



Agenda

Utah Supreme Court Advisory Committee Utah Rules of Appellate Procedure

Chris Ballard, Chair
Nathalie Skibine, Vice Chair

Location:	Meeting held through Webex and in person at: Matheson Courthouse, Council Room, N. 301 450 S. State St. Salt Lake City, Utah 84111 https://utcourts.webex.com/utcourts/j.php?MTID=m538581f9082cdad50ff1e74adef124f9
Date:	March 7, 2024
Time:	12:00 to 1:30 p.m.

Action: Welcome and approval of February 1, 2024 Minutes	Tab 1	Chris Ballard, Chair
Action: Final Approval of Rules 3, 5, 14, 19, 48, 21, 26 and 27	Tab 2	Chris Ballard
Action: Rule 42	Tab 3	Clark Sabey, Michelle Quist, Judge Christiansen Forster
Action: Rule 8	Tab 4	Stan Purser
Discussion: Rule 23C - concerns on creating a standard for the grant of emergency relief		Clark Sabey, Mary Westby, Troy Booher
Discussion: Old/new business		Chris Ballard, Chair

Committee Webpage: <https://legacy.utcourts.gov/utc/appellate-procedure/>

2024 Meeting schedule:

April 4, 2024	September 5, 2024	December 5, 2024
May 2, 2024	October 3, 2024	
June 6, 2024	November 7, 2024	

TAB 1



Minutes

Supreme Court's Advisory Committee on the Utah Rules of Appellate Procedure

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

In Person and by WebEx Videoconference
Thursday, February 1, 2024
12:00 pm to 1:30 pm

PRESENT

Emily Adams
Christopher Ballard—Chair
Troy Booher—
Emeritus Member
Judge Michele
Christiansen Forster
Lisa Collins
Carol Funk
Amber Griffith—Staff
Michael Judd—Recording
Secretary

Debra Nelson
Judge Gregory Orme
Tera Peterson
Stanford Purser
Michelle Quist
Clark Sabey
Nathalie Skibine—
Vice Chair
Scarlet Smith
Nick Stiles—Staff
Mary Westby

EXCUSED

None

1. Action:

Chris Ballard

Approval of December 2023 Minutes

The committee reviewed the December minutes and identified a needed correction in Section 3.

After that review, Mary Westby moved to approve the December 2023 minutes as amended, as they appeared in the committee's materials. Judge Michele Christiansen Forster seconded that motion, and it passed without objection by unanimous consent.

2. **Action:** **Chris Ballard**
Final Approval of Rules 11, 22, and 52

With respect to Rule 11, the committee reviewed a public comment related to exhibits on appeal but concluded that the language in the proposed amendment remains the best approach, as in the committee’s view, both considered *and offered* exhibits should be included in the scope of Rule 11.

Following that discussion, Ms. Westby moved to approve the three rules and Stan Purser seconded. The motion passed without objection by unanimous consent.

3. **Action:** **Mary Westby**
Rule 10

The proposed change to Rule 10 had been considered previously as an amendment to Rule 4, but the committee believes the amendment fits better within Rule 10. The intent of the amendment is to allow the appellate courts—likely through staff attorneys—to dismiss appeals for failure to prosecute. The committee discussed the interaction between the draft Rule 10 and the existing provisions of Rule 58A of the Utah Rules of Civil Procedure. The committee also discussed stylistic and ordering changes.

Following that discussion, Emily Adams moved to approve the amendments to Rule 10 as they appeared on the screen at the committee’s meeting, subject to certain future adjustments to the numbering and format. Ms. Westby seconded that motion, and it passed without objection by unanimous consent.

4. **Action:** **Mary Westby**
Rule 57

The proposed amendment to Rule 57 is intended to better align the process for child-welfare appeals with the process for other appeals. The committee worked to revise language for clarity.

Following that discussion, Judge Christiansen Forster moved to approve the amendments to Rule 57 as they appeared on the screen at the committee’s meeting. Mr. Purser seconded that motion, and it passed without objection by unanimous consent.

5. **Discussion:** **Nick Stiles**
Appellate Court Disqualification

The committee returned to the concept of an appellate-court disqualification rule, building on a prior draft and prior concepts. Nick Stiles agreed to take the lead, in consultation with several other committee members, on assembling a new draft of a proposed rule.

6. **Discussion:** **Chris Ballard**
Items Referred by the Supreme Court **Nathalie Skibine**

The committee discussed several teams and subcommittees to handle the initial stages of planning and drafting associated with several items referred by the Supreme Court:

Rule 23(b)—Child Welfare. Tera Peterson, Debra Nelson, and Ms. Westby will lead, seeking input from other governmental child-welfare specialists as appropriate.

Rule 3. Mr. Purser will lead.

A rule regarding retention. Clark Sabey, Michelle Quist, and Judge Christiansen Forster will lead.

Rule 23C—Standard. Mr. Sabey, Ms. Westby, and Troy Booher will lead.

7. **Discussion:** **Chris Ballard**
Additional Old/New Business

None.

8. **Adjourn** **Chris Ballard**

Following the business described above, Judge Greg Orme moved to adjourn, and Ms. Westby seconded. The committee adjourned. The committee's next meeting will take place in March 2024.

TAB 2

Public Comments

One thought on “Rules of Appellate Procedure – Comment Period Closed February 17, 2024”

1. **J. Bogart**

[January 4, 2024 at 9:04 am](#)

Why the 7 megabyte limit on pdf size in 21(a)(1)?

1 **Rule 3. Appeal as of right - how taken.**

2 (a) **Filing the notice of appeal.**

3 (1) Except as otherwise provided by law, a party may appeal a final order or judgment
4 from a district or juvenile court to the appellate court by filing a notice of appeal with
5 the trial court clerk within the time allowed by [Rule 4](#).

6 (2) An appellant's failure to take any step other than timely filing a notice of appeal
7 does not affect the validity of the appeal, but is ground only for the appellate court to
8 act as it considers appropriate, including dismissing the appeal or other sanctions
9 short of dismissal, and awarding attorney fees.

10 (b) **Joint or consolidated appeals.** If two or more parties are entitled to appeal from a
11 judgment or order and their interests are such as to make joinder practicable, they may
12 file a joint notice of appeal or may join in an appeal of another party after filing separate
13 timely notices of appeal. Joint appeals may proceed as a single appeal with a single
14 appellant. Individual appeals may be consolidated by order of the appellate court upon
15 its own motion or upon motion of a party, or by stipulation of the parties to the separate
16 appeals.

