

## **Rule 15. Review or Enforcement of an Agency Order — How Obtained; Intervention**

### **(a) Petition for Review; Joint Petition.**

- (1) Review of an agency order is commenced by filing, within the time prescribed by law, a petition for review with the clerk of a court of appeals authorized to review the agency order. If their interests make joinder practicable, two or more persons may join in a petition to the same court to review the same order.
- (2) The petition must:
  - (A) name each party seeking review either in the caption or the body of the petition — using such terms as "et al.," "petitioners," or "respondents" does not effectively name the parties;
  - (B) name the agency as a respondent (even though not named in the petition, the United States is a respondent if required by statute); and
  - (C) specify the order or part thereof to be reviewed.
- (3) Form 3 in the Appendix of Forms is a suggested form of a petition for review.
- (4) In this rule "agency" includes an agency, board, commission, or officer; "petition for review" includes a petition to enjoin, suspend, modify, or otherwise review, or a notice of appeal, whichever form is indicated by the applicable statute.

### **(b) Application or Cross-Application to Enforce an Order; Answer; Default.**

- (1) An application to enforce an agency order must be filed with the clerk of a court of appeals authorized to enforce the order. If a petition is filed to review an agency order that the court may enforce, a party opposing the petition may file a cross-application for enforcement.
- (2) Within 21 days after the application for enforcement is filed, the respondent must serve on the applicant an answer to the application and file it with the clerk. If the respondent fails to answer in time, the court will enter judgment for the relief requested.
- (3) The application must contain a concise statement of the proceedings in which the order was entered, the facts upon which venue is based, and the relief requested.

### **(c) Service of the Petition or Application.** The circuit clerk must serve a copy of the petition for review, or an application or cross-application to enforce an agency order, on each respondent as prescribed by Rule 3(d), unless a different manner of service is prescribed by statute. At the time of filing, the petitioner must:

- (1) serve, or have served, a copy on each party admitted to participate in the agency proceedings, except for the respondents;

(2) file with the clerk a list of those so served; and

(3) give the clerk enough copies of the petition or application to serve each respondent.

**(d) Intervention.** Unless a statute provides another method, a person who wants to intervene in a proceeding under this rule must file a motion for leave to intervene with the circuit clerk and serve a copy on all parties. The motion — or other notice of intervention authorized by statute — must be filed within 30 days after the petition for review is filed and must contain a concise statement of the interest of the moving party and the grounds for intervention.

**(e) Payment of Fees.** When filing any separate or joint petition for review in a court of appeals, the petitioner must pay the circuit clerk all required fees.

***Local Rule 15(a). Docketing Fee.***

*Upon filing a petition for review of an agency order, petitioner shall pay the prescribed docketing fee of \$500, payable to the Clerk, U.S. Court of Appeals, or submit a properly executed application for leave to proceed in forma pauperis.*

***Local Rule 15(b). Petitions for Review.***

*Whenever filing a petition for review or an application or cross-application for enforcement, the party shall attach to the petition, application or cross-application a copy of the agency order for which review or enforcement is sought. The petition, application or cross-application shall also be accompanied by a list of respondents specifically identifying the respondents' names and the addresses where respondents may be served with copies of the petition, application or cross-application.*

*Former I.O.P.-15.1 added September 28, 1994; redesignated Local Rule 15 December 1, 1995; redesignated Local Rule 15(a) December 4, 1996; amended November 1, 2003, April 27, 2006, and December 1, 2013. Local Rule 15(b) adopted December 4, 1996.*