UTAH SUPREME COURT ADVISORY COMMITTEE ON RULES OF CIVIL PROCEDURE

Meeting Minutes – February 27, 2019

Committee members & staff	Present	Excused	Appeared by Phone
Jonathan Hafen	X		
Rod N. Andreason	X		
Judge James T. Blanch		X	
Lincoln Davies		X	
Lauren DiFrancesco	X		
Dawn Hautamaki	X		
Judge Kent Holmberg		X	
James Hunnicutt	X		
Larissa Lee	X		
Trevor Lee	X		
Judge Amber M. Mettler	X		
Timothy Pack	X		
Bryan Pattison			X
Michael Petrogeorge		X	
Judge Clay Stucki	X		
Judge Laura Scott	X		
Leslie W. Slaugh	X		
Trystan B. Smith		X	
Heather M. Sneddon	X		
Paul Stancil	X		
Judge Andrew H. Stone	X		
Justin T. Toth	X		
Susan Vogel	X		
Katy Strand, Recording Secretary	X		
Nancy Sylvester, Staff	X		

(1) WELCOME AND APPROVAL OF MINUTES.

Jonathan Hafen welcomed the committee and reported on the meeting with the Court to discuss the advisory committee note project. The Court asked that the committee come back in a few weeks with additional note amendments. The goal will be to cut down the notes to only relevant recent

context. The website with the rules will also have a link to the older rules and provide a historical perspective. There will also be a tutorial video regarding the rules for new lawyers and unrepresented parties. Nancy Sylvester reported they would also like the website to include a discussion of what the rule of the committee notes should be, namely that they are not law. Mr. Hafen proposed that the committee notes be discussed in the June meeting. Judge Andrew Stone questioned if there was any discussion of a rule prohibiting citing to committee notes, Mr. Hafen reported that they did not do so at this time.

Mr. Hafen asked for approval of the minutes. James Hunnicutt moved to approve the corrected minutes. Paul Stancil seconded. The motion passed unanimously.

(2) FOLLOW UP ON RULE 24: REPORT FROM THE ATTORNEY GENERAL'S OFFICE ON "TIMELY."

Ms. Sylvester reported she had sent the Rule 24 to the Attorney General's office for input regarding "timely." They submitted proposed language. The remaining edits were to bring the rule in line with the federal rules.

Leslie Slaugh mentioned that line 38 says a "party must serve a notice on or before the date" but on line 72 it appears the court can ask the party to serve it later. He believed that line 38 should not include the word must, as there is no penalty for not doing so. He noted that the word "should" is not often used in the rule, but it would apply here. Susan Vogel responded that in other places we use "shall." Judge Clay Stucki agreed that "should" is a better word, but is not bothered by the must, as the later portion of the rule is discussing the remedy. Heather Sneddon would prefer it remain must for the same reasons as Judge Stucki. Ms. Sylvester reported that "should" is often used, so if "should" is meant, it should be used. Mr. Hunnicutt reported that the conflict has always been in the rule. Mr. Hafen questioned if the change would send the message that the Court does not care as much as they used to. Larissa Lee noted that the rule requires the parties to send the notice to the correct email for all possible state agencies, except the attorney general. Ms. Sylvester responded that the email for the attorney general is a part of the rule. Mr. Slaugh proposed moving this portion to under (d)(2) for clarity. Mr. Slaugh moved to send the amendments, as shown below, out for comment. Judge Stucki seconded the motion. The motion passed unanimously.

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 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 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 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

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

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

(c) Notice and Pleading Required. A motion to intervene must be served on the parties as provided in Rule 5. The motion must state the grounds for intervention and set out the claim or defense for which intervention is sought.

(d) Constitutionality of Utah statutes and ordinances.

(d)(1) **Challenges to Utah statutes.** If a party challenges the constitutionality of a Utah statute in an action in which the Attorney General has not appeared, the party raising the question of constitutionality must notify the Attorney General of such fact as described in paragraphs (d)(1)(A), (d)(1)(B), and (d)(1)(C).

(d)(1)(A) **Form and Content**. The notice must (i) be in writing, (ii) be titled "Notice of Constitutional Challenge Under URCP 24(d)," (iii) concisely describe the nature of the challenge, and (iv) include, as an attachment, the pleading, motion, or other paper challenging the constitutionality of the statute.

