

1 **Rule 7. Pleadings allowed; motions, memoranda, hearings, orders.**

2 **(a) Pleadings.** Only these pleadings are allowed:

3 (1) a complaint;

4 (2) an answer to a complaint;

5 (3) an answer to a counterclaim designated as a counterclaim;

6 (4) an answer to a crossclaim;

7 (5) a third-party complaint;

8 (6) an answer to a third-party complaint; and

9 (7) a reply to an answer if ordered by the court.

10 **(b) Motions.** A request for an order must be made by motion. The motion must be in  
11 writing unless made during a hearing or trial, must state the relief requested, and must  
12 state the grounds for the relief requested. Except for the following, a motion must be  
13 made in accordance with this rule.

14 (1) A motion, other than a motion described in paragraphs (b)(2), (b)(3) or (b)(4),  
15 made in proceedings before a court commissioner must follow Rule [101](#).

16 (2) A request under [Rule 26](#) for extraordinary discovery must follow Rule [37\(a\)](#).

17 (3) A request under Rule [37](#) for a protective order or for an order compelling  
18 disclosure or discovery – but not a motion for sanctions – must follow Rule [37\(a\)](#).

19 (4) A request under Rule [45](#) to quash a subpoena must follow Rule [37\(a\)](#).

20 (5) A motion for summary judgment must follow the procedures of this rule as  
21 supplemented by the requirements of Rule [56](#).

22 **(c) Name and content of motion.**

23 (1) The rules governing captions and other matters of form in pleadings apply to  
24 | motions and other papers.

25 (2) **Caution language.** For all dispositive motions, the motion must include the  
26 following caution language at the top right corner of the first page, in bold type:  
27 **This motion requires you to respond. Please see the Notice to Responding Party.**

28 (3) **Bilingual notice.** All motions must include or attach the bilingual Notice to  
29 Responding Party approved by the Judicial Council.

30 (4) **Failure to include caution language and notice.** Failure to include the caution  
31 language in paragraph (c)(2) or the bilingual notice in paragraph (c)(3) may be  
32 grounds to continue the hearing on the motion, or may provide the non-moving  
33 party with a basis under Rule 60(b) for excusable neglect to set aside the order  
34 resulting from the motion. Parties may opt out of receiving the notices set forth in  
35 paragraphs (c)(2) and (c)(3) while represented by counsel.

36 (5) **Title of motion.** The moving party must title the motion substantially as:  
37 “Motion [short phrase describing the relief requested].”

38 (6) **Contents of motion.** The motion must include the supporting memorandum. The  
39 motion must include under appropriate headings and in the following order:

40 (A) a concise statement of the relief requested and the grounds for the relief  
41 requested; and

42 (B) one or more sections that include a concise statement of the relevant facts  
43 claimed by the moving party and argument citing authority for the relief  
44 requested.

45 (27) If the moving party cites documents, interrogatory answers, deposition  
46 testimony, or other discovery materials, relevant portions of those materials must be  
47 attached to or submitted with the motion.

48 (38) **Length of motion.** If the motion is for relief authorized  
49 by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or Rule [65A](#), the motion may not exceed 25 pages, not  
50 counting the attachments, unless a longer motion is permitted by the court. Other

51 motions may not exceed 15 pages, not counting the attachments, unless a longer  
52 motion is permitted by the court.

53 **(d) Name and content of memorandum opposing the motion.**

54 (1) A nonmoving party may file a memorandum opposing the motion within 14  
55 days after the motion is filed. The nonmoving party must title the memorandum  
56 substantially as: “Memorandum opposing motion [short phrase describing the relief  
57 requested].” The memorandum must include under appropriate headings and in the  
58 following order:

59 (A) a concise statement of the party’s preferred disposition of the motion and the  
60 grounds supporting that disposition;

61 (B) one or more sections that include a concise statement of the relevant facts  
62 claimed by the nonmoving party and argument citing authority for that  
63 disposition; and

64 (C) objections to evidence in the motion, citing authority for the objection.

65 (2) If the non-moving party cites documents, interrogatory answers, deposition  
66 testimony, or other discovery materials, relevant portions of those materials must be  
67 attached to or submitted with the memorandum.

68 (3) If the motion is for relief authorized by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or Rule [65A](#),  
69 the memorandum opposing the motion may not exceed 25 pages, not counting the  
70 attachments, unless a longer memorandum is permitted by the court. Other  
71 opposing memoranda may not exceed 15 pages, not counting the attachments,  
72 unless a longer memorandum is permitted by the court.

