

SAMPLE CIVIL FORM 33

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.)
C.D., Defendant)

CIVIL ACTION NO. _____

**MOTION TO DROP DEFENDANT OR
FOR SEVERANCE OF CLAIMS**

Defendant, _____, moves the court for an order dropping him as a party defendant herein or in the alternative for an order severing the claim asserted against him by plaintiff herein from the claim asserted against defendant _____, on the grounds that:

1. The alleged claim asserted against defendant _____ does not arise from the same transaction, occurrence, or series of transactions or occurrences, as the claim asserted against defendant _____; nor do the two alleged claims involve questions of law or fact common to both defendants.

2. The moving defendant will be put to undue expense and embarrassment if he is required to proceed with his defense without a severance of the issues.

3. The trial of action will be embarrassing and the jury confused by a joint trial of the claims asserted against the two defendants herein, all to the prejudice of the losing defendant.

Attorney for Defendant

Address

Committee Comments

The material set forth in paragraphs 1 through 3 as grounds for dropping the defendant or severing the claims against him is only illustrative.