

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

2 **Effective:** ~~2/13/2026~~ 3/6/2026

3 **(a) Consolidation.**

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

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

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

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

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

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

18 (A) the complexity of the actions;

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

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

22 (D) the case and records classification of each case as described in Rule 4-
23 202.02 of the Utah Code of Judicial Administration;

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

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

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

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

30 (I) the efficient utilization of judicial resources and the facilities and
31 personnel of the court.

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

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

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

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

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

50 [\(c\) Separate trials in a medical malpractice action. For a malpractice action against a](#)
51 [health care provider, the factfinder may not prejudice a defendant by knowing or](#)
52 [considering evidence of the claimant's alleged losses for past medical expenses or the past](#)
53 [cost of medical equipment before:](#)

54 [\(1\) liability for the alleged losses has been established; and](#)

55 [\(2\) any claim or award of noneconomic damages, if any, for the alleged losses has](#)
56 [been fully adjudicated or entered.](#)

57 **(e)(d) Reassignment.** If the consolidation of actions would be otherwise appropriate but
58 is not administratively possible, the judge assigned to the first action may order the court

59 clerk to reassign the other actions to the judge assigned to the first action. Such actions
60 will be treated for all purposes as if they were consolidated except that the actions will
61 retain their separate case numbers, which must be included on all filings.

62 **(d)(e) Transfer of action to proper venue or the business and chancery court.**

63 **(1) Transfer to proper venue.**

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

66 (B) The court must give substantial deference to a plaintiff's choice of a
67 proper venue.

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

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

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

73 (iii) make other such orders concerning proceedings therein to
74 pursue the interests of justice and avoid unnecessary costs or delay.

75 **(2) Transfer to business and chancery court.**

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

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

82 (i) the district court must transfer the action to the business and
83 chancery court unless the district court determines that the transfer
84 will prejudice the interests of justice; and

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

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

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

92 (ii) transfer the action to the business and chancery court if the
93 factors described in paragraph ~~(d)(3)~~ (e)(3) weigh in favor of transfer.

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

97 **(3) Factors in determining whether to transfer an action.** On a motion under
98 paragraph ~~(d)(1)~~ (e)(1) or (2), a court may consider, among other factors, whether
99 the transfer will:

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

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

103 (C) decrease delay;

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

105 (i) the venue requirements if the court is determining whether to
106 transfer the action to the appropriate venue under paragraph
107 ~~(d)(1)~~ (e)(1); or

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

111 (E) advance the interests of justice.

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

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

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

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

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

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

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

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

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

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

134 (4) A district court panel may transfer an action back to the district court judge
135 assigned to the action at the time the notice was filed if:

136 (A) the party that filed the notice fails to pay the filing fee if a filing fee is
137 required for the party; or

138 (B) the panel determines that the notice did not comply with paragraph
139 (f)(1) or with the requirements in Utah Code section 78A-5-102.7.

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141 **Advisory Committee Notes**

142 The addition of paragraph ~~(e)~~(d) arose in part from the Supreme Court's decision in *Davis*
143 *County v. Purdue Pharma, L.P.*, 2020 UT 17.

144 *Note adopted 2020*

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146 The ~~February 13, 2026~~March 6, 2026 -effective date is upon approval by a constitutional
147 two-thirds vote of all members elected to each house.

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