

21-248 BERGER V. NC CONFERENCE OF THE NAACP

DECISION BELOW: 999 F.3d 915

LOWER COURT CASE NUMBER: 19-2273

QUESTION PRESENTED:

1. Whether a state agent authorized by state law to defend the State's interest in litigation must overcome a presumption of adequate representation to intervene as of right in a case in which a state official is a defendant.
2. Whether a district court's determination of adequate representation in ruling on a motion to intervene as of right is reviewed de novo or for abuse of discretion.
3. Whether Petitioners are entitled to intervene as of right in this litigation.

CERT. GRANTED 11/24/2021