

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 a federal statute; or

(2) in an action described in section 517(g) of the Tariff Act of 1930, is a person determined to have entered merchandise through evasion or is the interested party that filed the allegation; or 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.

(3) In an action described in 28 U.S.C. § 1581(c), a timely motion must be made no later than 30 days after the date of service of the complaint as provided for in Rule 3(f), unless for good cause shown at such later time for the following reasons:

(i) mistake, inadvertence, surprise or excusable neglect; or

(ii) under circumstances in which by due diligence a motion to intervene under this subsection could not have been made within the 30-day period. Also, in an action described in 28 U.S.C. § 1581(c), except an action described in section 517(g) of the Tariff Act of 1930, at the time a party's motion for intervention is made, attorneys for that party are required to comply with the procedures set forth in Rule 73.2 (c) by filing of a Business Proprietary Information Certification where appropriate.

(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 federal statute; 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 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.

(1) Except in an action described in 28 U.S.C. § 1581(c), a person desiring to intervene must serve a motion to intervene upon 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.

(2) In an action described in 28 U.S.C. § 1581(c), an interested party who was a party to the proceeding in connection with which the matter arose and who desires to intervene pursuant to subparagraph (a) must, after consultation as

provided in Rule 7(b), serve a motion to intervene upon the parties as provided in Rule 5. The motion must state (1) whether the motion for intervention has been consented to by the parties, and (2) the grounds in support of the motion. When the movant for intervention seeks to intervene on the side of the plaintiff, the motion must state the movant's standing, and must state the administrative determination to be reviewed and the issues that the intervenor desires to litigate. When the movant for intervention seeks to intervene on the side of the defendant, the motion must state the movant's standing. If no other party objects within 14 days after service of the motion, or if all parties consent to the motion, the clerk of the court may order the requested relief.

PRACTICE COMMENT: To provide information to assist a judge in determining whether there is reason for disqualification on the grounds of a financial interest, under 28 U.S.C. § 455, a completed "Disclosure Statement" form, available on request from the office of the clerk, must be filed by certain corporations, trade associations, and others appearing as parties, intervenors, or *amicus curiae*. A copy of the "Disclosure Statement" form is shown in Form 13 of the Appendix of Forms.

PRACTICE COMMENT: Intervention in this court, whether as of right or permissive, is subject to the statutory provisions of 28 U.S.C. § 2631(j). See *Jazz Photo Corporation v. United States*, 439 F.3d 1344 (Fed. Cir. 2006); *Ontario Forest Industries Assoc. v. United States*, 30 CIT 55, 444 F. Supp. 2d 1309 (2006).

(As amended, eff. Jan. 1, 1982; Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Sept. 25, 1992, eff. Jan. 1, 1993; Jan. 25, 2000, eff. May 1, 2000; Aug. 29, 2000, eff. Jan. 1, 2001; Sept. 30, 2003, eff. Jan. 1, 2004; Nov. 27, 2007; eff. Jan. 1, 2008; Nov. 25, 2009, eff. Jan. 1, 2010; Dec. 7, 2010, eff. Jan. 1, 2011; Sept. 18, 2018, eff. Oct. 15, 2018.)