17 (c) **Party Designation.** The party taking the appeal is known as the appellant and the
18 adverse party as the appellee. Unless otherwise directed by the appellate court, the
19 appeal will not change the title of the action or proceeding. For original proceedings in
20 the appellate court, the party making the original application is known as the petitioner
21 and any other party as the respondent.

22 (d) **Notice of appeal contents.** The notice of appeal must:

23 (1) specify the party or parties taking the appeal;

24 (2) designate the judgment, order, or part thereof being appealed;

25 (3) name the court from which the appeal is taken; and

26 (4) name the court to which the appeal is taken.

27 (e) **Serving the notice of appeal.** The appellant must serve the notice of appeal on each
28 party to the judgment or order in accordance with the requirements of the court from
29 which the appeal is taken. If counsel of record is served, the certificate of service must
30 include the name of the party represented by that counsel.

31 (f) **Filing fee in civil appeals.** When filing any notice of separate, joint, or cross appeal in
32 a civil case, the party taking the appeal or cross appeal must, [pursuant to ~~Rule 21~~](#), pay
33 the filing fee established by law to the trial court clerk, [unless waived by the trial court](#).
34 The trial court clerk must accept a notice of appeal regardless of whether the filing fee
35 has been paid. ~~Failure to pay the filing fee within a reasonable time may result in~~
36 ~~dismissal.~~

37 (g) **Docketing of appeal.**

38 (1) **Transmitting notice of appeal to the appellate court.** After an appellant files the
39 notice of appeal, the trial court clerk must immediately email a copy of the notice of
40 appeal to the appellate court clerk. The email will include:

41 (A) the date the notice of appeal was filed, and

42 (B) the clerk's statement declaring whether the filing fee was paid and whether the
43 cost bond required by [Rule 6](#) was filed.

44 (2) **Docketing the appeal.** Upon receiving the copy of the notice of appeal from the
45 trial court clerk, the appellate court clerk will enter the appeal on the docket. An
46 appeal will be docketed under the title given to the action in the trial court, with the
47 appellant identified as such, but if the title does not contain the name of the appellant,
48 such name will be added to the title.

1 **Rule 5. Discretionary appeals from interlocutory orders.**

2 (a) **Petition for permission to appeal.** Any party may seek an appeal from an
3 interlocutory order by filing a petition for permission to appeal from the interlocutory
4 order with the appellate court with jurisdiction over the case. The petition must be filed
5 and served on all other parties to the action within 21 days after the entry of the trial
6 court's order. If the trial court enters an order on a Saturday, Sunday, or legal holiday,
7 the date of entry will be deemed to be the first day following the trial court's entry that is
8 not a Saturday, Sunday, or legal holiday. A timely appeal from an order certified under
9 Rule [54\(b\)](#), Utah Rules of Civil Procedure, that the appellate court determines is not final
10 may, in the appellate court's discretion, be considered by the appellate court as a petition
11 for permission to appeal an interlocutory order. The appellate court may direct the
12 appellant to file a petition that conforms to the requirements of paragraph (c) of this rule.

13 (b) **Fees and filing of petition.** The petitioner must file the petition with the appellate
14 court clerk ~~and pay the fee required by statute and, pursuant to Rule 21, pay the fee~~
15 ~~required by law, unless waived by the appellate court. at the time of electronic filing or~~
16 ~~within seven days of filing by email, mail, or in person.~~ The petitioner must serve the
17 petition on the opposing party and notice of the filing of the petition on the trial court. If
18 the appellate court issues an order granting permission to appeal, the appellate court
19 clerk will immediately give notice of the order to the respective parties and will transmit
20 the order to the trial court where the order will be filed instead of a notice of appeal.

21 (c) **Content of petition.**

22 (1) The petition must contain:

23 (A) A concise statement of facts material to a consideration of the issue presented
24 and the order sought to be reviewed;

25 (B) The issue presented expressed in the terms and circumstances of the case but
26 without unnecessary detail, and a demonstration that the issue was preserved in

27 the trial court. Petitioner must state the applicable standard of appellate review
28 and cite supporting authority;

29 (C) A statement of the reasons why an immediate interlocutory appeal should be
30 permitted, including a concise analysis of the statutes, rules or cases believed to be
31 determinative of the issue stated; and

32 (D) A statement of the reason why the appeal may materially advance the
33 termination of the litigation.

34 (2) If the petition is subject to assignment by the Supreme Court to the Court of
35 Appeals, the phrase “Subject to assignment to the Court of Appeals” must appear
36 immediately under the title of the document, i.e. Petition for Permission to Appeal.
37 Petitioner may then set forth in the petition a concise statement why the Supreme
38 Court should decide the case.

39 (3) The petitioner must attach a copy of the trial court’s order from which an appeal
40 is sought and any related findings of fact and conclusions of law and opinion. Other
41 documents that may be relevant to determining whether to grant permission to appeal
42 may be referenced by identifying trial court docket entries of the documents.

43 (d) **Page limitation.** A petition for permission to appeal must not exceed 20 pages,
44 excluding table of contents, if any, and the addenda.

45 (e) **Service in criminal and juvenile delinquency cases.** Any petition filed by a
46 defendant in a criminal case originally charged as a felony or by a juvenile in a
47 delinquency proceeding must be served on the Criminal Appeals Division of the Office
48 of the Utah Attorney General.

49 (f) **Response; no reply.** No petition will be granted in the absence of a request by the court
50 for a response. No response to a petition for permission to appeal will be received unless
51 requested by the court. Within 14 days after an order requesting a response, any other
52 party may oppose or concur with the petition. Any response to a petition for permission
53 to appeal is subject to the same page limitation set out in paragraph (d) and must be filed

54 in the appellate court. The respondent must serve the response on the petitioner. The
55 petition and any response will be submitted without oral argument unless otherwise
56 ordered. No reply in support of a petition for permission to appeal will be permitted
57 unless requested by the court.

58 (g) **Grant of permission.** An appeal from an interlocutory order may be granted only if
59 it appears that the order involves substantial rights and may materially affect the final
60 decision or that a determination of the correctness of the order before final judgment will
61 better serve the administration and interests of justice. The order permitting the appeal
62 may set forth the particular issue or point of law that will be considered and may be on
63 such terms, including requiring a bond for costs and damages, as the appellate court may
64 determine. The appellate court clerk will immediately give the parties and trial court
65 notice of any order granting or denying the petition. If the petition is granted, the appeal
66 will be deemed to have been filed and docketed by the granting of the petition. All
67 proceedings after the petition is granted will be as and within the time required, for
68 appeals from final judgments except that no docketing statement under Rule [9](#) is required
69 unless the court otherwise orders, and no cross-appeal may be filed under Rule [4\(d\)](#).

