

1 **Rule 13. Counterclaim and cross-claim.**

2 **(a) Compulsory counterclaims.**

3 ~~(a)(1) A pleading shall must state as a counterclaim any claim which that—~~at the time of serving  
4 ~~the pleading its service—the~~ pleader has against any opposing party; if ~~#the claim:~~

5 (a)(1)(A) arises out of the transaction or occurrence that is the subject\_matter of the opposing  
6 party's claim; and

7 (a)(1)(B) does not require for its adjudication the presence of third parties of adding another  
8 party over whom the court cannot acquire jurisdiction.

9 ~~(a)(2) But the~~ The pleader need not state the claim if:

10 (a)(2)(A) (1) at the time when the action was commenced, the claim was the subject of  
11 another pending action, or

12 (a)(2)(B) (2) the opposing party brought suit upon his\_sued on its claim by attachment or other  
13 process by which the court that did not acquire establish personal jurisdiction to render a personal  
14 judgment over the pleader on that claim, and the pleader is not stating does not assert any  
15 counterclaim under this Rrule-13.

16 **(b) Permissive counterclaim.** A pleading may state as a counterclaim ~~any claim against an~~  
17 ~~opposing party not arising out of the transaction or occurrence that is the subject-matter of the opposing~~  
18 ~~party's claim any claim that is not compulsory.~~

19 **(c) Counterclaim exceeding opposing claim** Relief sought in a counterclaim. A counterclaim may  
20 ~~or may need~~ not diminish or defeat the recovery sought by the opposing party. It may ~~claim request~~ relief  
21 ~~exceeding that exceeds~~ in amount or ~~different differs~~ in kind from ~~that the relief sought in the pleading of~~  
22 ~~by the opposing party.~~

23 **(d) Counterclaim maturing or acquired after pleading.** ~~A claim which either~~ The court may permit  
24 a party to file a supplemental pleading asserting a counterclaim that matured or was acquired by the  
25 ~~pleader party after serving his\_an earlier pleading may, with the permission of the court, be presented as~~  
26 ~~a counterclaim by supplemental pleading.~~

27 **(e) Omitted counterclaim.** ~~When a pleader fails to set up a counterclaim through oversight,~~  
28 ~~inadvertence, or excusable neglect, or when justice requires, he may by leave of court set up the~~  
29 ~~counterclaim by amendment.~~

30 **(f)(e) Cross-claim against co-party.** A pleading may state as a cross-claim any claim by one party  
31 against a co-party ~~arising if the claim arises out of the transaction or occurrence that is the subject\_matter~~  
32 ~~either of the original action or of a counterclaim, therein or relating to or if the claim relates to any property~~  
33 ~~that is the subject\_matter of the original action. Such\_The~~ cross-claim may include a claim that the  
34 ~~coparty against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim~~  
35 ~~asserted in the action against the cross-claimant.~~

36 **(g)(f) AJoining additional parties may be brought in.** ~~When the presence of parties other than~~  
37 ~~those to the original action is required for the granting of complete relief in the determination of a~~

38 ~~counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in~~  
39 ~~these rules, if jurisdiction of them can be obtained. Rules 19 and 20 govern the addition of a person as a~~  
40 ~~party to a counterclaim or crossclaim.~~

41 ~~(h)~~ **(g) Separate trials; separate judgments.** ~~Judgment on a counterclaim or cross-claim may be~~  
42 ~~rendered in accordance with the terms of~~ If the court orders separate trials under Rule 42, it may enter  
43 judgment on a counterclaim or crossclaim under Rule 54(b) when it has jurisdiction to do so, even if the  
44 claims of the opposing party's claims have been dismissed or otherwise disposed of resolved.

45 ~~(i) Cross demands not affected by assignment or death.~~ ~~When cross demands have existed~~  
46 ~~between persons under such circumstances that, if one had brought an action against the other, a~~  
47 ~~counterclaim could have been set up, the two demands shall be deemed compensated so far as they~~  
48 ~~equal each other, and neither can be deprived of the benefit thereof by the assignment or death of the~~  
49 ~~other, except as provided in Subdivision (j) of this rule.~~

50 ~~(j) Claims against assignee.~~ ~~Except as otherwise provided by law as to negotiable instruments and~~  
51 ~~assignments of accounts receivable, any claim, counterclaim, or cross-claim which could have been~~  
52 ~~asserted against an assignor at the time of or before notice of such assignment, may be asserted against~~  
53 ~~his assignee, to the extent that such claim, counterclaim, or cross-claim does not exceed recovery upon~~  
54 ~~the claim of the assignee.~~

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