

1 **Rule 19. Joinder of persons needed for just adjudication.**

2 (a) **Persons to be joined if feasible.** A person who is subject to service of process and
3 whose joinder will not deprive the court of jurisdiction over the subject matter of action
4 will be joined as a party in the action if (1) in the person's absence complete relief
5 cannot be accorded among those already parties, or (2) the person claims an interest
6 relating to the subject of the action and is so situated that the disposition of the action in
7 the person's absence may (i) as a practical matter impair or impede the person's ability
8 to protect that interest or (ii) leave any of the persons already parties subject to a
9 substantial risk of incurring double, multiple, or otherwise inconsistent obligations by
10 reason of the claimed interest. If the person has not been so joined, the court will order
11 that the person be made a party. If the person should join as a plaintiff but refuses to do
12 so, the person may be made a defendant, or, in a proper case, an involuntary plaintiff.

13 (b) **Determination by court whenever joinder not feasible.** If a person described in
14 paragraph (a)(1)-(2) cannot be made a party, or if any claim to be asserted against such a
15 person is a claim over which the court lacks jurisdiction, the court will determine whether in equity
16 and good conscience the action should proceed among the parties before it, or should
17 be dismissed, the absent person being thus regarded as indispensable. The factors to be
18 considered by the court include: first, to what extent a judgment rendered in the
19 person's absence might be prejudicial to the person or those already parties; second, the
20 extent to which, by protective provisions in the judgment, by the shaping of relief, or
21 other measure, the prejudice can be lessened or avoided; third, whether a judgment
22 rendered in the person's absence will be adequate; and fourth, whether the plaintiff will
23 have an adequate remedy if the action is dismissed for nonjoinder.

24 (c) **Pleading reasons for nonjoinder.** A pleading asserting a claim for relief must state
25 the names, if known to the pleader, of any persons described in paragraph (a)(1)-(2)
26 who are not joined and the reasons why they are not joined.

27 (d) **Exception of class actions.** This rule is subject to the provisions of Rule 23 of the
28 Utah Rules of Civil Procedure.

29 *Effective May/November 1, 20__*

30