70 (h) **Stays pending interlocutory review.** The appellate court will not consider an
71 application for a stay pending disposition of an interlocutory appeal until the petitioner
72 has filed a petition for interlocutory appeal.

73 (i) **Cross-petitions not permitted.** A cross-petition for permission to appeal a non-final
74 order is not permitted by this rule. All parties seeking to appeal from an interlocutory
75 order must comply with paragraph (a) of this rule.

76 (j) **Record.** If the petition is granted, the trial court will prepare and transmit the record
77 under Rule [11](#) or [12](#). Any transcript(s) must be ordered in compliance with Rule [11](#).

78 *Effective: 11/1/2023*

1 **Rule 14. Review of administrative orders: how obtained; intervention.**

2 (a) **Petition for review of order; joint petition.** When a statute provides for judicial
3 review by or appeal to the Supreme Court or the Court of Appeals of an order or decision
4 of an administrative agency, board, commission, committee, or officer (hereinafter the
5 term “agency” ~~shall~~ includes agency, board, commission, committee, or officer), a party
6 seeking review must file a petition for review with the ~~clerk of the~~ appellate court clerk
7 within the time prescribed by statute, or if there is no time prescribed, then within 30
8 days after the date of the written decision or order. The petition must specify the parties
9 seeking review and must designate the respondent(s) and the order or decision, or part
10 thereof, to be reviewed. In each case, the agency must be named respondent. The State of
11 Utah is a respondent if required by statute, even if not designated in the petition. If two
12 or more persons are entitled to petition for review of the same order and their interests
13 are such as to make joinder practicable, they may file a joint petition for review and may
14 thereafter proceed as a single petitioner. The agency must electronically file the record
15 within 210 days of the request of the appellate courts.

16 (b) **Filing fees.** ~~At the time of filing any petition for review or cross-petition for review,~~
17 ~~the~~The petitioner or cross-petitioner must, pursuant to Rule 21, pay the filing fee
18 established by law, unless waived by the appellate court. ~~The appellate court clerk must~~
19 ~~accept the petition or cross-petition for review regardless of whether the filing fee has~~
20 ~~been paid. Failure to pay the required filing fee within seven days may result in dismissal~~
21 ~~of the petition or cross-petition. If a petition or cross-petition for review is filed by email,~~
22 ~~by mail, or in person without payment of the filing fee, the required filing fee must be~~
23 ~~paid within seven days or the petition or cross-petition may be dismissed.~~

24 (c) **Service of petition.** The petitioner must serve the petition on the respondents and all
25 parties to the proceeding before the agency in a manner provided by Rule 21.

26 (d) **Intervention.** Any person may file with the ~~clerk of the~~ appellate court clerk a motion
27 to intervene. The motion must contain a concise statement of the interest of the moving

Commented [AG1]: This needs to be changed to remove the requirement that agencies e-file the record.

28 party and the grounds on which intervention is sought. A motion to intervene must be
29 filed within 40 days of the date on which the petition for review is filed.

30 (e) **Additional or Cross-Petition.** If a timely petition for review is filed by any party, any
31 other party may file a petition for review within 14 days after the date on which the first
32 petition for review was filed, or within the time otherwise prescribed by paragraph (a) of
33 this rule, whichever period last expires.

34 *Effective: 11/1/2023*

1 **Rule 19. Extraordinary relief.**

2 (a) **Petition for extraordinary relief.** When no other plain, speedy, or adequate remedy
3 is available, a person may petition an appellate court for extraordinary relief referred to
4 in [Rule 65B](#) of the Utah Rules of Civil Procedure.

5 (b) **Respondents.** The person or entity against whom relief is sought and all parties in
6 any related district court or agency action other than the petitioner are deemed
7 respondents for all purposes.

8 (c) **Filing and service.** The petition must be filed with the appellate [court](#) clerk and served
9 on the respondent(s). In the event of an original petition in the appellate court where no
10 action is pending in the district court or agency, the petition also must be served on all
11 persons or entities whose interests might be substantially affected.

12 (d) **Filing fee.** The petitioner must, [pursuant to ~~Rule 21~~](#), pay the prescribed filing fee ~~at~~
13 ~~the time of filing~~ [to the appellate court clerk](#), unless waived by the court.

14 (e) **Contents of petition.** A petition for extraordinary relief must contain the following:

15 (1) a list of all respondents against whom relief is sought, and all others persons or
16 entities, by name or by class, whose interests might be substantially affected;

17 (2) a statement of the issues presented and of the relief sought;

18 (3) a statement of the facts necessary to understand the issues presented by the
19 petition;

20 (4) a statement of the reasons why no other plain, speedy, or adequate remedy exists
21 and why the relief should be granted;

22 (5) when the subject of the petition is an interlocutory order, a statement explaining
23 whether a petition for interlocutory appeal has been filed and, if so, summarize its
24 status or, if not, why interlocutory appeal is not a plain, speedy, or adequate remedy;

25 (6) except in cases where the petition is directed to a district court, a statement
26 explaining why it is impractical or inappropriate to file the petition in the district
27 court;

28 (7) a discussion of points and authorities in support of the petition; and

29 (8) copies of any order or opinion or parts of the record that may be essential to
30 understand the matters set forth in the petition.

31 (f) **Emergency relief.** When emergency relief is sought, the petitioner must file a separate
32 motion pursuant to [Rule 23C](#) explaining why emergency relief is requested. Any
33 response to a motion filed under [Rule 23C](#) is governed by that rule and is separate from
34 any response to a petition filed under Rule 19.

35 (g) **Response.** No petition will be granted in the absence of a request by the court for a
36 response. No response to a petition will be received unless requested by the court.

37 (1) **Timing.** If requested, a respondent may file a response within 30 days of the court's
38 request or within such other time as the court orders.

39 (2) **Joint Response.** Two or more respondents may respond jointly.

40 (3) **Contents.** The response must include, or respond to, as appropriate, the items in
41 paragraph (e).

42 (4) **Notice of non-participation.** If any respondent does not desire to appear in the
43 proceedings or file a response, that respondent may advise the appellate court clerk
44 and all parties by letter, but the allegations of the petition will not thereby be deemed
45 admitted.