73 **(e) Name and content of reply memorandum.**

74 (1) Within 7 days after the memorandum opposing the motion is filed, the moving  
75 party may file a reply memorandum, which must be limited to rebuttal of new  
76 matters raised in the memorandum opposing the motion. The moving party must

77 title the memorandum substantially as “Reply memorandum supporting motion  
78 [short phrase describing the relief requested].” The memorandum must include  
79 under appropriate headings and in the following order:

80 (A) a concise statement of the new matter raised in the memorandum opposing  
81 the motion;

82 (B) one or more sections that include a concise statement of the relevant facts  
83 claimed by the moving party not previously set forth that respond to the  
84 opposing party’s statement of facts and argument citing authority rebutting the  
85 new matter;

86 (C) objections to evidence in the memorandum opposing the motion, citing  
87 authority for the objection; and

88 (D) response to objections made in the memorandum opposing the motion, citing  
89 authority for the response.

90 (2) If the moving party cites documents, interrogatory answers, deposition  
91 testimony, or other discovery materials, relevant portions of those materials must be  
92 attached to or submitted with the memorandum.

93 (3) If the motion is for relief authorized by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or Rule [65A](#),  
94 the reply memorandum may not exceed 15 pages, not counting the attachments,  
95 unless a longer memorandum is permitted by the court. Other reply memoranda  
96 may not exceed 10 pages, not counting the attachments, unless a longer  
97 memorandum is permitted by the court.

98 **(f) Objection to evidence in the reply memorandum; response.** If the reply  
99 memorandum includes an objection to evidence, the nonmoving party may file a  
100 response to the objection no later than 7 days after the reply memorandum is filed. If  
101 the reply memorandum includes evidence not previously set forth, the nonmoving  
102 party may file an objection to the evidence no later than 7 days after the reply  
103 memorandum is filed, and the moving party may file a response to the objection no

104 later than 7 days after the objection is filed. The objection or response may not be more  
105 than 3 pages.

106 **(g) Request to submit for decision.** When briefing is complete or the time for briefing  
107 has expired, either party may file a "Request to Submit for Decision," but, if no party  
108 files a request, the motion will not be submitted for decision. The request to submit for  
109 decision must state whether a hearing has been requested and the dates on which the  
110 following documents were filed:

111 (1) the motion;

112 (2) the memorandum opposing the motion, if any;

113 (3) the reply memorandum, if any; and

114 (g)(4) the response to objections in the reply memorandum, if any.

115 **(h) Hearings.** The court may hold a hearing on any motion. A party may request a  
116 hearing in the motion, in a memorandum or in the request to submit for decision. A  
117 request for hearing must be separately identified in the caption of the document  
118 containing the request. The court must grant a request for a hearing on a motion  
119 under Rule [56](#) or a motion that would dispose of the action or any claim or defense in  
120 the action unless the court finds that the motion or opposition to the motion is frivolous  
121 or the issue has been authoritatively decided.

122 **(i) Notice of supplemental authority.** A party may file notice of citation to significant  
123 authority that comes to the party's attention after the party's motion or memorandum  
124 has been filed or after oral argument but before decision. The notice may not exceed 2  
125 pages. The notice must state the citation to the authority, the page of the motion or  
126 memorandum or the point orally argued to which the authority applies, and the reason  
127 the authority is relevant. Any other party may promptly file a response, but the court  
128 may act on the motion without waiting for a response. The response may not exceed 2  
129 pages.

130 **(j) Orders.**

131 **(1) Decision complete when signed; entered when recorded.** However designated,  
132 the court's decision on a motion is complete when signed by the judge. The decision  
133 is entered when recorded in the docket.

134 **(2) Preparing and serving a proposed order.** Within 14 days of being directed by the  
135 court to prepare a proposed order confirming the court's decision, a party must  
136 serve the proposed order on the other parties for review and approval as to form. If  
137 the party directed to prepare a proposed order fails to timely serve the order, any  
138 other party may prepare a proposed order confirming the court's decision and serve  
139 the proposed order on the other parties for review and approval as to form.

140 **(3) Effect of approval as to form.** A party's approval as to form of a proposed order  
141 certifies that the proposed order accurately reflects the court's decision. Approval as  
142 to form does not waive objections to the substance of the order.

143 **(4) Objecting to a proposed order.** A party may object to the form of the proposed  
144 order by filing an objection within 7 days after the order is served.

145 **(5) Filing proposed order.** The party preparing a proposed order must file it:

146 (A) after all other parties have approved the form of the order (The party  
147 preparing the proposed order must indicate the means by which approval was  
148 received: in person; by telephone; by signature; by email; etc.);

149 (B) after the time to object to the form of the order has expired (The party  
150 preparing the proposed order must also file a certificate of service of the  
151 proposed order.); or

152 (C) within 7 days after a party has objected to the form of the order (The party  
153 preparing the proposed order may also file a response to the objection.).

