

1 **Rule 8. General rules of pleadings**

2 (a) **Claims for relief.** An original claim, counterclaim, cross-claim or third-party claim  
3 must contain a short and plain: (1) statement of the claim showing that the party is  
4 entitled to relief; (2) demand for judgment for specified relief; and (3) statement of the  
5 basis for jurisdiction in the court. Relief in the alternative or of several different types may  
6 be demanded. A pleading requesting relief must include the following caution language  
7 at the top right of the first page, in bold print: **“If you do not respond to this document**  
8 **within applicable time limits, judgment could be entered against you as requested.”**  
9 Failure to include the caution language may provide the responding party with a basis  
10 under Rule 60(b) of the Utah Rules of Civil Procedure for excusable neglect to set aside  
11 any resulting judgment or order.

12 (b) **Defenses; form of denials.** A party must state in simple, short, and plain terms any  
13 defenses to each claim asserted and must admit or deny the statements in the claim. A  
14 party without knowledge or information sufficient to form a belief about the truth of a  
15 statement must so state, and this has the effect of a denial. Denials must fairly meet the  
16 substance of the statements denied. A party may deny all of the statements in a claim by  
17 general denial. A party may specify the statement or part of a statement that is admitted  
18 and deny the rest. A party may specify the statement or part of a statement that is denied  
19 and admit the rest.

20 (c) **Affirmative defenses.** An affirmative defense must contain a short and plain: (1)  
21 statement of the affirmative defense; and (2) a demand for relief. A party must set forth  
22 affirmatively in a responsive pleading accord and satisfaction, arbitration and award,  
23 assumption of risk, comparative fault, discharge in bankruptcy, duress, estoppel, failure  
24 of consideration, fraud, illegality, injury by fellow servant, laches, license, payment,  
25 release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter  
26 constituting an avoidance or affirmative defense. If a party mistakenly designates a  
27 defense as a counterclaim or a counterclaim as a defense, the court, on terms, may treat  
28 the pleadings as if the defense or counterclaim had been properly designated.

29 (d) **Effect of failure to deny.** Statements in a pleading to which a responsive pleading is  
30 required, other than statements of the amount of damage, are admitted if not denied in  
31 the responsive pleading. Statements in a pleading to which no responsive pleading is  
32 required or permitted are deemed denied or avoided.

33 (e) **Consistency.** A party may state a claim or defense alternately or hypothetically, either  
34 in one count or defense or in separate counts or defenses. If statements are made in the  
35 alternative and one of them is sufficient, the pleading is not made insufficient by the  
36 insufficiency of an alternative statement. A party may state legal and equitable claims or  
37 legal and equitable defenses regardless of consistency.

38 (f) **Construction of pleadings.** All pleadings will be construed to do substantial justice.