46 (h) **Reply.** The petitioner may file a reply within 14 days after service of the response. A
47 reply must be limited to responding to the facts and arguments raised in the response.

48 (i) **Page and word limits.** A petition or response may not exceed 20 pages or 7,000 words.
49 A reply may not exceed 10 pages or 3,500 words. Headings, footnotes, and quotations

50 count toward the page or word limit, but the cover page or caption, any table of contents
51 or authorities, signature block, certificates, and any attachments do not.

52 (j) **Certificate of compliance.** A petition, response, and reply must include the filer's
53 certification that the document complies with:

54 (1) paragraph (i), governing the number of pages or words (the filer may rely on the
55 word count of the word processing system used to prepare the document); and

56 (2) [Rule 21](#)~~(h)~~, governing filings containing non-public information.

57 (k) **Review and disposition of petition.**

58 (1) The court may deny a petition without a response. Where a response has been
59 called for, the court will render a decision based on the petition and any timely
60 response and reply, or it may require briefing or request further information, and may
61 hold oral argument at its discretion.

62 (2) If the court determines that the petition was not appropriately filed in the appellate
63 court, the court will refer the petition to the appropriate district court. Any review of
64 the district court's decision on the petition must be pursued by appeal rather than a
65 refiling of the petition.

66 (3) A single judge or justice may deny the petition if it is frivolous on its face or fails
67 to materially comply with the requirements of this rule or [Rule 65B](#) of the Utah Rules
68 of Civil Procedure. A petition's denial by a single judge or justice may be reviewed by
69 the appellate court upon specific request filed within seven days of notice of
70 disposition, but such request may not include any additional argument or briefing.

71 (l) **Transmission of record.** In reviewing a petition for extraordinary relief, the appellate
72 court may order transmission of the record, or any relevant portion thereof.

73 (m) **Issuing an extraordinary writ on the court's motion.**

74 (1) The appellate court, in aid of its own jurisdiction in extraordinary cases, may on
75 its own motion issue a writ directed to a judge, agency, person, or entity.

76 (2) A copy of the writ will be served on the named respondents in the manner and by
77 an individual authorized to accomplish personal service under [Rule 4](#) of the Utah
78 Rules of Civil Procedure. In addition, copies of the writ must be transmitted by the
79 appellate court clerk, by the most direct means available, to all persons or associations
80 whose interests might be substantially affected by the writ.

81 (3) The respondent and the persons or entities whose interests are substantially
82 affected may, within four days of the writ's issuance, petition the court to dissolve or
83 amend the writ. The petition must be accompanied by a concise statement of the
84 reasons for dissolving or amending the writ.

85 ~~Effective May 1, 2023~~

86 **Advisory Committee Note**

87 The Utah Constitution enshrines the right to a writ of habeas corpus. Utah Const., art. I,
88 sec. 5; art. VIII, sec. 3; art. VIII, sec. 5. The Appellate Rules Committee recommended
89 repealing Rule 20 (Habeas Corpus Proceedings) because it was duplicative of Rule 19
90 (Extraordinary Relief) and potentially caused incarcerated individuals to forgo filing a
91 petition under the Post-Conviction Remedies Act (Utah Code Title 78B, Chapter 9). The
92 repeal is not intended to substantively affect a defendant's right to a writ of habeas
93 corpus. Rule 19 of the Utah Rules of Appellate Procedure and [Rules 65B](#) and [65C](#) of the
94 Utah Rules of Civil Procedure govern habeas corpus proceedings.

95 *Adopted May 1, 2023*

1 **Rule 48. Time for petitioning.**

2 (a) **Timeliness of petition.** A petition for a writ of certiorari must be filed with the
3 Supreme Court clerk within 30 days after the Court of Appeals' final decision is issued,
4 and not from the date the remittitur is issued. ~~The docket fee must be paid when the~~
5 ~~petition is filed,~~ Pursuant to ~~Rule 21,~~ the filing fee must be paid to the appellate court
6 clerk, unless waived by the court.

7 (b) **Rejection of petition.** The clerk will reject any petition for a writ of certiorari not
8 timely filed ~~or accompanied by the docket fee.~~

9 (c) **Effect of petition for rehearing.** If a petition for rehearing that complies with Rule
10 35(a) is timely filed by any party, the time for filing the petition for a writ of certiorari for
11 all parties runs from the date the petition for rehearing is denied or a subsequent decision
12 on the rehearing is issued. A request filed under Rule 35(b) does not affect the time for
13 filing a petition for a writ of certiorari, unless the Court of Appeals treats the request as a
14 petition for rehearing under Rule 35(a).

15 (d) **Time for cross-petition.**

16 (1) A cross-petition for a writ of certiorari must be filed:

17 (A) within the time provided in either paragraphs (a) or (c) of this rule; or

18 (B) within 30 days of the filing of the petition for a writ of certiorari.

19 (2) Any cross-petition that is timely only under paragraph (d)(1)(B) will not be granted
20 unless a timely petition for a writ of certiorari of another party to the case is granted.

21 (3) ~~The docket fee must be paid when the cross-petition is filed. The clerk will reject~~
22 ~~any cross-petition not accompanied,~~ Pursuant to ~~Rule 21,~~ the filing fee must be paid
23 to the appellate court clerk, unless waived by the ~~docket fee.~~ court.

24 (4) A cross-petition for a writ of certiorari may not be joined with any other filing. The
25 clerk will reject any filing so joined.

26 (e) **Time extensions.**

27 (1) Before the time prescribed by paragraph (a) or (c) expires, the Supreme Court will
28 grant a party's request to extend the time for filing a petition or cross-petition, not to
29 exceed 30 days past the prescribed time.

30 (2) Within 30 days after the time prescribed by paragraph (a) or (c) expires, a party
31 may file a motion to extend the time for filing a petition or cross-petition. The Supreme
32 Court will grant the motion only upon a showing of good cause or excusable neglect.
33 No extension may exceed 30 days past the prescribed time or 14 days from the date
34 the order granting the motion is entered, whichever occurs later, and no more than
35 one extension will be granted. The Supreme Court may rule at any time after the
36 motion is filed.

37 | *Effective ~~November 1, 2020~~*

1 **Rule 21. Filing and service.**

2 (a) **Filing.** ~~A document may be filed by email, by mail, or in person.~~ Documents required
3 or permitted to be filed by these rules must be filed with the appellate [court](#) clerk.

