

RULE 4:27. Joinder Of Claims And Remedies

4:27-1. Joinder of Claims

Subject to R. 4:30A (entire controversy doctrine), the plaintiff in the complaint or in an answer to a counterclaim denominated as such and the defendant in an answer setting forth a counterclaim may join, either as independent or as alternate claims, as many claims, either legal or equitable or both, as he or she may have against an opposing party. There may be a like joinder of claims when there are multiple parties if the requirements of R. 4:28 (joinder of parties), R. 4:29 (joinder of multiple parties), and R. 4:31 (interpleader) are satisfied. There may be a like joinder of cross-claims or third-party claims if the requirements of R. 4:7 (counterclaim and cross-claim) and R. 4:8 (third-party practice) respectively are satisfied.

Note: Source-R.R. 4:31-1. Paragraph designations and paragraph (b) adopted July 16, 1979 to be effective September 10, 1979; caption of paragraph (a) deleted, paragraph (a) amended, and paragraph (b) deleted June 29, 1990 to be effective September 4, 1990.

4:27-2. Joinder of Remedies; Fraudulent Conveyances

Except as provided by N.J.S. 2A:50-2 and 2A:50-22 (debt secured by mortgage) and except as otherwise provided by R. 4:7-5 (mandatory crossclaims), if a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, then the 2 claims may be joined in a single action, but the court shall grant relief therein only in accordance with the relative substantive rights of the parties. In particular, a plaintiff may state a claim for money and a claim to have set aside a conveyance fraudulent as to plaintiff, without first having obtained a judgment establishing the claim for money.

Note: Source-R.R. 4:31-2. Amended July 14, 1972 to be effective September 5, 1972; amended July 16, 1979 to be effective September 10, 1979; amended July 15, 1982 to be effective September 13, 1982; amended July 13, 1994 to be effective September 1, 1994.