

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; and (2) demand for judgment for specified relief. Relief in the
5 alternative or of several different types may be demanded. A pleading requesting relief
6 must include the following caution language at the top right of the first page, in bold
7 print: **“If you do not respond to this document within applicable time limits,
8 judgment could be entered against you as requested.”** Failure to include the caution
9 language may provide the responding party with a basis under Rule 60(b) of the Utah
10 Rules of Civil Procedure for excusable neglect to set aside any resulting judgment or
11 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
19 denied 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
26 matter constituting an avoidance or affirmative defense. If a party mistakenly
27 designates a defense as a counterclaim or a counterclaim as a defense, the court, on

28 terms, may treat the pleadings as if the defense or counterclaim had been properly
29 designated.

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

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

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

40 *Effective May/November 1, 20__*

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