

1 **Rule 24. Intervention.**

2 (a) ~~Intervention of right.~~ Upon, ~~On~~ timely application ~~motion~~, the court must permit anyone shall be  
3 permitted to intervene in an action: ~~who~~:

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

5 (a)(2) ~~when the applicant~~ claims an interest relating to the property or transaction ~~which~~ that is the  
6 subject of the action, ~~and the applicant~~ is so situated that ~~the disposition~~ disposing of the action may  
7 as a practical matter impair or impede the ~~applicant's~~ movant's ability to protect ~~that~~ its interest, unless  
8 ~~the applicant's interest is adequately represented by existing parties~~ adequately represent that  
9 interest.

10 (b) ~~Permissive intervention.~~ Upon,

11 (b)(1) **In General.** On timely application ~~motion~~, the court may permit anyone may be permitted to  
12 intervene in an action: ~~(1) when a statute confers~~ who:

13 (b)(1)(A) is given a conditional right to intervene by a statute; or ~~(2) when an applicant's~~

14 (b)(1)(B) has a claim or defense ~~and that shares with~~ the main action ~~have a common~~  
15 question of law or fact ~~in common.~~ When a party to an action bases,

16 (b)(2) **By a Government Officer or Agency.** On timely motion, the court may permit a federal or  
17 state governmental officer or agency to intervene if a party's claim or defense ~~upon any~~ is based on:

18 (b)(2)(A) a statute or executive order administered by a governmental ~~the~~ officer or agency; or  
19 upon

20 (b)(2)(B) any regulation, order, requirement, or agreement issued or made pursuant to ~~under~~  
21 the statute or executive order, ~~the officer or agency upon timely application may be permitted to~~  
22 intervene in the action.

23 (b)(3) **Delay or Prejudice.** In exercising its discretion, the court ~~shall~~ must consider whether the  
24 intervention will unduly delay or prejudice the adjudication of the ~~rights of the original parties~~ parties'  
25 rights.

26 (c) ~~Procedure.~~ **Notice and motion required.** A person ~~desiring~~ motion to intervene shall serve a  
27 motion to intervene upon ~~must be served on~~ the parties as provided in ~~Rule~~ Rule 5. The motions  
28 ~~shall~~ motion must state the grounds ~~therefor~~ for intervention and shall be accompanied by a pleading  
29 ~~setting forth~~ that sets out the claim or defense for which intervention is sought.

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

32 (d)(1) ~~If a party challenges the constitutionality of a statute in an action in which the Attorney~~  
33 ~~General has not appeared, the party raising the question of constitutionality shall notify the Attorney~~  
34 ~~General of such fact. The court shall permit the state to be heard upon timely application.~~ **Challenges**  
35 **to a statute.** If a party challenges the constitutionality of a statute in an action in which the Attorney  
36 General has not appeared, the party raising the question of constitutionality shall notify the Attorney  
37 General of such fact by serving the notice on the Attorney General by email or, if circumstances

38 prevent service by email, by mail at the address below. The party shall then file proof of service with  
39 the court.

40 Email: notices@agutah.gov

41 Mail:

42 Office of the Utah Attorney General

43 Attn: Utah Solicitor General

44 350 North State Street, Suite 230

45 P.O. Box 142320

46 Salt Lake City, Utah 84114-2320

47 ~~(d)(2) If a party challenges the constitutionality of a county or municipal ordinance in an action in~~  
48 ~~which the county or municipal attorney has not appeared, the party raising the question of~~  
49 ~~constitutionality shall notify the county or municipal attorney of such fact. The court shall permit the~~  
50 ~~county or municipality to be heard upon timely application.~~

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

57 (d)(3) **Notification procedures.**

58 (d)(3)(A) **Form and content.** The notice shall (i) be in writing, (ii) be titled "Notice of  
59 Constitutional Challenge Under URCP 24(d)," (iii) concisely describe the nature of the  
60 challenge, and (iv) include, as an attachment, the pleading, motion, or other paper  
61 challenging the constitutionality of the statute.

62 (d)(3)(B) **Timing.** The party shall serve the notice on the Attorney General or other  
63 governmental entity on or before the date the party files the paper challenging the  
64 constitutionality of the statute.

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

66 (d)(4)(A) Within 14 days after the deadline for the parties to file all papers in response to the  
67 constitutional challenge, the Attorney General or other governmental entity ("responding entity")  
68 shall file a notice of intent to respond unless the responding entity determines that a response is  
69 unnecessary. The responding entity may seek up to an additional 7 days' extension of time to file  
70 a notice of intent to respond.

71 (d)(4)(B) If the responding entity files a notice of intent to respond within the time permitted by  
72 this rule, the court will allow the responding entity to file a response to the constitutional challenge  
73 and participate at oral argument when it is heard.

74            (d)(4)(C) Unless the parties stipulate to or the court grants additional time, the responding  
75            entity's response to the constitutional challenge shall be filed within 14 days after filing the notice  
76            of intent to respond.

77            (d)(4)(D) The responding entity's right to respond to a constitutional challenge under Rule  
78            25A of the Utah Rules of Appellate Procedure is unaffected by the responding entity's decision  
79            not to respond under this rule.

80            (d)(5) **Failure to provide notice.** ~~(d)(3)~~ Failure of a party to provide notice as required by this rule  
81            is not a waiver of any constitutional challenge otherwise timely asserted. **If a party does not serve a**  
82            **notice as required by this rule, the court may postpone the hearing until the party serves the notice.**

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