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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Diana Zavlunov,

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No. CV-09-0351-PHX-FJM

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Plaintiff,

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ORDER

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vs.

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Bursey & Associates, P.C.,

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Defendant.

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Plaintiff Diana Zavlunov filed this action under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p, contending that she has standing as a “consumer” as that term is defined in the Act, *id.* § 1692a(3), to assert claims for violation of the Act. Defendant now contends that Diana’s mother, Nelya Zavlunov, is actually the “consumer” or “debtor” and that therefore she must be joined in the instant action pursuant to Rules 19 and 20, Fed. R. Civ. P. The court has before it defendant’s motion to join a party plaintiff (doc. 18), plaintiff’s response (doc. 22), and defendant’s reply (doc. 23).

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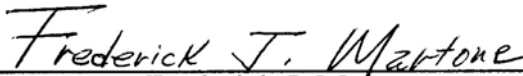
Under Rule 20, Fed. R. Civ. P., persons may join in an action as plaintiffs if “they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction [or] occurrence.” Nelya Zavlunov has asserted no right to join this action. Only defendant requests her joinder. The defendant has no right to insist that plaintiff join all parties who may satisfy Rule 20(a). 4 James Wm. Moore et al., Moore's

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1 Federal Practice § 20.02[2][b][i] (3d ed. 2009). Nor is joinder required under Rule 19, Fed.
2 R. Civ. P. Again, Nelya has claimed no interest in this action. Moreover, Nelya and Diana's
3 potential claims are distinct and joinder of Nelya is not necessary in order to accord complete
4 relief among existing parties. See Fed. R. Civ. P. 19(a). While it appears that plaintiff has
5 no standing as a "consumer" to assert many of the claims raised in the complaint, those
6 claims should be either voluntarily dismissed by plaintiff or eliminated with a motion to
7 dismiss.

8 **IT IS ORDERED DENYING** defendant's motion for joinder of a party plaintiff
9 (doc. 18).

10 DATED this 2nd day of December, 2009.

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15 Frederick J. Martone
16 United States District Judge
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