154 **(6) Proposed order before decision prohibited; exceptions.** A party may not file a  
155 proposed order concurrently with a motion or a memorandum or a request to  
156 submit for decision, but a proposed order must be filed with:

- 157 (A) a stipulated motion;
- 158 (B) a motion that can be acted on without waiting for a response;
- 159 (C) an ex parte motion;
- 160 (D) a statement of discovery issues under Rule [37\(a\)](#); and
- 161 (E) the request to submit for decision a motion in which a memorandum
- 162 opposing the motion has not been filed.

163 **(7) Orders entered without a response; ex parte orders.** An order entered on a

164 motion under paragraph (l) or (m) can be vacated or modified by the judge who

165 made it with or without notice.

166 **(8) Order to pay money.** An order to pay money can be enforced in the same

167 manner as if it were a judgment.

168 **(k) Stipulated motions.** A party seeking relief that has been agreed to by the other

169 parties may file a stipulated motion which must:

- 170 (1) be titled substantially as: “Stipulated motion [short phrase describing the relief
- 171 requested]”;
- 172 (2) include a concise statement of the relief requested and the grounds for the relief
- 173 requested;
- 174 (3) include a signed stipulation in or attached to the motion and;
- 175 (4) be accompanied by a request to submit for decision and a proposed order that
- 176 has been approved by the other parties.

177 **(l) Motions that may be acted on without waiting for a response.**

- 178 (1) The court may act on the following motions without waiting for a response:
- 179 (A) motion to permit an over-length motion or memorandum;
- 180 (B) motion for an extension of time if filed before the expiration of time;
- 181 (C) motion to appear pro hac vice; and

182 (D) other similar motions.

183 (2) A motion that can be acted on without waiting for a response must:

184 (A) be titled as a regular motion;

185 (B) include a concise statement of the relief requested and the grounds for the  
186 relief requested;

187 (C) cite the statute or rule authorizing the motion to be acted on without waiting  
188 for a response; and

189 (D) be accompanied by a request to submit for decision and a proposed order.

190 **(m) Ex parte motions.** If a statute or rule permits a motion to be filed without serving  
191 the motion on the other parties, the party seeking relief may file an ex parte motion  
192 which must:

193 (1) be titled substantially as: "Ex parte motion [short phrase describing the relief  
194 requested]";

195 (2) include a concise statement of the relief requested and the grounds for the relief  
196 requested;

197 (3) cite the statute or rule authorizing the ex parte motion;

198 (4) be accompanied by a request to submit for decision and a proposed order.

199 **(n) Motion in opposing memorandum or reply memorandum prohibited.** A party  
200 may not make a motion in a memorandum opposing a motion or in a reply  
201 memorandum. A party who objects to evidence in another party's motion or  
202 memorandum may not move to strike that evidence. Instead, the party must include in  
203 the subsequent memorandum an objection to the evidence.

204 **(o) Overlength motion or memorandum.** The court may permit a party to file an  
205 overlength motion or memorandum upon a showing of good cause. An overlength  
206 motion or memorandum must include a table of contents and a table of authorities with  
207 page references.



208 **(p) Limited statement of facts and authority.** No statement of facts and legal  
209 authorities beyond the concise statement of the relief requested and the grounds for the  
210 relief requested required in paragraph (c) is required for the following motions:

- 211 (1) motion to allow an over-length motion or memorandum;
- 212 (2) motion to extend the time to perform an act, if the motion is filed before the time  
213 to perform the act has expired;
- 214 (3) motion to continue a hearing;
- 215 (4) motion to appoint a guardian ad litem;
- 216 (5) motion to substitute parties;
- 217 (6) motion to refer the action to or withdraw it from alternative dispute resolution  
218 under Rule 4-510.05;
- 219 (7) motion for a conference under Rule 16; and
- 220 (8) motion to approve a stipulation of the parties.

221 ~~**(q) Limit on order to show cause.** An application to the court for an order to show  
222 cause shall be made only for enforcement of an existing order or for sanctions for  
223 violating an existing order. An application for an order to show cause must be  
224 supported by an affidavit sufficient to show cause to believe a party has violated a court  
225 order. Nothing in this rule is intended to limit or alter the inherent power of the court to  
226 initiate order to show cause proceedings to assess whether cases should be dismissed  
227 for failure to prosecute or to otherwise manage the court's docket.~~

#### 228 229 **Advisory Committee Notes**

230 The 2015 changes to Rule 7 repeal and reenact the rule. Many of the provisions  
231 from the former Rule 7 are preserved in the 2015 version, but there are many changes as  
232 well. The committee's intent is to bring more regularity to motion practice. Some of  
233 these features are found in Rule 7-1 of the U.S. District Court for the District of Utah:

