

SUMMARY STATEMENT

Stilwyn v. Rokan Corporation, Docket No. 41451

The Blaine County district court dismissed Stilwyn's claims against a number of individuals and entities because Stilwyn had failed to assert them as counterclaims in a previous federal court declaratory judgment action involving some of the defendants. The dismissal was based both upon the doctrine of res judicata and failure to assert compulsory counterclaims. The Supreme Court vacated the judgment, finding that Stilwyn's claims were not barred either by res judicata or failure to assert compulsory counterclaims. Stilwyn had been allowed to intervene in the previous declaratory judgment in federal court solely to protect its interests and had asserted no claims in that action against any of the persons against whom it later brought the state court action, nor had any claims in the federal action been brought against Stilwyn. The case was remanded to the district court for further proceedings.