

1 **Rule 13. Counterclaim and crossclaim.**

2 (a) **Compulsory counterclaim.**

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

5 (A) arises out of the transaction or occurrence that is the subject matter of the
6 opposing party’s claim; and

7 (B) does not require adding another party over whom the court cannot acquire
8 jurisdiction.

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

10 (A) when the action was commenced, the claim was the subject of another
11 pending action; or

12 (B) the opposing party sued on its claim by attachment or other process that did
13 not establish personal jurisdiction over the pleader on that claim, and the pleader
14 does not assert any counterclaim under this rule.

15 (b) **Permissive counterclaim.** A pleading may state as a counterclaim against an
16 opposing party any claim that is not compulsory, so long as the claim is a claim over which
17 the court has jurisdiction.

18 (c) **Relief sought in a counterclaim.** A counterclaim need not diminish or defeat the
19 recovery sought by the opposing party. It may request relief that exceeds in amount or
20 differs in kind from the relief sought by the opposing party.

21 (d) **Counterclaim maturing or acquired after pleading.** The court may permit a party
22 to file a supplemental pleading asserting a counterclaim that matured or was acquired
23 by the party after serving an earlier pleading, so long as the claim is a claim over which the
24 court has jurisdiction.

25 (e) **Crossclaim against coparty.** A pleading may state as a crossclaim any claim by one
26 party against a coparty if the claim arises out of the transaction or occurrence that is the

27 subject matter of the original action or of a counterclaim or if the claim relates to any
28 property that is the subject matter of the original action, so long as the claim is a claim over
29 which the court has jurisdiction. The crossclaim may include a claim that the coparty is or may
30 be liable to the crossclaimant for all or part of a claim asserted in the action against the
31 crossclaimant.

32 **(f) Joining additional parties.** Rules 19 and 20 govern the addition of a person as a
33 party to a counterclaim or crossclaim.

34 **(g) Separate trials; separate judgments.** If the court orders separate trials under Rule
35 42, it may enter judgment on a counterclaim or crossclaim under Rule 54(b) of the Utah
36 Rules of Civil Procedure when it has jurisdiction to do so, even if the opposing party's
37 claims have been dismissed or otherwise resolved.

38 *Effective May/November 1, 20__*

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