

Rule 24. Intervention.

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

- (1) is given an unconditional right to intervene by a statute; or
- (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect the movant's interest, unless existing parties adequately represent that interest or the claim is one over which the court lacks jurisdiction.

(b) **Permissive intervention.**

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

- (A) is given a conditional right to intervene by a statute; or
- (B) has a claim or defense that shares with the main action a common question of law or fact, so long as the claim is one over which the court has jurisdiction.

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

- (A) a statute or executive order administered by the governmental entity; or
- (B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.

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

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

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

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

Email: notices@agutah.gov

Mail:

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

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

(3) Notification procedures.

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

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

(4) Attorney General's or other governmental entity's response to notice.

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

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

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

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

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

(e) Transfer of case. If the court determines that a person would be entitled to intervene as a matter of right under paragraph (a) but for the fact that the person's

claim is one over which the court lacks jurisdiction, the court will transfer the entire matter to the district court.

Effective May/November 1, 20____