

THE NATIONAL LAW REVIEW

Temple v. Synthes Corp: Medical Device Products Liability

Monday, October 17, 2016

In the fall of 1986, the petitioner underwent surgery on her lower spine. During the operation, physicians installed a screw and plate piece directly onto her spine. Eventually, it actually broke off from her spine, causing her significant injury and requiring follow up procedures. She sued the manufacturer of the medical device in federal court for products liability. She also sued the treating doctor and hospital in state court for negligence and medical malpractice. In federal court, the manufacturer of the medical device used this state court proceeding as proof that its case should be dismissed. It filed a motion to dismiss the federal suit for failure to join all necessary parties according to Rule 19 of the Federal Rules of Civil Procedure (FRCP). The district court granted this dismissal and the Fifth Circuit Court of Appeals affirmed the lower court's decision. The petitioner then appealed this decision to the Supreme Court and was granted certiorari.

ISSUE

Does Rule 19 of the **Federal Rules of Civil Procedure (FRCP)** demand that plaintiffs name all tortfeasors involved in a cause of action to one lawsuit?

ANALYSIS

The Court first reviewed the Fifth Circuit's reasoning for upholding the lower court's order. There the Appeals Court identified that all potential parties were indispensable to the case proceedings and that it would be "obviously prejudicial to the defendants to have the separate litigations being carried on." Thus, they approved the district court's stamp of approval on the defendants' Rule 19 motion to dismiss for failure to join all necessary parties. However, the Supreme Court noted that this situation was not a Rule 14(a) third-party complaint joinder. Furthermore, in contrast the Fifth Circuit's view, it described the tortfeasors as simply permissive parties because they held joint and several liability. The Court went on to add that, "It has long been the rule that it is not necessary for all joint tortfeasors to be named as defendants in a single lawsuit...a tortfeasor with the usual 'joint-and-several' liability it merely a permissive party to an action against another with like liability." Thus, the plaintiff did not error in refusing to add all tortfeasors and the Rule 19 motion to dismiss by the defendants should not have been upheld by the lower courts.

HOLDING-RULE

No, Rule 19 of the FRCP does not demand that plaintiffs name all tortfeasors in one lawsuit; thus, courts cannot dismiss actions for failure to do so.

BREAKDOWN

The judgment of the Court was per curiam (Rhenquist, White, Marshall, Blackmun, Stevens, O'Connor, Scalia,

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Kennedy, Souter).

CONSEQUENCES

This case is incredibly important because it affords plaintiffs flexibility with respect to case strategy. Different defendants possess different strengths and weaknesses. It might be easier for plaintiffs to go after one person or entity more than another and this case allows that. Additionally, this permits plaintiffs to prevent potential defendants from teaming up against them in the courtroom.

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