

A bicyclist sued the drivers of two cars in a federal district court after all three were involved in an accident. In her answer, the first driver denied liability and alleged that the second driver caused the accident by running a red light. The first driver also seeks to assert a claim against the second driver to recover damages for the injuries she suffered in the accident.

May the first driver include this claim in her answer?

- A. No, because the first driver must first implead the second driver.
- B. No, because the first driver must obtain the bicyclist's permission before asserting the claim.
- C. Yes, because the claim arises from the accident that gave rise to the bicyclist's claim.
- D. Yes, because the first driver may assert as many claims as she has against the second driver.

Explanation:

A **crossclaim** is a claim for relief asserted **against a coparty**—eg, a defendant against a codefendant (as seen here). Crossclaims are **permissive** (not compulsory) and can only be asserted if they **arise from the same transaction or occurrence** as another claim in the lawsuit (**Choice D**). Here, the first driver's claim against the second driver arises from the *same* accident as the bicyclist's claims against both drivers. Therefore, the first driver may assert that crossclaim in her answer.

(Choice A) Impleader (ie, third-party practice) allows—but does not require—a defendant to add a *nonparty* who may be liable to the defendant for all (ie, indemnity) or part (ie, contribution) of the plaintiff's claim. But since the bicyclist included the second driver in the suit, impleader is unnecessary.

(Choice B) A party asserting a crossclaim (first driver) against a coparty (second driver) does *not* need permission from the opposing party (bicyclist).

Educational objective:

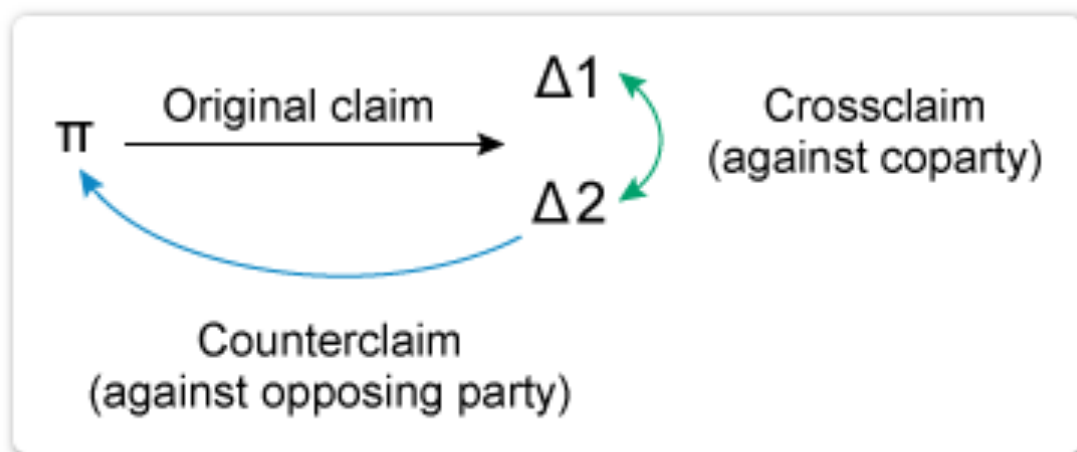
A crossclaim is a permissive claim for relief against a coparty that can only be asserted if it arises from the same transaction or occurrence as another claim in the suit.

References

- Fed. R. Civ. P. 13(g) (crossclaim).

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Claims for relief



π = plaintiff, Δ = defendant

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