

1 **NRCP 19 – Proposed**  
2 **(Adopt federal rule with edits)**

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3 **Rule 19. Required Joinder of Parties**

4 **(a) Persons Required to Be Joined if Feasible.**

5 (1) **Required Party.** A person who is subject to service of process and  
6 whose joinder will not deprive the court of subject matter jurisdiction must be joined  
7 as a party if:

8 (A) in that person’s absence, the court cannot accord complete  
9 relief among existing parties; or

10 (B) that person claims an interest relating to the subject of the  
11 action and is so situated that disposing of the action in the person’s absence may:

12 (i) as a practical matter impair or impede the person’s ability  
13 to protect the interest; or

14 (ii) leave an existing party subject to a substantial risk of  
15 incurring double, multiple, or otherwise inconsistent obligations because of the  
16 interest.

17 (2) **Joinder by Court Order.** If a person has not been joined as  
18 required, the court must order that the person be made a party. A person who refuses  
19 to join as a plaintiff may be made either a defendant or, in a proper case, an  
20 involuntary plaintiff.

21 ~~(3) **Venue.** If a joined party objects to venue and the joinder would make~~  
22 ~~venue improper, the court must dismiss that party.~~

23 (b) **When Joinder Is Not Feasible.** If a person who is required to be joined  
24 if feasible cannot be joined, the court must determine whether, in equity and good

1 conscience, the action should proceed among the existing parties or should be  
2 dismissed. The factors for the court to consider include:

3 (1) the extent to which a judgment rendered in the person's absence  
4 might prejudice that person or the existing parties;

5 (2) the extent to which any prejudice could be lessened or avoided by:

6 (A) protective provisions in the judgment;

7 (B) shaping the relief; or

8 (C) other measures;

9 (3) whether a judgment rendered in the person's absence would be  
10 adequate; and

11 (4) whether the plaintiff would have an adequate remedy if the action  
12 were dismissed for nonjoinder.

13 (c) **Pleading the Reasons for Nonjoinder.** When asserting a claim for  
14 relief, a party must state:

15 (1) the name, if known, of any person who is required to be joined if  
16 feasible but is not joined; and

17 (2) the reasons for not joining that person.

18 (d) **Exception for Class Actions.** This rule is subject to Rule 23.

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20 ADVISORY COMMITTEE NOTE—2017 AMENDMENT

21 FRCP 19(a)(3) was rejected as not applicable in Nevada. Persons joined in an  
22 action in Nevada retain any rights they may have to move to change the venue under  
23 NRS Chapter 13 or to move to dismiss under forum nonconveniens.

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2 **(Subcommittee notes to the Committee)**

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- 3 (1) FRCP 19(a)(3) is not in existing Nevada law. It has been deleted because it is  
4 unclear why venue for state actions should require the dismissal of the joined  
5 party. The joined party may still object to venue under NRS 13.050 and move  
6 to change the venue if improper, or move to dismiss under forum  
7 nonconveniens.
- 8 (2) The shoulds in NRCP 19(b) are present in the existing NRCP 19(b) and were  
9 retained as shoulds.
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