4 (1) How to file. The appellate courts are transitioning to an e-filing system. Before
5 August 1, 2024, a~~A~~ document may be filed by submitting it through the appellate e-
6 ~~lectronic~~-filing system, by email, mail, or in person. Effective August 1, 2024, all
7 licensed attorneys must file through the appellate e-filing system. Unrepresented
8 parties may continue to file by email, mail, or in person. If ~~electronically~~-filed or
9 emailed, a document must be in a searchable PDF format of no more than ~~7seven~~25
10 megabytes. Large PDF documents must be divided into 7seven megabyte files.
11 Documents filed by email in the Supreme Court must be sent
12 to supremecourt@utcourts.gov. Documents filed by email in the Court of Appeals
13 must be sent to courtofappeals@utcourts.gov.

14 (2) Timing. Except as provided in paragraph (g):

15 ~~(A1)~~ Documents other than briefs are timely:

16 ~~(iA)~~ if received by ~~electronic~~-filing or email to the appropriate court by 11:59
17 p.m. ~~on~~f the due date; or

18 ~~(iiB)~~ if received by mail or hand delivery to the Appellate Clerks' Office before
19 5 p.m. ~~on~~f the due date.

20 ~~(B2)~~ Briefs are timely:

21 ~~(iA)~~ if received by ~~electronic~~-filing or email to the appropriate court by 11:59
22 p.m. ~~on~~f the due date;

23 ~~(iiB)~~ if postmarked by the due date; or

24 ~~(iiiC)~~ if received by hand delivery to the Appellate Clerks' Office before 5 p.m.
25 ~~on~~f the due date.

26 (b) **Filing Fees.** If a statute or rule establishes a fee for the filing, the party must pay the
27 fee to the appellate court clerk no more than ~~7~~seven days after the filing, or the filing
28 may be stricken. If a party elects to e-file electronically, the party must pay the filing fee
29 at the time of e-filing through the appellate electronic filing system.

30 (c) **Service of all documents required.** All documents filed with the appellate court must,
31 at or before the time of filing, be served on all other parties to the appeal or review. Service
32 on a party represented by counsel must be made on counsel of record, or, if the party is
33 not represented by counsel, on the party at the last known address or email address
34 provided to the appellate court. Any document required by these rules to be served on a
35 party must be filed with the court and accompanied by proof of service.

36 (d) **Manner of service.** Service may be personal, by electronic-filing, by mail, or by email.
37 Personal service includes delivery of the copy to a clerk or other responsible person at the
38 office of counsel. Service by mail or email is complete on mailing or emailing. Service by
39 electronic-filing is complete on -acceptance by the electronic-filing system.

40 (e) **Proof of service.** Documents filed through the e-filing system need not include a
41 certificate or acknowledgement of service if all parties have contact information in the e-
42 filing system. All other ~~D~~documents presented for filing must contain an
43 acknowledgment of service by the person served or a certificate of service in the form of
44 a statement of the date and manner of service, the names of the persons served, and the
45 addresses at which they were served. The certificate of service may appear on or be
46 affixed to the documents filed. If counsel of record is served, the certificate of service must
47 designate the name of the party represented by that counsel. ~~Electronically filed~~
48 ~~documents do not need to contain a certificate or acknowledgement of service if all~~
49 ~~parties have contact information in the electronic filing system.~~

50 (f) **Signature.** All documents filed in the appellate court must be signed by counsel of
51 record or by a party who is not represented by counsel. For documents electronically-
52 filed, or filed by email, the documents may be electronically signed as follows: /s/ name
53 of unrepresented party or name of counsel of record.

54 (g) **Filing by inmate.**

55 (1) For purposes of this paragraph (g), an inmate is a person confined to an institution
56 or committed to a place of legal confinement.

57 (2) Documents filed by an inmate are timely filed if they are deposited in the
58 institution's internal mail system on or before the due date. Timely filing may be
59 shown by a contemporaneously filed notarized statement or written declaration
60 setting forth the date of deposit and stating that first-class postage has been, or is
61 being, prepaid, or that the inmate has complied with any applicable requirements for
62 legal mail set by the institution. Response time will be calculated from the date the
63 documents are received by the court.

64 (h) **Filings containing other than public information and records.** If a filing, including
65 an addendum, contains non-public information, the filer must also file a version with all
66 such information removed. Non-public information means information classified as
67 private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court
68 social, or any other information to which the right of public access is restricted by statute,
69 rule, order, or case law.

70 *Effective: 2/19/2020*

71

72 **Advisory Committee Note**

73 Court records are public unless otherwise classified as private, controlled, protected,
74 safeguarded, sealed, juvenile court legal, or juvenile court social by the Utah Code of
75 Judicial Administration. The right of public access may be restricted by statute (including
76 the Government Records Access and Management Act), rule, case law, or court order. If
77 a filing contains information or records that are not public, the filer must file an
78 unredacted version for the court and a version for the public that does not contain the
79 nonpublic information.

80 Note *Adopted 2020*

1 **Rule 26. Filing and serving briefs.**

2 (a) **Time to file and serve briefs.** The appellant must file and serve a principal brief
3 within 40 days after date of notice from the appellate court clerk pursuant to Rule 13. If a
4 motion for summary disposition of the appeal or a motion to remand for determination
5 of ineffective assistance of counsel is filed after the Rule 13 briefing notice is sent, an
6 appellant's principal brief must be filed and served within 30 days from the denial of
7 such motion. The appellee, or in cases involving a cross-appeal, the cross-appellant, must
8 file and serve a principal brief within 30 days after service of the appellant's principal
9 brief. In cases involving cross-appeals, the appellant must file and serve the appellant's
10 reply brief described in Rule 24A(d) within 30 days after service of the cross-appellant's
11 principal brief. A reply brief may be filed and served by the appellant or the cross-
12 appellant in cases involving cross-appeals. If a reply brief is filed, it must be filed and
13 served within 30 days after the filing and service of the appellee's principal brief or the
14 appellant's reply brief in cases involving cross-appeals. If oral argument is scheduled
15 fewer than 35 days after the filing of appellee's principal brief, the reply brief must be
16 filed at least ~~5~~five days prior to oral argument. By stipulation filed with the court in
17 accordance with Rule 21(a), the parties may extend each of such periods for no more than
18 30 days. A motion for enlargement of time need not accompany the stipulation. No such
19 stipulation will be effective unless it is filed prior to the expiration of the period sought
20 to be extended.