(d)(1)(B) **Timing**. The party must serve the notice on the Attorney General on or before the date the party files the paper challenging the constitutionality of the statute.

(d)(1)(C) **Service**. The party must serve the notice on the Attorney General by email or, if circumstances prevent service by email, by mail at the addresses below, and file proof of service with the court.

Email: notices@agutah.gov

Mail:

Office of the Utah Attorney General

Attn: Utah Solicitor General

350 North State Street, Suite 230

P.O. Box 142320

Salt Lake City, Utah 84114-2320

(d)(1)(D) **Attorney General's response to notice.**

(d)(1)(D)(i) Within 14 days after the deadline for the parties to file all papers in response to the constitutional challenge, the Attorney General must file a notice of intent to respond unless the Attorney General determines that a response is unnecessary. The Attorney General may seek up to an additional 7 days' extension of time to file a notice of intent to respond.

(d)(1)(D)(ii) If the Attorney General files a notice of intent to respond within the time permitted by this rule, the court will allow the Attorney General to file a response to the constitutional challenge and participate at oral argument when it is heard.

(d)(1)(D)(iii) Unless the parties stipulate to or the court grants additional time, the Attorney General's response to the constitutional challenge will be filed within 14 days after filing the notice of intent to respond.

(d)(1)(D)(iv) The Attorney General's right to respond to a constitutional challenge under Rule 25A of the Utah Rules of Appellate Procedure is unaffected by the Attorney General's decision not to respond under this rule.

(d)(2) **Challenges to county or municipal ordinances**. If a party challenges the constitutionality of a county or municipal ordinance in an action in which the district attorney, county attorney, or municipal attorney has not appeared, the party raising the question of constitutionality must notify the district attorney, county attorney, or municipal attorney of such fact. The procedures for the party challenging the constitutionality of a county or municipal ordinance will be consistent with paragraphs (d)(1)(A), (d)(1)(B), and (d)(1)(C), except that service must be on the individual county or municipality. The procedures for the district attorney's, county attorney's, or municipal attorney's response will be consistent with paragraph (d)(1)(D). It is the party's responsibility to find and use the correct email address for the relevant district attorney, county attorney, or municipal attorney, or if circumstances prevent service by email, it is the party's responsibility to find and use the correct mailing address.

(d)(3) **Failure to provide notice.** Failure of a party to provide notice as required by this rule is not a waiver of any constitutional challenge otherwise timely asserted. If a party does not serve a notice as required under paragraphs (d)(1) or (d)(2), the court may postpone the hearing until the party serves the notice.

(3) RULE 4. STANDARDS FOR ELECTRONIC ACCEPTANCE OF SERVICE.

Justin Toth reported that the changes his subcommittee proposed to Rule 4 are under paragraph (d)(3), acceptance of service. The subcommittee's proposal addresses the content of the acceptance and includes a separate duty to avoid deception. The acceptance must prove on its face that it complies with the e-signature statutes. Mr. Hafen proposed removing the reference to the federal e-sign act. Judge Stucki asked if the Utah act could be summarized in the rule. Mr. Toth said he believed this would eliminate some of the protections and did not recommend it. The subcommittee thought the burden should be shifted to the process server to comply. Ms. Vogel was concerned that unrepresented parties would not know what these acts covered. Judge Stone asked if we could add "if acceptance is obtained electronically." Ms. Vogel agreed this would solve the problem. Judge Stucki said he thought that the reference to Title 76 chapter 8 was too broad, and proposed adding sections 512 and 513 to avoid confusion.

Judge Stone noted that litigants should be able to see the contents of what they are accepting before being asked to accept since this process is supposed to be voluntary. He thought that the groups involved in electronic service may not be understanding the importance of the difference between service and acceptance of service. Lauren DiFrancesco argued that the rule doesn't actually require knowledge of the contents. Mr. Slaugh pointed out that the rule requires that you accept the documents as service, not just that you accept the documents. Mr. Toth asked how the committee would reconcile the refusal to accept with the duty to avoid expenses. Judge Stone expressed concern that electronic service is being used to avoid asking the court to allow alternative service. Mr. Slaugh argued that it could be appropriate to provide notice that the other party may get costs by refusing to accept service. Judge Mettler proposed adding that the party must have received the summons and complaint prior to accepting service. Judge Stone added that these must be readable copies.

Ms. Sneddon moved to send the rule below out for comment. Judge Scott seconded. The motion passed unanimously.

