

1 **Rule 36. Issuance of remittitur.**

2 **(a) Date of issuance.**

3 (a)(1) In the Supreme Court the remittitur ~~of the court shall will~~ issue ~~45-14~~ days after the entry of
4 the judgment. If a petition for rehearing is timely filed, the remittitur ~~of the court shall will~~ issue ~~five-7~~
5 days after the entry of the order disposing of the petition.

6 (a)(2) In the Court of Appeals the remittitur ~~of the court shall will~~ issue ~~immediately promptly~~ after
7 the expiration of the time for filing a petition for writ of certiorari. If a petition for writ of certiorari is
8 timely filed, issuance of the remittitur by the Court of Appeals ~~will automatically be is~~ stayed until the
9 Supreme Court’s disposition on the petition ~~for writ of certiorari~~. If the Supreme Court denies the
10 petition, the Court of Appeals ~~shall will~~ issue its remittitur ~~five-7~~ days after entry of the order denying
11 the petition. If the Supreme Court grants the petition, jurisdiction of the appeal ~~shall be is~~ transferred
12 to the Supreme Court, ~~and the Court of Appeals shall close its file and transfer the record on appeal,~~
13 ~~if any, to the Supreme Court.~~

14 (a)(3) The time for issuance of the remittitur may be ~~otherwise stayed, enlarged, or shortened~~
15 ~~changed by court order of the court~~. A ~~certified~~ copy of the opinion of the court, any direction as to
16 costs, and the record of the proceedings ~~shall constitutes~~ the remittitur.

17 **(b) Stay, supersedeas or injunction pending application for review to the Supreme Court of the**

18 **United States.** A stay or supersedeas of the remittitur or an injunction pending application for review to
19 the United States Supreme Court may be granted on motion and for good cause. Any motion for a stay of
20 the remittitur or for approval of a supersedeas bond or for an order suspending, modifying, restoring, or
21 granting an injunction during the pendency of the appeal ~~shall must~~ be filed in the Utah ~~Supreme Court~~.
22 ~~Reasonable notice of the motion shall be given to appellate court and served on all parties.~~ The period of
23 the stay, supersedeas or injunction ~~shall will~~ be ~~for such time~~ as ordered by the court up to and including
24 the final disposition of the application for review. A bond or other security on ~~such terms as~~ the court
25 deems appropriate may be required as a condition to ~~granting or continuing the grant or continuance of~~
26 relief under this paragraph. If the stay, supersedeas, or injunction is granted until the final disposition of
27 the application for review, the party seeking the review ~~shall must, within the time permitted for seeking~~
28 ~~the review, timely~~ file with the clerk of the court ~~which that~~ entered the decision sought to be reviewed, a
29 certified copy of the notice of appeal, petition for writ of certiorari, or other application for review, or ~~shall~~
30 ~~must~~ file a certificate that ~~such an~~ application for review has been filed. Upon ~~the filing of a copy of an the~~
31 order of the United States Supreme Court dismissing the appeal or denying the petition for a writ of
32 certiorari, the remittitur ~~shall will~~ issue immediately.

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