

### Joinder Assessment Exercise

Guest, a citizen of State A, ate oysters at Ron's Restaurant in State B. Guest paid for the meal with a \$100 check. Ron's Restaurant is owned and operated by Ron, a citizen of State B.

After eating the oysters at Ron's Restaurant, Guest ate an ice cream sundae at the ice cream shop next door, which is owned and operated by CreamCorp, a State C corporation with its principal place of business in State B.

An hour later, Guest became ill and went to a hospital emergency room. Guest had to be admitted to the hospital for several days of tests, treatment, and observation. Ultimately, the doctors concluded that Guest was suffering from a severe case of food poisoning.

Guest stopped payment on the \$100 check to Ron's Restaurant before the check cleared and has not otherwise paid for the meal.

Guest sued Ron (doing business as Ron's Restaurant) in the federal district court for the District of State B. Guest's complaint alleged that the oysters she ate at Ron's Restaurant caused her food poisoning. Guest further alleged that her damages (for medical bills and pain and suffering) exceed \$75,000, exclusive of costs and interest.

Ron doubts that the oysters were contaminated because no other patrons suffered an adverse reaction to the oysters served that day. Ron believes that Guest became ill because the ice cream served at CreamCorp's shop was made with unpasteurized raw whole milk. Thus, Ron would like to compel the joinder of CreamCorp as an additional defendant in the lawsuit so that, if the jury concludes Guest became sick from the ice cream, it can render a verdict against CreamCorp and not Ron. Ron would also like to assert in his answer a claim against Guest for the unpaid \$100.

Ron anticipates that Guest would object to the joinder of CreamCorp and move to dismiss Ron's claim for the unpaid \$100 from Ron's answer.

- 1. How might Ron compel the joinder of CreamCorp as an additional defendant, and would that effort be successful? Explain.**
- 2. Do the Federal Rules of Civil Procedure permit Ron to join his claim against Guest for the unpaid \$100 to Guest's lawsuit against Ron? Explain.**
- 3. If the Federal Rules of Civil Procedure permit Ron to join his claim against Guest for the unpaid \$100, would the court have subject matter jurisdiction to hear that claim? Explain.**