

1 **Rule 24. Intervention.**

2 **(a) Intervention of right.** Upon timely application anyone shall be permitted to intervene in an action: (1)
3 when a statute confers an unconditional right to intervene; or (2) when the applicant claims an interest
4 relating to the property or transaction which is the subject of the action and he is so situated that the
5 disposition of the action may as a practical matter impair or impede his ability to protect that interest,
6 unless the applicant's interest is adequately represented by existing parties.

7 **(b) Permissive intervention.** Upon timely application anyone may be permitted to intervene in an action:
8 (1) when a statute confers a conditional right to intervene; or (2) when an applicant's claim or defense and
9 the main action have a question of law or fact in common. When a party to an action relies for ground of
10 claim or defense upon any statute or executive order administered by a governmental officer or agency or
11 upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or
12 executive order, the officer or agency upon timely application may be permitted to intervene in the action.
13 In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice
14 the adjudication of the rights of the original parties.

15 **(c) Procedure.** A person desiring to intervene shall serve a motion to intervene upon the parties as
16 provided in Rule 5. The motions shall state the grounds therefor and shall be accompanied by a pleading
17 setting forth the claim or defense for which intervention is sought.

18 **(d) Constitutionality of statutes and ordinances.**

19 (d)(1) If a party challenges the constitutionality of a statute in an action in which the Attorney General has
20 not appeared, the party raising the question of constitutionality shall notify the Attorney General of such
21 fact as described in paragraphs (d)(1)(A), (d)(1)(B), and (d)(1)(C).–The court shall permit the state to be
22 heard upon timely application.

23 (d)(1)(A) **Form and Content.** The notice shall (i) be in writing, (ii) be titled “Notice of Constitutional
24 Challenge Under URCP 24(d).” (iii) concisely describe the nature of the challenge, and (iv) include, as an
25 attachment, the pleading, motion, or other paper challenging the constitutionality of the statute.

26 (d)(1)(B) **Timing.** The party shall serve the notice on the Attorney General on or before the date the
27 party files the paper challenging the constitutionality of the statute.

28 d)(1)(C) **Service.** The party shall serve the notice on the Attorney General by email or, if circumstances
29 prevent service by email, by mail at the addresses below, and file proof of service with the court. For
30 service by email, the “Subject” of the email shall be “Rule 24(d) Notice” and the notice and attachments
31 shall be in a searchable pdf format, with subject “Rule 24(d).”.

32 Email: notices@agutah.gov

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34 Mail

35 Office of the Utah Attorney General

36 Attn: Utah Solicitor General

37 320 Utah State Capitol

38 P.O. Box 142320

39 Salt Lake City, Utah 84114-2320

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41 (d)(2) If a party challenges the constitutionality of a county or municipal ordinance in an action in which
42 the county or municipal attorney has not appeared, the party raising the question of constitutionality shall

43 notify the county or municipal attorney of such fact. The court shall permit the county or municipality to be
44 heard upon timely application.

45 (d)(3) Failure of a party to provide notice as required by this rule is not a waiver of any constitutional
46 challenge otherwise timely asserted.

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