Rule 4. Process.

(a) Signing of summons. The summons must be signed and issued by the plaintiff or the plaintiff's attorney. Separate summonses may be signed and issued.

(b) Time of service. Unless the summons and complaint are accepted, a copy of the summons and complaint in an action commenced under Rule 3(a)(1) must be served no later than 120 days

after the complaint is filed, unless the court orders a different period under Rule 6. If the summons and complaint are not timely served, the action against the unserved defendant may be dismissed without prejudice on motion of any party or on the court's own initiative.

(c) Contents of summons.

(c)(1) The summons must:

(c)(1)(A) contain the name and address of the court, the names of the parties to the action, and the county in which it is brought;

(c)(1)(B) be directed to the defendant;

(c)(1)(C) state the name, address and telephone number of the plaintiff's attorney, if any, and otherwise the plaintiff's address and telephone number;

(c)(1)(D) state the time within which the defendant is required to answer the complaint in writing;

(c)(1)(E) notify the defendant that in case of failure to answer in writing, judgment by default will be entered against the defendant; and

(c)(1)(F) state either that the complaint is on file with the court or that the complaint will be filed with the court within 10 days after service.

(c)(2) If the action is commenced under Rule 3(a)(2), the summons must also:

(c)(2)(A) state that the defendant need not answer if the complaint is not filed within 10 days after service; and

(c)(2)(B) state the telephone number of the clerk of the court where the defendant may call at least 14 days after service to determine if the complaint has been filed.

(c)(3) If service is by publication, the summons must also briefly state the subject matter and the sum of money or other relief demanded, and that the complaint is on file with the court.

(d) Methods of service. The summons and complaint may be served in any state or judicial district of the United States. Unless service is accepted, service of the summons and complaint must be by one of the following methods:

(d)(1) Personal service. The summons and complaint may be served by any person 18 years of age or older at the time of service and not a party to the action or a party's attorney. If the person to be served refuses to accept a copy of the summons and complaint, service is sufficient if the person serving them states the name of the process and offers to deliver them. Personal service must be made as follows:

(d)(1)(A) Upon any individual other than one covered by paragraphs (d)(1)(B), (d)(1)(C) or (d)(1)(D), by delivering a copy of the summons and complaint to the individual personally, or by leaving them at the individual's dwelling house or usual place of abode with a person of suitable age and discretion who resides there, or by delivering them to an agent authorized by appointment or by law to receive process;

(d)(1)(B) Upon a minor under 14 years old by delivering a copy of the summons and complaint to the minor and also to the minor's father, mother, or guardian or, if none can be found within the state, then to any person having the care and control of the minor, or with whom the minor resides, or by whom the minor is employed;

(d)(1)(C) Upon an individual judicially declared to be incapacitated, of unsound mind, or incapable of conducting the individual's own affairs, by delivering a copy of the summons and complaint to the individual and to the guardian or conservator of the individual if one has been appointed; the individual's legal representative if one has been appointed, and, in the absence of a guardian, conservator, or legal representative, to the person, if any, who has care, custody, or control of the individual;

(d)(1)(D) Upon an individual incarcerated or committed at a facility operated by the state or any of its political subdivisions, by delivering a copy of the summons and complaint to the person who has the care, custody, or control of the individual, or to that person's designee or to the guardian or conservator of the individual if one has been appointed. The person to whom the summons and complaint are delivered must promptly deliver them to the individual;

(d)(1)(E) Upon a corporation not otherwise provided for in this rule, a limited liability company, a partnership, or an unincorporated association subject to suit under a common name, by delivering a copy of the summons and complaint to an officer, a managing or general agent, or other agent authorized by appointment or law to receive process and by also mailing a copy of the summons and complaint to the defendant, if the agent is one authorized by statute to receive process and the statute so requires. If no officer or agent can be found within the state, and the defendant has, or advertises or holds itself out as having, a place of business within the state or elsewhere, or does business within this state or elsewhere, then upon the person in charge of the place of business;

(d)(1)(F) Upon an incorporated city or town, by delivering a copy of the summons and complaint as required by statute, or in the absence of a controlling statute, to the recorder;

(d)(1)(G) Upon a county, by delivering a copy of the summons and complaint as required by statute, or in the absence of a controlling statute, to the county clerk;

(d)(1)(H) Upon a school district or board of education, by delivering a copy of the summons and complaint as required by statute, or in the absence of a controlling statute, to the superintendent or administrator of the board;

(d)(1)(I) Upon an irrigation or drainage district, by delivering a copy of the summons and complaint as required by statute, or in the absence of a controlling statute, to the president or secretary of its board;

(d)(1)(J) Upon the state of Utah or its department or agency by delivering a copy of the summons and complaint to the attorney general and any other person or agency required by statute to be served; and

(d)(1)(K) Upon a public board, commission or body by delivering a copy of the summons and complaint as required by statute, or in the absence of a controlling statute, to any member of its governing board, or to its executive employee or secretary.

