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Prior West Virginia Equity Practice Regarding Necessary Joinder of Parties as Precedent under Rule 19

Some writers have observed that Rule 19 of the West Virginia Rules of Civil Procedure on necessary joinder of parties is simply a continuation of former West Virginia equity practice and that prior decisions will serve as precedents for both legal and equitable claims under this Rule.¹ Similar observations have been made of Federal Rule 19 and prior federal practice.² With the exception

¹ LUGAR & SILVERSTEIN, W. VA. RULES 170 (1960).
² 3 MOORE, FEDERAL PRACTICE § 1905(1) (2d ed. 1964). "Subdivision (a) of Rule 19 is a generalized statement concerning necessary and indispensable parties to be read in the light of cases at law and in equity. It was not intended to change the rules governing compulsory joinder that had been laid down in those cases." However, the observation has been made that Federal Rule 19 was intended to liberalize the practice of joinder of parties to the fullest extent compatible with doing justice between the parties in interest. Greenleaf v. Safeway Trails, 140 F2d 889 (2d Cir. 1944), cert. denied 322 U.S. 736 (1944).