- 234 ~~—integrate the memorandum supporting a motion with the motion itself;~~

- 235 ~~—describe more uniform motion titles;~~  
 236 ~~—describe more uniform content in the memoranda;~~  
 237 ~~—regulate the process for citing supplemental authority;~~  
 238 ~~—prohibit proposed orders before a decision, except for specified motions;~~  
 239 ~~—move the special requirements for a motion for summary judgment to Rule~~  
 240 ~~56;~~  
 241 ~~—allow a limited statement of facts for specified motions;~~  
 242 ~~—require an objection to evidence, rather than a motion to strike evidence; and~~  
 243 ~~—require a counter motion rather than a motion in the opposing~~  
 244 ~~memorandum.~~

245 The 2015 amendments in this rule, as well as in Rule 54 and Rule 58A, respond to  
 246 the Supreme Court's directive to the committee in *Central Utah Water Conservancy*  
 247 *District v. King*, 2013 UT 13 ¶27. In that case the Supreme Court directed the committee  
 248 to address the problem of undue delay when the parties fail to comply with former Rule  
 249 7(f)(2). A major objective of the 2015 amendments is to continue the policy of clear  
 250 expectations of the parties established in:

- 251 ~~—*Butler v. Corporation of The President of The Church of Jesus Christ of Latter Day*~~  
 252 ~~*Saints*, 2014 UT 41~~  
 253 ~~—*Central Utah Water Conservancy District v. King*, 2013 UT 13;~~  
 254 ~~—*Giusti v. Sterling Wentworth Corp.*, 2009 UT 2;~~  
 255 ~~—*Houghton v. Dep't of Health*, 2008 UT 86; and~~  
 256 ~~—*Code v. Dep't of Health*, 2007 UT 43.~~

257 However, the 2015 amendments do so in a manner simpler than the “magic  
 258 words” required under the former Rule 7(f)(2).

259 In these cases, the Supreme Court established a policy favoring a clear indication  
 260 of whether a further document would be required from the parties after a judge's  
 261 decision. The parties should not be required to guess what, if anything, should come  
 262 next.

263 There were three ways to meet the test: a proposed order was submitted with the  
 264 supporting or opposing memorandum; an order was prepared at the direction of the  
 265 judge; the decision included an express indication that a further order was not required.  
 266 The 2015 amendments remove a proposed order from the process in most

267 | circumstances. The trend under the former rule was to include in every order an  
268 | indication that nothing further was required, sometimes even when the order expressly  
269 | directed a party to prepare a further order. In other cases orders were prepared in some  
270 | manner other than as described in the rule, yet the order did not expressly state that  
271 | nothing further was required. The order technically was not complete, but everyone  
272 | proceeded as if it were.

273 |         The 2015 amendments continue the policy of a bright-line test for a completed  
274 | decision but do not rely on conditions that might or might not be met. The one  
275 | condition that can be counted on is the judge's signature. Under the former rule, a  
276 | completed decision was imposed by operation of law when the order was prepared in  
277 | one of the recognized ways. The 2015 rule imposes a completed decision by operation of  
278 | law when the document memorializing the decision is signed. Under the former rule,  
279 | the judge's silence meant that something further was required, unless the order was  
280 | prepared in one of the ways described in Rule 7. The presumption in the 2015  
281 | amendments is the opposite: silence means that nothing further is required from the  
282 | parties. Judges can expressly require an order confirming a decision if one is needed in  
283 | a particular case.

284 |         The committee recognizes the many different forms a judge's decision might  
285 | take, and discussed defining "order," but decided against the attempt. There are too  
286 | many variations. If written, the document might be titled "order," "ruling," "opinion,"  
287 | "decision," "memorandum decision," etc. The decision might not be written; an oral  
288 | directive is an order. A clerk's minute entry of an oral decision is, when signed by the  
289 | judge, treated the same as a written order. The committee decided instead to modify a  
290 | phrase of long standing from Rule 54(b)—"a decision, however designated"—in this  
291 | rule and in Rule 58A. In this rule, however a judge's decision may be designated, that  
292 | decision is complete when the judge signs the document memorializing the decision.  
293 | Whether there is a right to appeal is determined by whether the decision—or  
294 | subsequent order confirming the decision—is a judgment. That analysis is governed by  
295 | Rule 54. When the judgment is entered is governed by Rule 58A. If the order is not a  
296 | judgment, the time in which to petition for permission to appeal under Rule of  
297 | Appellate Procedure 5 is calculated from the date on which an order confirming an  
298 | earlier decision is entered, but only if the judge directs that a confirming order be  
299 | prepared. If the judge does not direct that a confirming order be prepared, the time is  
300 | calculated from the date on which the decision, however designated, is entered.

301 |         The 2017 amendments to Rule 7 return pre-2015 paragraph (b)(2) language  
302 | addressing limits on orders to show cause to new paragraph (q) and also clarify the  
303 | discretion the court retains to manage its docket. Paragraph (q) is directed only at  
304 | limitations on order to show cause proceedings initiated by parties.

305 |