(d)(2) Service by mail or commercial courier service.

(d)(2)(A) The summons and complaint may be served upon an individual other than one covered by paragraphs (d)(1)(B) or (d)(1)(C) by mail or commercial courier service in any state or judicial district of the United States provided the defendant signs a document indicating receipt.

(d)(2)(B) The summons and complaint may be served upon an entity covered by paragraphs (d)(1)(E) through (d)(1)(I) by mail or commercial courier service in any state or judicial district of the United States provided defendant's agent authorized by appointment or by law to receive service of process signs a document indicating receipt.

(d)(2)(C) Service by mail or commercial courier service shall be complete on the date the receipt is signed as provided by this rule.

(d)(3) Acceptance of service.

(d)(3)(A) Duty to avoid expenses. All parties have a duty to avoid unnecessary expenses of serving the summons and complaint.

(d)(3)(B) Acceptance of service by party. Unless the person to be served is a minor under 14 years old or an individual judicially declared to be incapacitated, of unsound mind, or incapable of conducting the individual's own affairs, a party may accept service of a summons and complaint by signing a document that acknowledges receipt of the summons and complaint.

(d)(3)(B)(i) Content of proof of electronic acceptance. If acceptance is obtained electronically, the proof of acceptance must demonstrate on its face that the acceptance of service complies with the Utah Electronic Transactions Act. The proof of acceptance must demonstrate that the party received readable copies of the summons and complaint prior to signing the acceptance of service.

(d)(3)(B)(ii) Duty to avoid deception. A request to accept service must comply with Utah Code Sections 76-8-512 and 76-8-513 and must not state or imply that the request to accept service originates with a judicial officer or court.

(d)(3)(C) Acceptance of service by attorney for party. An attorney may accept service of a summons and complaint on behalf of the attorney's client by signing a document that acknowledges receipt of the summons and complaint.

(d)(3)(D) Effect of acceptance, proof of acceptance. A person who accepts service of the summons and complaint retains all defenses and objections, except for adequacy of service. Service is effective on the date of the acceptance. Filing the acceptance of service with the court constitutes proof of service under Rule 4(e).

(d)(4) Service in a foreign country. Service in a foreign country must be made as follows:

(d)(4)(A) by any internationally agreed means reasonably calculated to give notice, such as those means authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(d)(4)(B) if there is no internationally agreed means of service or the applicable international agreement allows other means of service, provided that service is reasonably calculated to give notice:

(d)(4)(B)(i) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction;

(d)(4)(B)(ii) as directed by the foreign authority in response to a letter of request issued by the court; or

(d)(4)(B)(iii) unless prohibited by the law of the foreign country, by delivering a copy of the summons and complaint to the individual personally or by any form of mail requiring a signed receipt, addressed and dispatched by the clerk of the court to the party to be served; or

(d)(4)(C) by other means not prohibited by international agreement as may be directed by the court.

(d)(5) Other service.

(d)(5)(A) If the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, if service upon all of the individual parties is impracticable under the circumstances, or if there is good cause to believe that the person to be served is avoiding service, the party seeking service may file a motion to allow service by some other means. An affidavit or declaration supporting the motion must set forth the efforts made to identify, locate, and serve the party, or the circumstances that make it impracticable to serve all of the individual parties.

(d)(5)(B) If the motion is granted, the court will order service of the complaint and summons by means reasonably calculated, under all the circumstances, to apprise the named parties of the action. The court's order must specify the content of the process to be served and the event upon which service is complete. Unless service is by publication, a copy of the court's order must be served with the process specified by the court.

(d)(5)(C) If the summons is required to be published, the court, upon the request of the party applying for service by other means, must designate a newspaper of general circulation in the county in which publication is required.

(e) Proof of service.

