

1 **Rule 65B. Extraordinary relief**

2 (a) **Availability of remedy.** Where no other plain, speedy, and adequate remedy is
3 available, a person may petition the court for extraordinary relief on any of the grounds
4 set forth in this rule. There is no special form of writ. The procedures in this rule govern
5 proceedings on all petitions for extraordinary relief, but to the extent this rule does not
6 provide special procedures, proceedings on petitions for extraordinary relief will be
7 governed by the procedures set forth elsewhere in these rules, or in the Utah Rules of
8 Civil Procedure, as applicable.

9 (b) **Wrongful use of or failure to exercise public authority.**

10 (1) **Who may petition the court; security.** The attorney general may petition the court
11 for relief on the grounds enumerated in this paragraph. Any person who is not
12 required to be represented by the attorney general and who is aggrieved or threatened
13 by one of the acts enumerated in paragraph (2) may petition the court under this
14 paragraph if (A) the person claims to be entitled to an office unlawfully held by
15 another or (B) if the attorney general fails to file a petition under this paragraph after
16 receiving notice of the person's claim. A petition filed by a person other than the
17 attorney general under this paragraph must be brought in the name of the petitioner,
18 and the petition must be accompanied by an undertaking with sufficient sureties to
19 pay any judgment for costs and damages that may be recovered against the petitioner
20 in the proceeding. The sureties must be in the form for bonds on appeal provided for
21 in Rule 73 of the Utah Rules of Civil Procedure.

22 (2) **Grounds for relief.** The court may grant appropriate relief: (A) where a person
23 usurps, intrudes into, or unlawfully holds or exercises a franchise or an office in a
24 corporation created by the authority of the state of Utah; (B) where persons act as a
25 corporation in the state of Utah without being legally incorporated; (C) where any
26 corporation has violated Utah law relating to the creation, alteration, or renewal of
27 corporations; or (D) where any corporation has forfeited or misused its corporate
28 rights, privileges, or franchises.

29 (3) **Proceedings on the petition.** On the filing of a petition, the court may require that
30 notice be given to adverse parties before issuing a hearing order, or may issue a
31 hearing order requiring the adverse party to appear at the hearing on the merits. The
32 court may also grant temporary relief in accordance with the terms of Rule 65A.