

Rule 24. Intervention

(a) **INTERVENTION OF RIGHT.** On timely motion, the court must permit anyone to intervene who:

(1) is given an unconditional right to intervene by an applicable law; 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 its interest, unless existing parties adequately represent that interest.

(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 an applicable law; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

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

(A) a statute or executive order administered by the officer or agency; 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 must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.

(c) **NOTICE AND PLEADING REQUIRED.** A motion to intervene must be served on the parties as provided in Rule 5. 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.

COMMENT TO 2017 AMENDMENTS

This rule is substantially similar to *Federal Rule of Civil Procedure 24*, as amended in 2007, but maintains the following local distinctions: 1) the addition of "District of Columbia" in subsection (b)(2); and 2) the substitution of "applicable law" for "federal statute" throughout the rule.

As with the federal rule, the notification provisions for challenges to the constitutionality or validity of 1) federal or state statutes, or 2) acts, orders, regulations, or enactments exclusively applicable to the District of Columbia, which were formerly found in section (c), have been moved to Rule 5.1.

COMMENT

Rule 24 identical to *Fed. Rule of Civil Procedure 24* except for (1) addition of "District of Columbia" to the governmental jurisdictions specified in the 2nd sentence of section (b); (2) substitution of "applicable law" for "statute of the United States" in sections (a), (b), and (c) so as to comprehend reference to appropriate statutory or case law relating to intervention rights in the District of Columbia.; and (3) addition to section (c) of a notification provision for acts, orders regulations, or enactments exclusively applicable to the District of Columbia so that this Court will follow as nearly as possible

the notification procedure prescribed for courts of the United States in 23 U.S.C. § 2403. In order to assist the Court in fulfilling its notification responsibilities under this section, the Rule requires an alerting inscription on every pleading the filing of which makes such notification necessary.

The District of Columbia Self-Government and Governmental Reorganization Act of 1973, Public Law 93-198, is reported in its entirety in Volume 1 of the 1981 Michie Edition of the D.C. Code (1991 Replacement Volume, pp. 173-255). Individual sections of the Act are codified throughout the D.C. Code, and a listing of those sections and references to their counterparts in the D.C. Code can be found in the Disposition Table in Volume 11 of the 1981 (1990 Replacement Volume, pp. 216-218).