(e)(1)The person effecting service must file proof of service stating the date, place, and manner of service, including a copy of the summons. If service is made by a person other than by an attorney, sheriff, constable, United States Marshal, or by the sheriff's, constable's or marshal's deputy, the proof of service must be by affidavit or unsworn declaration as described in Title 78B, Chapter 18a, Uniform Unsworn Declarations Act.

(e)(2) Proof of service in a foreign country must be made as prescribed in these rules for service within this state, or by the law of the foreign country, or by order of the court.

(e)(3) When service is made pursuant to paragraph(d)(4)(C), proof of service must include a receipt signed by the addressee or other evidence of delivery to the addressee satisfactory to the court.

(e)(4) Failure to file proof of service does not affect the validity of the service. The court may allow proof of service to be amended.

(4) RULE 26. GENERAL PROVISIONS GOVERNING DISCLOSURE AND DISCOVERY (MULTIPLE REQUESTS FOR RULE AMENDMENTS): CONTINUE PRIOR DISCUSSION AT PARAGRAPH (a)(4)(A)

Rod Andreason noted that the committee was discussing what Rule 26 should say about expert disclosures. The committee was attempting to make this rule narrow enough to allow for the disclosures to be specific to the case, but also broad enough that all items reasonably relied upon were included. Paul Stancil argued it was odd to ask for what was going to be relied upon. Ms. DiFrancesco pointed out that the expert would not yet have relied upon anything.

Judge Scott asked if the rule was intending to limit these disclosures to only those things used for the specific case. Judge Stone agreed that this was the purpose. He said he wondered about the proprietary tools that may not be specific to the case. In such situations the other party should be able to see them, and they must be disclosed since they are not public documents. Judge Stucki questioned where you draw the line; there could be unfair surprise by relying upon an article that is not specific to the case, but might be outside a normal expert's knowledge. Judge Stone argued that most science relies upon knowledge any expert should have. If the information is not available in the literature, it must be disclosed. The Utah standard for experts is a generous standard, and so the disclosures are needed. Mr. Slaugh argued that the report must disclose further documents. Judge Stucki responded that the rule cannot avoid all arguments and judgment calls.

Ms. DiFrancesco proposed moving lines 21 and 22 to paragraph (a)(6) to clarify that the all experts are subject to Rule 34.

Mr. Hafen questioned the language on non-retained experts, which appears to narrow the discovery on this topic. Mr. Andreason answered that the discovery from non-retained experts should be limited to a deposition. Judge Mettler questioned if the fact witness who was also a non-retained

expert could be deposed twice. Mr. Andreason answered that the rule was intended to allow an expert deposition. Mr. Sneddon proposed adding that no further expert discovery was allowed, aside from the 4 hour deposition.

Mr. Hunnicutt questioned if this would require any subpoenas of files to occur before fact discovery closed. Mr. Andreason agreed that such a subpoena would be fact discovery. Ms. DiFrancesco asked what additional discovery was possible. Mr. Andreason answered that the rule addressed any discovery beyond the deposition. Mr. Pack noted that the rule does not allow for the subpoena of a retained expert either. Mr. Hunnicutt pointed out that the added line just makes non-retained experts the same as retained experts. Ms. DiFrancesco was troubled by the fact that the parties could not get the file of a non-retained expert, as that may not be practical to get in fact discovery. Mr. Pack proposed adding a reference to Rule 45 regarding subpoenas. Ms. DiFrancesco and Mr. Toth proposed that retained experts files should also be able to be subpoenaed. Mr. Toth believed that the subpoena for the deposition already allowed the requirement for the file to be produced. Trevor Lee questioned if the language limiting the additional discovery was necessary. Mr. Toth proposed adding that the expert could be subpoenaed under Rule 45 to a deposition, as well as for documents. Mr. Pack proposed adding this to retained experts as well. Ms. Sneddon questioned if the language needed to be more specific to allow for document subpoenas. Mr. Andreason proposed eliminating the no further discovery language so that rule 45 is not excluded. Ms. Sneddon asked if this meant that the same line should be removed from the section on retained experts. Others responded that this restriction was for timing, and should remain.

Ms. Slaugh questioned if the deadlines on lines 71 and 81 should be changed from receipt to service, as most deadlines are not based upon receipt.