21 (b) **Number of copies.** For matters pending in the Supreme Court, eight paper copies of
22 each brief, one of which shall contain an original signature, must be filed with the
23 Supreme Court Clerk. For matters pending in the Court of Appeals, six paper copies of
24 each brief, one of which shall contain an original signature, must be filed with the Court
25 of Appeals Clerk. If a brief was ~~electronically-filed or~~ filed by email, the required paper
26 copies of the brief must be delivered no more than seven days after filing. If a brief is
27 served by ~~electronic-filing or~~ email, upon request two paper copies must be delivered to
28 counsel for each party separately requesting paper copies.

29 (c) **Consequence of failing to file principal briefs.** If an appellant fails to file a principal
30 brief within the time provided in this rule, or within the time as may be extended by order
31 of the appellate court, an appellee may move for dismissal of the appeal. If an appellee
32 fails to file a principal brief within the time provided by this rule, or within the time as
33 may be extended by appellate court order, an appellant may move that the appellee not
34 be heard at oral argument.

35 (d) **Return of record to the clerk.** ~~Each party, upon filing its brief, must return the any~~
36 ~~physical records and exhibits to the court clerk having custody pursuant to these rules.~~ If
37 a party checks out the physical record from the appellate court clerk, then that party must
38 return the physical record and all exhibits to the clerk when that party files its brief.

39 *Effective: 2/19/2020*

1 **Rule 27. Form of briefs, motions, and other documents.**

2 (a) **Form of briefs, motions, and other documents.** Except as otherwise provided in this
3 rule or by leave of court, all briefs, motions, and other documents must comply with the
4 following standards:

5 (1) **Size, line spacing, and margins.** All documents must be prepared on 8½ by 11
6 inch sized paper. The text must be double spaced, except for matter customarily single
7 spaced and indented. Margins must be at least one inch on all sides. Page numbers
8 are required and may appear in the margins.

9 (2) **Typeface.** The type must be a plain, roman style with serifs. Italics or boldface may
10 be used for emphasis. Cited case names must be italicized or underlined.

11 (3) **Typesize.** The typeface must be 13-point or larger for both text and footnotes.

12 (b) **Documents submitted by unrepresented parties.** An unrepresented party who does
13 not have access to a word-processing system must file typewritten or legibly handwritten
14 briefs, motions, and other appellate documents. An unrepresented party must sign any
15 document filed with the court. These documents must otherwise comply with the form
16 requirements of this rule, and, if applicable, Rules 24 and 24A.

17 (c) **Caption** Cover page for briefs on the merits and petitions. ~~The cover of each brief or~~
18 ~~the first page of any other document must contain a caption that includes the following~~
19 ~~information:~~

20 (1) Caption. ~~For briefs on the merits and petitions:~~ The cover of each brief or the first
21 page of a petition must contain a caption that includes the following information:

22 (A) the number of the case in the appellate court (if available);

23 (B) the name of the appellate court;

24 (C) the full title given to the case in the court or agency from which the appeal
25 was taken, as modified under Rule 3(g);

26 (D) the designation of the parties both as they appeared in the lower court or
27 agency from which the appeal is taken and as they appear in the appellate
28 proceeding;

29 (E) the title or description of the document (e.g., Brief of Appellant, Petition for
30 Permission to File Interlocutory Appeal, Petition for Rehearing, Petition for
31 Extraordinary Relief);

32 (F) the nature of the proceeding in the appellate court (e.g., Appeal, Petition for
33 Review) if not apparent from the title or description of the document; and (e.g.,
34 Direct Appeal, Interlocutory Appeal, Petition for Review);

35 (G) the name of the court and judge, agency, or board below from which the appeal
36 is taken and the case or proceeding number.; and

37 (2H) eCounsel or unrepresented party information. The identifying and contact
38 information of the counsel or unrepresented party filing the document must appear
39 on the bottom half in the lower right -corner of the cover page. The party or counsel
40 filing the document must appear in the lower right of the cover. and opposing counsel
41 or party in the lower left of the cover.

42 (Ai) eCounsel's information must include counsel's: their

43 (i) counsel's name;;

44 (ii) the Utah State Bar number of the filing counsel;;

45 (iii) counsel's mailing address;;

46 (iv) the email address of the filing counsel;;

47 (v) counsel's telephone number;; and

48 (vi) and a designation as indicating the party counsel represents in the appeal
49 (e.g., eCounsel for Aappellant, pPetitioner, aAppellee, or rRespondent, as the
50 case may be)., or

- 51 ~~(iiB) a~~An unrepresented party's information must ~~list~~include the party's:
- 52 (i) ~~their~~ name;
- 53 (ii) mailing address;
- 54 (iii) email address (if any); ~~and~~
- 55 (iv) telephone number (if any); ~~and~~
- 56 (v) a ~~designation as~~ statement identifying the party's designation in the appeal
- 57 (e.g., ~~the a~~Appellant, ~~p~~Petitioner, ~~a~~Appellee, or ~~r~~Respondent, ~~as the case may~~
- 58 ~~be~~).

59 ~~(12d) First page For of m~~Motions and ~~other~~ appellate documents ~~besides~~other than

60 ~~briefs and petitions.~~Case and document information:

61 1. Caption. The first page of a motion or appellate document other than a brief or

62 petition must include a caption with the following information:

63 (A) the number of the case in the appellate court (if available);

64 (B) the name of the appellate court;

65 (C) the full title given to the case in the court or agency from which the appeal

66 was taken, as modified under Rule 3(g);

67 (D) the designation of the parties both as they appeared in the ~~lower~~ court or

68 agency from which the appeal is taken and as they appear in the appellate

69 proceeding; and

70 (E) the title or description of the document (e.g., Motion to Dismiss, Docketing

71 Statement, Stipulation, Motion to Extend Time, Notice); ~~and (A) full title given to~~

72 ~~the case in the court or agency from which the appeal was taken, as modified~~

73 ~~under Rule 3(g),~~

74 2. Counsel or unrepresented party information. The identifying and contact
75 information of the counsel or unrepresented party filing the document must appear
76 in the upper left corner of the first page.

