

1 **Rule 14. Third-party practice**

2 (a) **When defendant may bring in third party.** At any time after commencement of the
3 action a defendant, as a third-party plaintiff, may cause a summons and complaint to be
4 served upon a person not a party to the action who is or may be liable to the defendant
5 for all or part of the plaintiff's claim, so long as the third-party plaintiff's claim is a claim
6 over which the court has jurisdiction. The third-party plaintiff need not obtain leave to make the
7 service if the party files the third-party complaint no later than 14 days after serving the
8 party's original answer. Otherwise, the third-party plaintiff must obtain leave on
9 motion upon notice to all parties to the action.

10 (b) **The third-party defendant's response.** The person served with the summons and
11 third-party complaint, hereinafter called the third-party defendant, must make defenses
12 to the third-party plaintiff's claim as provided in Rule 12 of the Utah Rules of Civil
13 Procedure and any counterclaims against the third-party plaintiff and cross-claims
14 against other third-party defendants as provided in Rule 13. The third-party defendant
15 may assert against the plaintiff any defenses which the third-party plaintiff has to the
16 plaintiff's claim. The third-party defendant may also assert any claim against the
17 plaintiff arising out of the transaction or occurrence that is the subject matter of the
18 plaintiff's claim against the third-party plaintiff. The third-party defendant may also
19 proceed under this rule against any person not a party to the action who is or may be
20 liable to the third-party defendant for all or part of the claim made in the action against
21 the third-party defendant, so long as the claim is a claim over which the court has jurisdiction.

22 (c) **Plaintiff's claims against the third-party defendant and the third-party**
23 **defendant's response.** The plaintiff may assert any claim against the third-party
24 defendant arising out of the transaction or occurrence that is the subject matter of the
25 plaintiff's claim against the third-party plaintiff, so long as the claim is not a claim over which
26 the court lacks jurisdiction, and the third-party defendant thereupon must assert defenses as
27 provided in Rule 12 of the Utah Rules of Civil Procedure and any counterclaims and
28 cross-claims as provided in Rule 13.

29 (d) **When plaintiff may bring in third party.** When a counterclaim is asserted against a
30 plaintiff, the plaintiff may cause a third party to be brought in under circumstances
31 which under this rule would entitle a defendant to do so.

32 *Effective May/November 1, 20__*

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