

1   **Rule 42. Consolidation; separate trials; venue transfer.**

2   **(a) Consolidation.**

3    (1) When actions involving a common question of law or fact or arising from the same  
4    transaction or occurrence are pending before the court in one or more judicial districts,  
5    the court may, on motion of any party or on the court's own initiative:

6       (A) order that the actions are consolidated in whole or in part for any purpose,  
7       including for discovery, other pretrial matters, or a joint hearing or trial;

8       (B) stay any or all of the proceedings in any action subject to the order;

9       (C) transfer any or all further proceedings in the actions to a location in which any  
10      of the actions is pending after consulting with the presiding judge of the receiving  
11      court; and

12      (D) make other such orders concerning proceedings therein as may tend to avoid  
13      unnecessary costs or delay.

14     (1)(2) In determining whether to order consolidation and the appropriate location for  
15      the consolidated proceedings, the court may consider, among other factors:

16       (A) the complexity of the actions;

17       (B) the importance of any common question of fact or law to the determination of  
18      the actions;

19       (C) the risk of duplicative or inconsistent rulings, orders, or judgments;

20       (D) the case and records classification of each case as described in [Rule 4-202.02](#) of  
21      the Utah Code of Judicial Administration;

22       (E) the relative procedural postures of the actions;

23       (F) the risk that consolidation may unreasonably delay the progress, increase the  
24      expense, or complicate the processing of any action;

25       (G) prejudice to any party that far outweighs the overall benefits of consolidation;

26                   (H) the convenience of the parties, witnesses, and counsel; and

27                   (I) the efficient utilization of judicial resources and the facilities and personnel of  
28                   the court.

29                   (2)(3) A motion to consolidate may be filed or opposed by any party to either action  
30                   to be consolidated, without seeking permission to intervene. The motion must be filed  
31                   in and heard by the judge assigned to the first action filed and must be served on all  
32                   parties in each action pursuant to Rule 5. The movant must file in each action notice  
33                   of the motion and notice of the order denying or granting the motion.

34                   (3)(4) If the court orders consolidation, the consolidated case will be heard by the  
35                   judge assigned to the first action filed, unless otherwise ordered by the presiding  
36                   judge or agreed upon by the originally assigned judges. The court will order that a  
37                   single case number be used for all subsequent filings in the consolidated case.

38                   **(b) Consolidation or severance in whole or in part.** For convenience or to avoid  
39                   prejudice, the court may:

40                   (1) order that the consolidated matters be tried together or that a separate trial be held  
41                   on any one or more claims, crossclaims, counterclaims, third-party claims, or separate  
42                   issues; or

43                   (2) order that the consolidated matters be severed at any point and provide that the  
44                   matters be treated as separate actions going forward, including that the severed  
45                   matters be tried by either the judge in the consolidated matter or the originally  
46                   assigned judge.

47                   **(c) Reassignment.** If the consolidation of actions would be otherwise appropriate but is  
48                   not administratively possible, the judge assigned to the first action may order the court  
49                   clerk to reassign the other actions to the judge assigned to the first action. Such actions  
50                   will be treated for all purposes as if they were consolidated except that the actions will  
51                   retain their separate case numbers, which must be included on all filings.

52 (d) **Venue Transfer** Transfer of action to proper venue or the business and chancery  
53 court.

54 (1) Transfer to proper venue.

55 (A) On timely motion of any party, where transfer to a proper venue is available,  
56 the court must transfer any action filed in an improper venue.

57 (2)(B) The court must give substantial deference to a plaintiff's choice of a proper  
58 venue.

59 (C) On timely motion of any party, a court may:

60 (i) transfer venue of any action, in whole or in part, to any other venue for  
61 any purpose, including for discovery, other pretrial matters, or a joint  
62 hearing or trial;

63 (ii) stay any or all of the proceedings in the action; and

64 (iii) make other such orders concerning proceedings therein to pursue the  
65 interests of justice and avoid unnecessary costs or delay. ~~In determining~~  
66 ~~whether to transfer venue and the appropriate venue for the transferred~~  
67 ~~proceedings, the court may consider, among other factors, whether transfer~~  
68 ~~will increase the likelihood of a fair and impartial determination in the~~  
69 ~~action; minimize expense or inconvenience to parties, witnesses, or the~~  
70 ~~court; decrease delay; avoid hardship or injustice otherwise caused by~~  
71 ~~venue requirements; and advance the interests of justice.~~

72 (3) ~~The court may direct that specified parties pay the expenses, if any, of transfer.~~

73 (2) Transfer to business and chancery court.

74 (A) If a plaintiff filed the complaint in the district court and the action meets the  
75 jurisdictional requirements of the business and chancery court, a party may file a  
76 separate notice requesting transfer of the action to the business and chancery court.

77 (B) If a party makes a request to transfer an action to the business and chancery  
78 court within 21 days after the appearance of the party:

79 (i) the district court must transfer the action to the business and chancery court  
80 unless the district court determines that the transfer will prejudice the interests  
81 of justice; and

82 (ii) the district court may not give any deference to the plaintiff's choice to file  
83 the complaint in the district court.

84 (C) If a party makes a request to transfer an action to the business and chancery  
85 court more than 21 days after the appearance of the party, the district court may:

86 (i) give deference to the plaintiff's choice to file the complaint in the district  
87 court; or

88 (ii) transfer the action to the business and chancery court if the factors described  
89 in paragraph (d)(3) weigh in favor of transfer.

90 (D) A district court may not transfer the action to the business and chancery court  
91 under this rule if the action does not meet the jurisdictional requirements of the  
92 business and chancery court.

93 (3) Factors in determining whether to transfer an action. On a motion under  
94 paragraph (d)(1) or (2), a court may consider, among other factors, whether the  
95 transfer will:

96 (A) increase the likelihood of a fair and impartial determination in the action;

97 (B) minimize expense or inconvenience to parties, witnesses, or the court;

98 (C) decrease delay;

99 (D) avoid hardship or injustice otherwise caused by:

100 (i) the venue requirements if the court is determining whether to transfer the  
101 action to the appropriate venue under paragraph (d)(1); or

(ii) keeping the action in the district court if the court is determining whether to transfer the action to the business and chancery court under paragraph (d)(2); and

(E) advance the interests of justice.

**(4) Expenses.** The court may direct that specified parties pay the expenses, if any, of a transfer of an action to the appropriate venue or to the business and chancery court.

**(e) Transfer of an action to district court panel.**

(1) The Attorney General, the Governor, or the Legislature may file a notice to convene a district court panel, as described in Utah Code section 78A-5-102.7, in an action in the district court if the notice to convene is filed within 45 days after:

(A) the day on which the action is commenced;

(B) the day on which the amended complaint is filed if the complaint is amended in the action; or

(C) February 13, 2026, if the action is pending in the district court on February 13, 2026.

(2) If the Attorney General, the Governor, or the Legislature files a notice to convene a district court panel, the district court judge assigned to the action at the time the notice is filed must:

(A) notify the presiding officer of the Judicial Council that the action must be transferred to a district court panel; and

(B) transfer the action to the district court panel convened to hear and decide the action.

(3) Upon the filing of a notice to convene a district court panel, the district court judge assigned to the action at the time the notice is filed may not sever any matter from the action or take any further action.

128 **Advisory Committee Notes**

129 The addition of paragraph (c) arose in part from the Supreme Court's decision in *Davis*  
130 *County v. Purdue Pharma, L.P.*, 2020 UT 17.

131 *Note adopted 2020*

132 The February 13, 2026 effective date is upon approval by a constitutional two-thirds vote  
133 of all members elected to each house.