77 ~~(F) counsel or party information in the upper left hand corner, including(B) the~~
78 ~~designation of the parties both as they appeared in the lower court or agency and~~
79 ~~as they appear in the appeal~~

80 ~~(i) counsel's (C) the name of the appellate court;~~

81 ~~(D) the number of the case in the appellate court opposite the case title;~~

82 ~~(E) the title or description of the document (e.g., Brief of Appellant, Petition for~~
83 ~~Rehearing, Motion to Dismiss);~~

84 ~~(F) the nature of the proceeding in the appellate court (e.g., Appeal, Petition for~~
85 ~~Review, Extraordinary Writ);~~

86 ~~(G) the name of the court and judge, agency, or board below.~~

87 ~~(2) For motions and other appellate documents, counsel or party information~~
88 ~~in the upper left hand corner, including:~~

89 ~~(A)~~ (A) Counsel's information must include counsel's:

90 (i) counsel's name;

91 (ii) the Utah State Bar number of the filing counsel;

92 (iii) counsel's mailing address;

93 (iv) the email address of the filing counsel;

94 (v) counsel's telephone number; ~~Utah State Bar number,~~ and

95 (vi) a designation indicating which party counsel represents in the appeal (e.g.,
96 designation as attorney ~~Counsel~~ for a ~~P~~ Appellant, p ~~P~~ Petitioner, a ~~A~~ Appellee, or
97 r ~~R~~ Respondent). ~~, as the case may be, or~~

98 ~~(B) A~~
99 ~~(B) (ii) a~~ An unrepresented party's information must include the party's:
100 ~~(i) must list the party's~~ name;
101 ~~(ii) mailing~~ address;
102 ~~(iii) email address (if any); and~~
103 ~~(iv) telephone number (if any); and~~
104 ~~(v) a designation~~ statement identifying the party's designation in the appeal
105 ~~(e.g., as the aAppellant, pPetitioner, aAppellee, or rRespondent); as the case~~
106 ~~may be.~~

107 ~~(3) For briefs on the merits, the names of all counsel for the respective parties must~~
108 ~~appear on the bottom half of the cover page. The party filing the document must~~
109 ~~appear in the lower right and opposing counsel in the lower left of the cover.~~

110 (d) **Additional requirements for briefs on the merits.**

111 (1) **Form of submission. Binding.** ~~Briefs must be printed on both sides of the page,~~
112 ~~and securely bound on the left margin with a compact type binding so as not unduly~~
113 ~~to increase the thickness of the brief along the bound side. Coiled plastic and spiral-~~
114 ~~type bindings are not acceptable.~~ Hard copies of the briefs must be submitted on 20 lb.
115 bond standard paper. Except for the cover page, briefs must be printed double sided.
116 Briefs must not be stapled or bound along the left edge, but must be secured with a
117 binder clip.

118 (2) **Color of cover page.** ~~The cover page of appellant's opening brief must be blue; that~~
119 ~~of appellee, red; that of intervenor, guardian ad litem, or amicus curiae, green; that of~~
120 ~~any reply brief, or in cases involving a cross appeal, the appellant's second brief, gray.~~
121 ~~The cover page a brief or petition must be of heavy card stock.~~ There must be adequate
122 contrast between the printing and the color of the cover page. The color of the cover
123 page must be as follows:

<u>Document</u>	<u>Cover Page Color</u>
<u>Opening Brief of Appellant or Petitioner</u>	<u>Blue</u>
<u>Brief of Appellee or Respondent</u>	<u>Red</u>
<u>Brief of Intervenor, Guardian ad Litem, or Amicus Curiae</u>	<u>Green</u>
<u>Reply Brief</u>	<u>Gray</u>
<u>Appellant's or Petitioner's Second Brief in a Case Involving a Cross-Appeal or Cross-Petition</u>	<u>Gray</u>

124

125 (3) **Criminal appeals.** In criminal cases, the cover of the defendant's brief must also
 126 state whether the defendant is presently incarcerated in connection with the case on
 127 appeal and if the brief is an *Anders* brief. An *Anders* brief is a brief filed pursuant
 128 to *Anders v. California*, 386 U.S. 793 (1967), in cases where counsel believes no
 129 nonfrivolous appellate issues exist.

130 (4) **Effect of noncompliance.** The appellate court clerk will examine all briefs before
 131 filing. If ~~the a~~ briefs are ~~is~~ not prepared in accordance with these rules, the clerk may
 132 ~~lodge may choose to not file the briefs y will not be filed but will and be returned them~~
 133 ~~to be properly prepared~~ notify the party of the deficiency. The clerk will retain one
 134 copy of the noncomplying brief and, after the party is notified, the party must file a
 135 brief prepared in compliance with these rules within ~~5~~ five days. The clerk may grant
 136 additional time for bringing a brief into compliance. This rule is not intended to permit
 137 significant substantive changes in briefs.

138

TAB 3

1 **Rule 42. Transfer of case from Supreme Court to Court of Appeals**

2 (a) **Discretion of Supreme Court to transfer.** At any time before a case is set for
3 oral argument before the Supreme Court, the Court may transfer to the Court of
4 Appeals any case except those cases within the Supreme Court's exclusive
5 jurisdiction. The order of transfer shall be issued without opinion, written or oral,
6 as to the merits of the appeal or the reasons for the transfer.

7 (b) **Conditional transfer order.** The Supreme Court may conditionally transfer a
8 case, subject to a request that it be retained. ~~If so, the~~ A conditional transfer order
9 will ~~inform~~ permit the parties to ~~that any of them may~~ submit a letter of five pages
10 or less within seven days to the Supreme Court concerning the appropriateness of
11 retaining the case on its own docket or transferring the case to the Court of
12 Appeals. The order may be superseded by another order directing an immediate
13 unconditional transfer if the Supreme Court deems such a transfer to be
14 appropriate.

15 (1) A letter concerning retention must contain:

16 (A) The name of the case and the appellate case number

17 (B) The names of all parties involved in the case and the attorneys and firms
18 representing the parties

19 (C) A concise statement of the issues presented on appeal

20 (D) A brief explanation of the reasons supporting retention or transfer; and

21 (E) A completed checklist for appellate jurisdiction

22 ~~The order will specify the timing and contents of the letter and the timing of~~
23 ~~any response.~~

24 (2) Any response to a timely letter concerning retention must be filed within
25 five business days after service of the letter. The response may not exceed five
26 pages.

27 (3) If the Supreme Court elects to retain the case, it will issue an order
28 rescinding the conditional order of transfer.

29 (4) If no timely request for retention is received or the Supreme Court declines
30 a request to retain, the ~~Clerk of the~~ Supreme Court clerk will issue a notice to
31 the parties and the Court of Appeals informing them that the order of transfer
32 will stand.

