

1 **Rule 42. Consolidation; separate trials; venue transfer.**

2 **(a) Consolidation.** When actions involving a common question of law or fact or arising  
3 from the same transaction or occurrence are pending before the court in one or more  
4 judicial districts, the court may, on motion of any party or on the court's own initiative:  
5 order that the actions are consolidated in whole or in part for any purpose, including  
6 for discovery, other pretrial matters, or a joint hearing or trial; stay any or all of the  
7 proceedings in any action subject to the order; transfer any or all further proceedings in  
8 the actions to a location in which any of the actions is pending after consulting with the  
9 presiding judge of the transferee court; and make other such orders concerning  
10 proceedings therein as may tend to avoid unnecessary costs or delay.

11 (1) In determining whether to order consolidation and the appropriate location for  
12 the consolidated proceedings, the court may consider, among other factors: the  
13 complexity of the actions; the importance of any common question of fact or law to  
14 the determination of the actions; the risk of duplicative or inconsistent rulings,  
15 orders, or judgments; the relative procedural postures of the actions; the risk that  
16 consolidation may unreasonably delay the progress, increase the expense, or  
17 complicate the processing of any action; prejudice to any party that far outweighs  
18 the overall benefits of consolidation; the convenience of the parties, witnesses, and  
19 counsel; and the efficient utilization of judicial resources and the facilities and  
20 personnel of the court.

21 (2) A motion to consolidate may be filed or opposed by any party. The motion must  
22 be filed in and heard by the judge assigned to the first action filed and must be  
23 served on all parties in each action pursuant to [Rule 5](#). A notice of the motion must  
24 be filed in each action. The movant must, and any party may, file in each action  
25 notice of the order denying or granting the motion.

26 (3) If the court orders consolidation, a ~~new~~-[single](#) case number will be used for all  
27 subsequent filings in the consolidated case. The court may direct that specified  
28 parties pay the expenses, if any, of consolidation. The presiding judge of the  
29 transferee court may assign the consolidated case to another judge for good cause.

30 **(b) Separate trials.** The court in furtherance of convenience or to avoid prejudice may  
31 order a separate trial of any claim, cross claim, counterclaim, or third party claim, or of  
32 any separate issue or of any number of claims, cross claims, counterclaims, third party  
33 claims, or issues.

34 **(c) Venue Transfer.**

35 (1) On timely motion of any party, where transfer to a proper venue is available, the  
36 court must transfer any action filed in an improper venue.

37 (2) The court must give substantial deference to a plaintiff's choice of a proper  
38 venue. On timely motion of any party, a court may: transfer venue of any action,  
39 in whole or in part, to any other venue for any purpose, including for discovery,  
40 other pretrial matters, or a joint hearing or trial; stay any or all of the proceedings in  
41 the action; and make other such orders concerning proceedings therein to pursue the  
42 interests of justice and avoid unnecessary costs or delay. In determining whether to  
43 transfer venue and the appropriate venue for the transferred proceedings, the court  
44 may consider, among other factors, whether transfer will: increase the likelihood of a  
45 fair and impartial determination in the action; minimize expense or inconvenience to  
46 parties, witnesses, or the court; decrease delay; avoid hardship or injustice otherwise  
47 caused by venue requirements; and advance the interests of justice.

48 (3) The court may direct that specified parties pay the expenses, if any, of transfer.

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50 **Advisory Committee Notes**

51 *Note adopted 2020*

52 The addition of paragraph (c) arose in part from the Supreme Court's decision in *Davis*  
53 *County v. Purdue Pharma, L.P*, 2020 UT 17.

54

55 Effective January 1, 2020.

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