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NRCP 24 – Proposed
(Adopt Federal rule with edits)

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 state or federal 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 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 a state or 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 state or federal-~~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

1 (B) any regulation, order, requirement, or agreement issued or
2 made under the statute or executive order.

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

6 (c) **Notice and Pleading Required.** A motion to intervene must be served on
7 the parties as provided in Rule 5. The motion must state the grounds for intervention
8 and be accompanied by a pleading that sets out the claim or defense for which
9 intervention is sought.

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11 **ADVISORY COMMITTEE NOTE—2017 AMENDMENT**

12 NRCP 24 is amended to conform to the federal rule, including the addition of
13 NRCP 24(b)(2), which was not previously in the Nevada rule.

1 **NRCP 24 – Proposed**
2 **(Subcommittee notes to the Committee)**

3 (1) The existing NRCP 24(b) does not contain the proposed NRCP 24(b)(2),
4 intervention by a government officer or agency. FRCP 24(b)(2) was originally
5 added in 1946 to counteract constructions of the rule not permitting federal
6 agencies to intervene. It is not clear why this section has not been previously
7 adopted in Nevada. While intervention is permitted in certain situations by
8 the AG or the LCB in Nevada, *see, e.g.*, NRS 228.190; NRS 228.330; NRS
9 228.360; NRS 218F.720, FRCP 24(b)(2) appears to be desirable add to the
10 Nevada rule to clarify that government agencies can intervene in the stated
11 circumstances.