

Rule 36. Issuance of Remittitur.**(a) Date of issuance.**

(1) ~~In~~ The Supreme Court will issue a ~~the~~ remittitur ~~of the court shall issue~~ 15 days after ~~the entry of~~ the judgment is entered. If a petition for rehearing is timely filed, the remittitur ~~of the court shall~~ will issue five days after ~~the entry of~~ the order disposing of the petition is entered.

(2) ~~In~~ The Court of Appeals will issue a ~~the~~ remittitur ~~of the court shall issue~~ immediately after ~~the expiration of~~ the time for filing a petition for writ of certiorari expires. If a petition for writ of certiorari is timely filed, ~~issuance of the remittitur by~~ the Court of Appeals will automatically ~~be stayed~~ issuing the remittitur until the Supreme Court's disposition on the petition for writ of certiorari. If the Supreme Court denies the petition, the Court of Appeals ~~shall~~ will issue its remittitur five days after ~~entry of~~ the order denying the petition is entered. If the Supreme Court grants the petition, jurisdiction of the appeal ~~shall will be transferred~~ transfer to the Supreme Court, and the Court of Appeals ~~shall will~~ close its file and transfer the record on appeal, if any, to the Supreme Court.

(3) The time ~~for issuance of~~ to issue the remittitur may be otherwise stayed, enlarged, or shortened by ~~order of the court~~ order. ~~A certified copy of~~ ~~the court's~~ opinion ~~of the court~~, any direction as to costs, and the record of the proceedings ~~shall will~~ constitute the remittitur.

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

the United States. A stay or supersedeas of the remittitur or an injunction pending application for review to the United States Supreme Court may be granted on motion and for good cause. Any motion for a stay of the remittitur or for approval of a supersedeas bond or for an order suspending, modifying, restoring, or granting an injunction during ~~the pendency of~~ the appeal ~~shall must~~ be filed in the Utah Supreme Court. Reasonable notice of the motion ~~shall must~~ be given to all parties. The period of the stay, supersedeas, or injunction ~~shall will~~ be for such time as ~~the court orders, by the court~~ up to and including the final disposition of the application for review. A bond or other security on such terms as the court deems appropriate may be required as a condition to the grant or continuance of relief under this paragraph. If the stay, supersedeas, or injunction is granted until the final disposition of the application for review, the party seeking

31 the review ~~shall~~must, within the time permitted for seeking the review, file with the clerk of the
32 court ~~which~~that entered the decision sought to be reviewed, ~~a certified copy of~~ the notice of
33 appeal, petition for writ of certiorari, or other application for review, or ~~shall~~must file a
34 certificate that such application for review has been filed. Upon ~~the~~ filing ~~of a copy of~~ an order
35 of the United States Supreme Court dismissing the appeal or denying the petition for a writ of
36 certiorari, the remittitur ~~shall~~will issue immediately.