

Alabama Rules of Civil Procedure

IV. PARTIES

Rule 20.

Permissive joinder of parties.

(a) *Permissive joinder.* All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

(b) *Separate trials.* The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom the party asserts no claim and who asserts no claim against the party, and may order separate trials or make other orders to prevent delay or prejudice.

(dc) *District court rule.* Rule 20 applies in the district courts.

[Amended eff. 10-1-95.]

Committee Comments on 1973 Adoption

This rule differs from Federal Rule 20 only in the omission of a parenthetical phrase dealing with joinder in admiralty in rem cases.

The rule is intended to promote trial convenience, prevent a multiplicity of suits, and expedite the final determination of litigation by inclusion in one suit of

all parties directly interested in the controversy despite technical objections previously existing in many situations. It also recognizes the economy of a procedure under which several demands arising out of the same occurrence may be tried together, thus avoiding the reiteration of the evidence relating to facts common to the several demands. 7 Wright & Miller, *Federal Practice and Procedure*, § 1592 (1972). Thus the rule makes joinder of parties virtually unlimited, but cloaks the court with ample powers, under Rules 20(b), 21 and 42(b), to ensure that the trial is conducted in the most convenient and least prejudicial manner.

The rule will permit several plaintiffs injured as a result of a common tort to join in one suit and claim damages personal to them, e.g., *Franklin v. Shelton*, 250 F.2d 92, 95 (10th Cir.1957), cert. denied 355 U.S. 959, 78 S.Ct. 544, 2 L.Ed.2d 533; *Smith v. Brown*, 17 F.R.D. 39 (D.C.Pa.1955); *Thomson v. United Glazing Co.*, 36 F.Supp. 527 (W.D.N.Y.1941), contrary to present Alabama practice. See *Brookside-Pratt Mining Co. v. McAlister*, 196 Ala. 110, 72 So. 18 (1916). It will allow joinder of different claims against different parties in different counts, provided that there is a question of law or fact common to all the parties and that the claims arise from the same transaction or occurrence or series of transactions or occurrences. *Hopper v. Lennen & Mitchell*, 52 F.Supp. 319 (S.D.Cal.1943). Such joinder is not possible under present Alabama law. *McMahon v. Western Union Tel. Co.*, 209 Ala. 319, 96 So. 265 (1923). By express provision of the rule, judgment is to be given according to the respective rights and liabilities of the parties as proved at the trial, contrary to the holding in *Redmond v. Louisville & N.R. Co.*, 154 Ala. 311, 45 So. 649 (1908).

This rule is procedural only. The present prohibition against joinder of an insurer in an action against its insured is in no way altered by this rule. See Notes to Rule 18.

**Committee Comments to October 1, 1995,
Amendment to Rule 20**

The amendment is technical. No substantive change is intended.