

Exercise: **Parties & Claims/Joinder & Consolidation Review! CPLR §§ 3019, 601 & 602**

The following questions address the case of Justin v. Janice in New York Supreme Court, Kings County, in which Justin has sued Janice for injuries Justin allegedly incurred in a fist fight with Janice.

\_\_\_\_1. After Justin sues Janice, Janice sues Justin back in the same case, for injuries Justin allegedly inflicted on Janice during the fight. Janice's claim against Justin is a: (A) counterclaim (B) cross-claim (C) federal claim (D) false claim

\_\_\_\_2. Sergio was also involved in the fight. Justin decides to add Sergio as another defendant in Justin's case against Janice. Sergio is now Janice's: (A) co-plaintiff (B) co-defendant (C) counterclaim-defendant (D) best friend

\_\_\_\_3. After Sergio is added to Justin's action, Sergio recalls that Janice also kicked him in the shins during the fight. Sergio decides to sue Janice for his injuries, as part of Justin v. Janice in which they're already involved. Sergio's claim against Janice is a: (A) counterclaim (B) cross-claim (C) federal claim (D) false claim

\_\_\_\_4. After Sergio asserts his claim against Janice, Janice recalls that Sergio owes Janice money from an agreement they made a while ago, unrelated to the fight. Janice wants to sue Sergio to recover the money, as part of Justin v. Janice.

- (A) No, because Janice's claim against Sergio for the money has nothing to do with the fight.
- (B) No, because that would violate CPLR § 104.
- (C) Yes, because CPLR § 601 (Joinder of Claims) permits it.
- (D) Yes, because CPLR § 602 (Consolidation of Claims) permits it.

\_\_\_\_5. Kyla and Kenneth were also involved in the fight with Justin, Janice and Steven. (It was a brawl.) When Justin sued Janice, Kyla had already filed a case in Supreme Court, Kings County, against Kenneth for her injuries he inflicted on her in the fight: Kyla v. Kenneth. May the judge in Justin v. Janice order that Kyla v. Kenneth be tried together with Justin v. Janice, in the same courtroom, etc.?

- (A) No, because Kyla's claim against Kenneth has nothing to do with Justin's case against Janice and Steven.
- (B) No, because that would violate CPLR § 104.
- (C) Yes, because CPLR § 601 (Joinder of Claims) permits it.
- (D) Yes, because CPLR § 602 (Consolidation of Claims) permits it.