

1 **Rule 23C. Motion for emergency relief.**

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

7 (b) Content of motion. A party seeking emergency relief shall file with the appellate
8 court a motion for emergency relief containing under appropriate headings and in the
9 order indicated:

- 10 ~~(b)~~(1) a specification of the order from which relief is sought;
- 11 ~~(b)~~(2) a copy of any written order at issue;
- 12 ~~(b)~~(3) a specific and clear statement of the relief sought;
- 13 ~~(b)~~(4) a statement of the factual and legal grounds entitling the party to relief;
- 14 ~~(b)~~(5) a statement of the facts justifying emergency action; and
- 15 ~~(b)~~(6) a certificate that all papers filed with the court have been served upon all
16 parties by overnight mail, hand delivery, facsimile, or electronic transmission.

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17 The motion shall not exceed ~~fifteen~~ 15 pages, exclusive of any addendum containing
18 statutes, rules, regulations, or portions of the record necessary to decide the matter. It
19 also shall not seek relief beyond that necessitated by the emergency circumstances
20 justifying the motion.

21 (c) Service in criminal and juvenile delinquency cases. Any motion filed by a defendant
22 in a criminal case originally charged as a felony or by a juvenile in a delinquency
23 proceeding shall be served on the Appeals Division of the Office of the Utah Attorney
24 General.

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

33 (e) Form of papers ~~and number of copies~~. Papers filed pursuant to this rule shall comply
34 with the requirements of Rule ~~23(f)~~27.

35 (f) Hearing. A hearing on the motion will be granted only in exceptional circumstances.
36 No motion for emergency relief will be heard without the presence of an adverse party
37 except on a showing that the party (1) was served with reasonable notice of the hearing,
38 and (2) cannot be reached by telephone.

39 (g) Power of a single justice or judge to entertain motions. A single justice or judge may
40 act upon a motion for emergency relief to the extent permitted by Rule 19~~(d)~~ where ~~the~~
41 extraordinary relief is sought, ~~is an extraordinary writ~~ and by Rule 23(e) in all other
42 cases.