33 (5) Any letter submitted outside of the provisions of paragraph (b) will not be
34 considered.

35 ~~(b)~~ **(c) Notice of order of transfer.** Upon entry of ~~the~~an order of transfer or
36 conditional transfer the ~~Clerk of the~~ Supreme Court clerk ~~shall~~ will provide ~~give~~
37 notice ~~of entry~~ of the order ~~of transfer by mail~~ to each party to the proceeding and
38 to the ~~clerk of the~~ trial court clerk. ~~Upon entry of the order of transfer, the Clerk of~~
39 ~~the Supreme Court shall transfer the original of the order and the case, including~~
40 ~~the record and file of the case from the trial court, all papers filed in the Supreme~~
41 ~~Court, and a written statement of all docket entries in the case up to and including~~
42 ~~the order of transfer, to the Clerk of the Court of Appeals.~~

43 ~~(d)~~ **(e) Receipt of order of transfer by Court of Appeals.** Upon receipt from the Clerk
44 of the Supreme Court clerk of ~~the original~~ an unconditional order of transfer or a
45 notice that a conditional order of transfer will stand ~~from the Clerk of the Supreme~~
46 ~~Court~~, the ~~Clerk of the~~ Court of Appeals clerk shall enter the appeal upon the
47 Court of Appeals docket. The ~~Clerk of the~~ Court of Appeals clerk shall
48 immediately give notice to each party to the proceeding and to the clerk of the trial

49 court that the appeal has been docketed and that all further filings will be made
50 with the ~~Clerk of the~~ Court of Appeals clerk. ~~The notice shall state the docket~~
51 ~~number assigned to the case in the Court of Appeals.~~

52 ~~(ed) Filing or T~~ **Transfer of appeal record.** ~~If the record on appeal has not been filed~~
53 ~~with the Clerk of the Supreme Court as of the date of the order of transfer, the~~
54 ~~Clerk of the Supreme Court shall notify the clerk of the trial court that upon~~
55 ~~completion of the conditions for filing the record by that court, the clerk shall~~
56 ~~transmit the record on appeal to the Clerk of the Court of Appeals. If, however,~~
57 the record on appeal has already been ~~transmitted to and~~ filed with the ~~Clerk of~~
58 ~~the~~ Supreme Court clerk ~~as of the date of the entry of the order of transfer or notice,~~
59 the ~~Clerk of the Supreme Court shall transmit the~~ record on appeal will be
60 transmitted to the ~~Clerk of the~~ Court of Appeals clerk within five days of the date
61 of the entry of the order of transfer.

62 ~~(fe) Subsequent proceedings before Court of Appeals.~~ Upon receipt by the ~~Clerk~~
63 ~~of the~~ Court of Appeals clerk ~~of the an~~ order of transfer or notice that a conditional
64 order of transfer will stand ~~and the entry thereof upon the docket of the Court of~~
65 ~~Appeals,~~ the case shall proceed before the Court of Appeals to final decision and
66 disposition as in other appellate cases pursuant to these rules.

Commented [NG1]: This paragraph is probably not necessary but if the intention is to clarify the responsibilities between the courts (and (c) is left in), I would streamline it.

TAB 4

1 **Rule 8. Stay or injunction pending appeal.**

2 (a) **Motion for stay.**

3 (1) **Initial motion in the trial court.** A party must ordinarily move first in the trial
4 court for the following relief:

5 (A) a stay of the judgment or order without security pending appeal or disposition
6 of a petition under Rule [5](#);

7 (B) approval of a bond or other security provided to obtain a stay of the judgment
8 or order; or

9 (C) an order suspending, modifying, restoring, or granting an injunction while an
10 appeal is pending, unless the trial court has already rejected the basis for the
11 requested relief.

12 (2) **Motion in the appellate court.**

13 (A) The motion for a stay must include:

14 (i) the reasons the trial court denied the request;

15 (ii) the reasons for granting the relief requested and the facts relied on;

16 (iii) copies of affidavits or declarations, supporting facts subject to dispute; and

17 (iv) relevant parts of the record, including a copy of the trial court's order.

18 (B) Any motion must comply with Rule [23](#).

19 (C) Except in extraordinary circumstances, an appellate court will not act on a
20 motion to stay a judgment or order or to suspend, modify, restore, or grant an
21 injunction, unless the movant first requested a stay or opposed the injunction in
22 the trial court.

23 (3) **Stays in criminal cases.** Stays pending appeal in criminal cases in which the
24 defendant has been sentenced are governed by Utah Code section [77-20-302](#) and Rule

25 [27](#) of the Utah Rules of Criminal Procedure. Stays in other criminal cases are governed
26 by this rule.

27 (b) **Bond requirement.**

28 (1) **Stay ordinarily conditioned upon giving a bond.** For requests to stay enforcement
29 of a judgment or order to pay money to which Rule [62](#) of the Utah Rules of Civil
30 Procedure applied in the trial court, relief available pending appeal will be
31 conditioned upon giving a bond or other appropriate security in the trial court, unless
32 there is no reasonable means of quantifying the security in monetary or other terms
33 and the conditions of paragraph (b)(2) are met.

34 (2) **Stay in cases not conditioned on giving a bond.** Ordinarily a stay without a bond
35 or other security will not be granted unless the movant demonstrates:

36 (A) a [substantial](#) likelihood of [success prevailing](#) on the merits; ~~or the case presents~~
37 ~~serious issues on the merits warranting appellate review and the appellant~~
38 ~~demonstrates:~~

39 (AB) the movant will suffer irreparable harm unless the stay is granted;

40 (C) ~~a likelihood of irreparable harm to the movant outweighing~~ the [irreparable](#)
41 [harm to the movant outweighs whatever harm the proposed stay may cause the](#)
42 [party whose enforcement rights would be stayed; and](#)

43 (D) ~~any other party and~~ the stay would not be adverse to the public interest; ~~or~~

44 ~~(B) an extraordinary circumstance that justifies issuing a stay.~~

45 (c) **Injunctions.** For requests for injunctive relief to which Rules [65A](#) or [62](#) of the Utah
46 Rules of Civil Procedure applied in the trial court, any relief available pending appeal is
47 governed by those rules.

48 *Effective ~~May 1~~, 2023*

49 **Advisory Committee Note**

50 “Declaration” refers to an unsworn declaration as described in Title 78B, Chapter 18a,
51 Uniform Unsworn Declarations Act.

52 Note ~~Ad~~*opted* 2022

53