

1 **Rule 42. Consolidation and separate trials**

2 (a) **Consolidation.** When actions involving a common question of law or fact or arising
3 from the same transaction or occurrence are pending before the court, the court may, on
4 motion of any party or on the court's own initiative: order that the actions are
5 consolidated in whole or in part for any purpose, including for discovery, other pretrial
6 matters, or a joint hearing or trial; stay any or all of the proceedings in any action
7 subject to the order; or make other such orders concerning proceedings therein as may
8 tend to avoid unnecessary costs or delay.

9 (1) In determining whether to order consolidation, the court may consider, among
10 other factors: the complexity of the actions; the importance of any common question
11 of fact or law to the determination of the actions; the risk of duplicative or
12 inconsistent rulings, orders, or judgments; the relative procedural postures of the
13 actions; the risk that consolidation may unreasonably delay the progress, increase
14 the expense, or complicate the processing of any action; prejudice to any party that
15 far outweighs the overall benefits of consolidation; the convenience of the parties,
16 witnesses, and counsel; and the efficient utilization of judicial resources and court
17 facilities and personnel.

18 (2) Any party may file or oppose a motion to consolidate. The motion must be filed
19 in the first-filed action and must be served on all parties in each action pursuant to
20 Rule 5 of the Utah Rules of Civil Procedure. The party seeking consolidation must
21 also file a notice of the motion in each action. The movant must, and any party may,
22 file in each action notice of the order denying or granting the motion.

23 (3) If the court orders consolidation, a new case number will be used for all
24 subsequent filings in the consolidated case. The court may direct that specified
25 parties pay the expenses, if any, of consolidation.

26 (b) **Separate trials.** The court in furtherance of convenience or to avoid prejudice may
27 order a separate trial of any claim, cross claim, counterclaim, or third party claim, or of

28 any separate issue or of any number of claims, cross claims, counterclaims, third party
29 claims, or issues.

30 *Effective May/November 1, 20____*

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