

FILED

01/08/2018

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE AMENDMENT TO THE TENNESSEE
RULES OF CIVIL PROCEDURE**

No. ADM2017-01892

ORDER

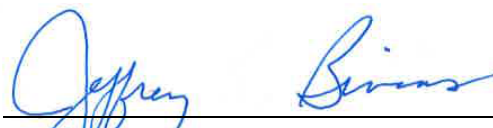
The Court adopts the attached amendments effective July 1, 2018, subject to approval by resolution of the General Assembly. The rules amended are as follows:

RULE 24	INTERVENTION;
RULE 47	JURORS;
RULE 54	JUDGMENT AND COSTS

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



JEFFREY S. BIVINS
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF CIVIL PROCEDURE***

**[Deleted text is indicated by overstriking,
and new text is indicated by underlining.]**

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 24

INTERVENTION.

[Modify the text of the rule to include the underlined text and eliminate the strike-through text in subsection 24.01 and the first sentence of subsections 24.02 and 24.03; add new subsection 24.05; and add new Advisory Commission Comment (2018 Amendment).]

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

24.02. *Permissive Intervention.* Upon timely ~~application~~ motion ~~anyone~~ any person may be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when ~~an applicant's~~ a movant's claim or defense and the main action have a question of law or fact in common.

24.03. *Procedure.* ~~A~~ Any person desiring to intervene shall file and serve a motion to intervene upon the parties as provided in Rule 5.

* * * *

24.05. *Finality of Judgment.* Any order granting or denying a motion to intervene filed pursuant to this rule shall be a final judgment for purposes of Tenn. R. App. P. 3.

Advisory Commission Comment [2018 Amendment]

The 2018 amendment adds subsection 24.05, which, in conjunction with the changes to Rule 54, Tennessee Rules of Civil Procedure, and Rules 3 and 4, Tennessee Rules of Appellate Procedure, provides for an appeal as of right from a trial court's order granting or denying a motion to intervene. Effective July 1, 2018, any order granting or denying a motion to intervene shall be a final judgment, and a timely appeal of that final judgement shall be the only method to appeal the grant or denial of a motion to intervene. The 2018 amendment also makes terminological updates, substituting the term "motion" for the prior term "application" and the term "movant" for "applicant" throughout the rule (for consistency with Tennessee Civil Procedure Rule 7 terminology).

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 47

JURORS.

[Add new Advisory Commission Comment (2018 Amendment).]

Advisory Commission Comment [2018]

The 2018 amendment corrects an outdated statutory cross-reference in the 2003 Advisory Commission Comment: as a result of 2008 Tenn. Pub. Acts, ch. 1159, the statutory limit on peremptory challenges now appears at Tenn. Code Ann. § 22-3-104; and so the three cross-references in the penultimate paragraph of the 2003 Advisory Commission Comment now should be to “Tenn. Code Ann. § 22-3-104,” instead of to “Tenn. Code Ann. § 22-3-105.”

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 54

JUDGMENTS AND COSTS.

[Add underlined text to title of Rule 54.02; renumber the current text of Rule 54.02 as subsection 54.02(1); add new subsection 54.02(2); and add new Advisory Commission Comment (2018 Amendment).]

Rule 54.02. Multiple Claims for Relief – Motion to Intervene.

(1) ___ When more than one claim for relief is present in an action, whether as a claim, counterclaim, cross-claim, or third party claim, or when multiple parties are involved, the Court, whether at law or in equity, may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of the judgment adjudicating all the claims and the rights and liabilities of all the parties.

(2) ___ Notwithstanding the provisions of subsection (1), any order granting or denying a motion to intervene filed pursuant to Tenn. R. Civ. P. 24 shall be a final judgment for purposes of Tenn. R. App. P. 3.

Advisory Commission Comment [2018 Amendment]

The 2018 amendment renumbers the current text of Rule 54.02 as subsection 54.02(1) and adds subsection 54.02(2), which, in conjunction with changes to Rule 24, Tennessee Rules

of Civil Procedure, and Rules 3 and 4, Tennessee Rules of Appellate Procedure, provides for an appeal as of right from a trial court's order granting or denying a motion to intervene. Effective July 1, 2018, any order granting or denying a motion to intervene shall be a final judgment, and a timely appeal of that final judgement shall be the only method to appeal the grant or denial of a motion to intervene.