Mr. Andreason reported that the remaining changes related to changes to deadlines. Mr. Hunnicutt questioned why some of the deadlines were not extended. Mr. Pack stated that there were some decisions for which one should not need that time to decide. Mr. Hunnicutt believed that the multiple timelines were problematic for solo practitioners as they may not have help keeping track of all deadlines. Mr. Slaugh proposed making the rules all 14 days instead of 7.

Mr. Toth asked if there was no election for a report or deposition, what the deadline would be for an expert's designation. In particular, this may be difficult if the expert was on a different topic, not a rebuttal expert. Mr. Slaugh argued that the deadline would remain 14 days after the election deadline. Mr. Toth agreed. Mr. Pack stated this was 28 days after fact discovery ended. The remaining committee members thought that this issue was clear. No amendments were made.

Ms. DiFrancesco asked, if the party bearing the burden of proof wanted to have a rebuttal expert, but did not disclose an original expert, would that rebuttal expert be barred? Mr. Toth believed that the rule was intended to avoid this. Judge Stone had ruled on similar case that the expert cannot be called in the case in chief, but only on rebuttal. Mr. Hafen pointed out that not all judges rule that way. Mr. Slaugh stated that the judges should make this determination, as some situations would require different rulings. Mr. Hafen questioned if this issue was already addressed. Mr. Pack believed that there should be language clarifying this. Mr. Slaugh believed a rebuttal expert could

clearly only be for rebuttal, however others believed this was not so clear. Mr. Slaugh then proposed that under rebuttal experts there be added language stating that an expert disclosed only as a rebuttal expert cannot be used in the case in chief.

The remainder of this rule was tabled.

(5) RULE 58B AND RULE OF JUVENILE PROCEDURE 58.

Mr. Hafen reported upon questions raised by the justices about the need to clarify the language of Rule 58B. Based upon the questions the language was changed as below:

Rule 58B. Satisfaction of judgment.

(a) Satisfaction by acknowledgment.

(a)(1) Within 28 days after full satisfaction of the judgment, the judgment creditor or the judgment creditor's attorney must file an acknowledgment of satisfaction in the court in which the judgment was entered. If the judgment creditor is not the original judgment creditor, the judgment creditor or judgment creditor's attorney must also file proof of ownership. If the satisfaction is for part of the judgment or for fewer than all of the judgment debtors, it must state the amount paid or name the debtors who are released.

(a)(2) Pursuant to Rule 58 of the Utah Rules of Juvenile Procedure, the juvenile court will file an abstract of judgment in the district court upon entering an unpaid restitution order as a civil judgment. If the judgment falls under Rule 58 of the Utah Rules of Juvenile Procedure, the judgment creditor must file an acknowledgment of satisfaction in both the district court and the juvenile court within 28 days after full satisfaction of the judgment.

(b) Satisfaction by order of court. The court in which the judgment was first entered may, upon motion and satisfactory proof, enter an order declaring the judgment satisfied.

(c) Effect of satisfaction. Satisfaction of a judgment, whether by acknowledgement or order, discharges the judgment, and the judgment ceases to be a lien as to the debtors named and to the extent of the amount paid. A writ of execution or a writ of garnishment issued after partial satisfaction must include the partial satisfaction and must direct the officer to collect only the balance of the judgment, or to collect only from the judgment debtors remaining liable.

(d) Filing certificate of satisfaction in other counties. After satisfaction of a judgment, whether by acknowledgement or order, has been entered in the court in which the judgment was

first entered, a certificate by the clerk showing the satisfaction may be filed with the clerk of the district court in any other county where the judgment has been entered.

The committee discussed the terms "abstract of judgment" and "abstracted." Judge Stone reported that parties used to have to file an abstract in other courts, making an abstract of judgment a term of art. It also mattered for credit reporting, and therefor the word "abstract" is an important term that should be used. Mr. Slaugh reported that abstract is used as a verb in other rules, and should be acceptable here. Mr. Hunnicutt questioned if Juvenile Rule 58 should include the language "in all respects." He proposed that this question be sent to the Court with the rule. Judge Mettler and Ms. Sylvester said they believed that the abstract of judgment would be sent almost immediately to the district court, so the question may not matter. Ms. DiFrancesco moved to adopt the rule as proposed. Judge Stone seconded. The motion passed unanimously.

(6) ADJOURNMENT.

The remaining matters were deferred and the committee adjourned at 5:49 pm. The next meeting will be held March 27, 2019 at 4:00 pm.