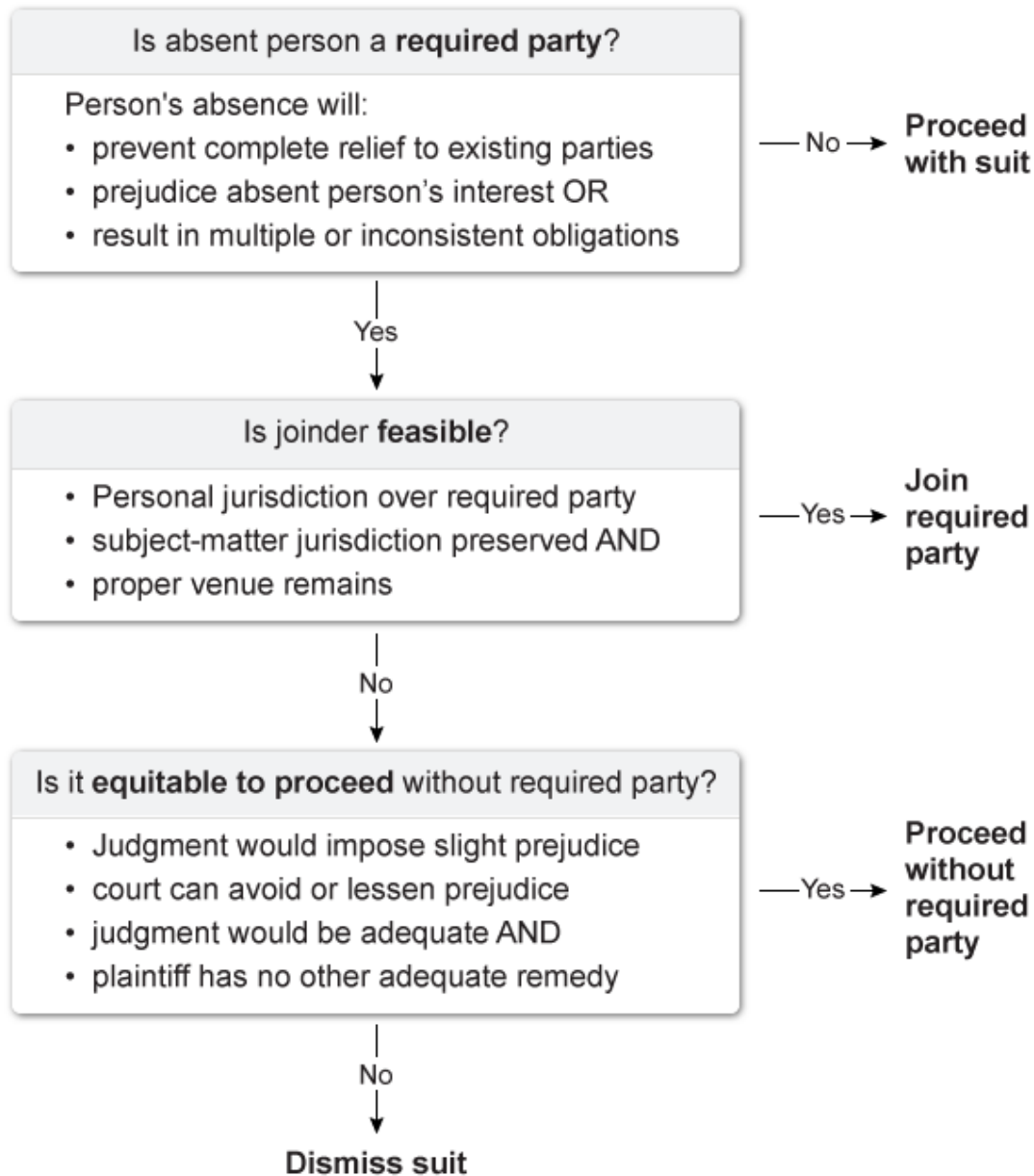
A required party must be joined in a lawsuit when feasible—ie, when personal jurisdiction, subject-matter jurisdiction, and proper venue exist. If joinder is not feasible, the action must be dismissed if it would be inequitable to proceed without the required party.

## References

- Fed. R. Civ. P. 19 (required joinder of parties).

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### Required joinder of parties (FRCP 19)



FRCP = Federal Rule of Civil Procedure

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