

1 **Rule 24. Intervention.**

2 (a) **Intervention of right.** On timely motion, the court will permit anyone to intervene
3 who:

4 (1) is given an unconditional right to intervene by a statute; or

5 (2) claims an interest relating to the property or transaction that is the subject of the
6 action, and is so situated that disposing of the action may as a practical matter impair
7 or impede the movant's ability to protect the movant's interest, unless existing parties
8 adequately represent that interest or the claim is one over which the court lacks
9 jurisdiction.

10 (b) **Permissive intervention.**

11 (1) **In general.** On timely motion, the court may permit anyone to intervene who:

12 (A) is given a conditional right to intervene by a statute; or

13 (B) has a claim or defense that shares with the main action a common question of
14 law or fact, so long as the claim is one over which the court has jurisdiction.

15 (2) **By a governmental entity.** On timely motion, the court may permit a
16 governmental entity to intervene if a party's claim or defense is based on:

17 (A) a statute or executive order administered by the governmental entity; or

18 (B) any regulation, order, requirement, or agreement issued or made under the
19 statute or executive order.

20 (3) **Delay or prejudice.** In exercising its discretion, the court will consider whether the
21 intervention will unduly delay or prejudice the adjudication of the original parties'
22 rights.

23 (c) **Notice and motion required.** A motion to intervene must be served on the parties as
24 provided in Rule 5 of the Utah Rules of Civil Procedure. The motion must state the
25 grounds for intervention and be accompanied by a pleading that sets out the claim or
26 defense for which intervention is sought.

27 (d) **Constitutionality of Utah statutes, ordinances, rules, and other administrative or**
28 **legislative enactments.**

29 (1) **Challenges to a statute.** If a party challenges the constitutionality of a statute in
30 an action in which the Attorney General has not appeared, the party raising the
31 question of constitutionality must notify the Attorney General of such fact by
32 serving the notice on the Attorney General by email or, if circumstances prevent
33 service by email, by mail at the address below. The party must then file proof of
34 service with the court.

35 Email: notices@agutah.gov

36 Mail:

37 Office of the Utah Attorney General
38 Attn: Utah Solicitor General
39 350 North State Street, Suite230
40 P.O. Box142320
41 Salt Lake City, Utah84114-2320

42 (2) **Challenges to an ordinance or other governmental enactment.** If a party
43 challenges the constitutionality of a governmental entity's ordinance, rule, or other
44 administrative or legislative enactment in an action in which the governmental entity
45 has not appeared, the party raising the question of constitutionality must notify the
46 governmental entity of such fact by serving the person identified in Rule 4(d)(1) of the
47 Utah Rules of Civil Procedure. The party must then file proof of service with the court.

48 **(3) Notification procedures.**

49 (A) Form and content. The notice must (i) be in writing, (ii) be titled "Notice of
50 Constitutional Challenge Under URBCP 24(d)," (iii) concisely describe the nature
51 of the challenge, and (iv) include, as an attachment, the pleading, motion, or other
52 paper challenging constitutionality as set forth above.

53 (B) Timing. The party must serve the notice on the Attorney General or other
54 governmental entity on or before the date the party files the paper challenging
55 constitutionality as set forth above.

56 **(4) Attorney General’s or other governmental entity’s response to notice.**

57 (A) Within 14 days after the deadline for the parties to file all papers in response
58 to the constitutional challenge, the Attorney General or other governmental entity
59 (responding entity) must file a notice of intent to respond unless the responding
60 entity determines that a response is unnecessary. The responding entity may seek
61 up to an additional seven days’ extension of time to file a notice of intent to
62 respond.

63 (B) If the responding entity files a notice of intent to respond within the time
64 permitted by this rule, the court will allow the responding entity to file a response
65 to the constitutional challenge and participate at oral argument when it is heard.

66 (C) Unless the parties stipulate to or the court grants additional time, the
67 responding entity’s response to the constitutional challenge must be filed within
68 14 days after filing the notice of intent to respond.

69 (D) The responding entity’s right to respond to a constitutional challenge under
70 Rule 25A of the Utah Rules of Appellate Procedure is unaffected by the responding
71 entity’s decision not to respond under this rule.

72 **(5) Failure to provide notice.** Failure of a party to provide notice as required by this
73 rule is not a waiver of any constitutional challenge otherwise timely asserted. If a
74 party does not serve a notice as required by this rule, the court may postpone the
75 hearing until the party serves the notice.

76 **(e) Transfer of case.** If the court determines that a person would be entitled to intervene
77 as a matter of right under paragraph (a) but for the fact that the person’s claim is one over
78 which the court lacks jurisdiction, the court will transfer the entire matter to the district
79 court.