

1 **Rule 23C. Motion for ~~emergency relief~~expedited review.**

2 ~~(a) Emergency relief; exception. Emergency relief is any relief sought within a time period~~
3 ~~shorter than specified by otherwise applicable rules. A motion for emergency relief filed~~
4 ~~under this Rule is not sufficient to invoke the jurisdiction of the appellate court. No~~
5 ~~emergency relief will be granted in the absence of a separately filed petition or notice that~~
6 ~~invokes the appellate jurisdiction of the court.~~

7 ~~(b) Content of motion. A party seeking emergency relief shall file with the appellate court~~
8 ~~a motion for emergency relief containing~~(a) Expedited review. A party may request
9 expedited review on any pending motion, petition, or appeal by filing a motion with the
10 appellate court.

11 (b) Content of motion. A motion for expedited review must contain under appropriate
12 headings and in the order indicated:

13 (1) a ~~specification of the order from which relief is sought;~~

14 ~~(2) a copy of any written order at issue;~~

15 ~~(3) a specific and clear statement of the relief sought;~~

16 ~~(4) a statement of the factual and legal grounds entitling the party to relief;~~

17 ~~(5) a~~(2) a statement of the facts and any applicable legal grounds justifying ~~emergency~~
18 ~~action~~expedited review; and

19 ~~(6)~~3 a certificate that all papers filed with the court have been served upon all parties
20 by overnight mail, hand delivery, ~~facsimile~~, or electronic transmission.

21 The motion ~~shall~~may not exceed ~~15~~5 pages, exclusive of any ~~addendum containing~~
22 ~~statutes, rules, regulations, or portions of the record necessary to decide the matter. It also~~
23 ~~shall not seek relief beyond that necessitated by the emergency circumstances justifying~~
24 ~~the motion.~~addenda.

25 ~~(e) Service in criminal and juvenile delinquency cases. Any motion filed by a defendant~~
26 ~~in a criminal case originally charged as a felony or by a juvenile in a delinquency~~
27 ~~proceeding shall be served on the Appeals Division of the Office of the Utah Attorney~~
28 ~~General.~~

29 ~~(d)~~ **(c) Response; no reply.** Any party may file a response to the motion within three days
30 after service of the motion or whatever shorter time the appellate court may fix. The
31 response ~~shall~~may not exceed ~~15~~5 pages, exclusive of any ~~addendum containing statutes,~~
32 ~~rules, regulations, or portions of the record necessary to decide the matter.~~addenda. No
33 reply ~~shall~~will be permitted. ~~Unless~~ unless the ~~appellate court is persuaded that an~~
34 ~~emergency circumstance justifies and requires a temporary stay of a lower tribunal's~~
35 ~~proceedings prior to the opportunity to receive or review a response, no motion shall be~~
36 ~~granted before the response period expires.~~calls for one.

37 **(e) Form of papers.** Papers filed pursuant to this rule ~~shall~~must comply with the
38 requirements of Rule 27.

39 **(f) Hearing.** A hearing on the motion will be granted only in exceptional circumstances.
40 ~~No motion for emergency relief will be heard without the presence of an~~Any adverse
41 party must be present for any hearing except on a showing that the party (1) was served
42 with reasonable notice of the hearing, and (2) cannot be reached by telephone.

43 (f) Decision. The court will not grant a motion before the response time expires unless
44 the court is persuaded that the circumstances justify immediate relief.

45 **(g) Power of a single justice or judge to entertain** ~~motions~~a motion. A single justice or
46 judge may act upon a motion for ~~emergency relief~~expedited review as provided in Rule
47 23(e).

48
49 Advisory Committee Note

50 This rule does not confer jurisdiction on the court and may not be used to ~~the extent~~
51 ~~permitted by Rule 19 where extraordinary~~seek substantive relief ~~is sought, and by Rule~~
52 ~~23(e) in all~~that might be available under other rules, including Rules 8 and 19.