

1 **Rule 4. Appeal as of right: when taken.**

2 (a) Appeal ~~from final judgment and order~~ **as of right**. Except as provided in paragraph
3 (a)(1) or (a)(2), ~~I~~ in a case in which an appeal is permitted as a matter of right from the
4 trial court to the appellate court, the notice of appeal required by Rule 3 ~~must~~**shall** be
5 filed with the clerk of the trial court within 30 days after the date of entry of the
6 judgment or order appealed from.

7 ~~(1) However, w~~When a judgment or order is entered in a statutory forcible entry
8 or unlawful detainer action, the notice of appeal required by Rule 3 ~~must~~**shall** be
9 filed with the clerk of the trial court within 10 days after the date of entry of the
10 judgment or order appealed from.

11 (2) When an order is entered denying, in whole or in part, a motion to dismiss
12 under Utah Code section 78B-25-103, the notice of appeal must be filed with the
13 clerk of the trial court within 21 days after the date of entry of the order appealed
14 from.

15 (b) **Time for appeal extended by certain motions.**

16 (1) If a party timely files in the trial court any of the following, the time for all
17 parties to appeal from the judgment runs from the entry of the dispositive order:

18 (A) A motion for judgment under Rule 50(b) of the Utah Rules of Civil
19 Procedure;

20 (B) A motion to amend or make additional findings of fact, whether or not
21 an alteration of the judgment would be required if the motion is granted,
22 under Rule 52(b) of the Utah Rules of Civil Procedure;

23 (C) A motion to alter or amend the judgment under Rule 59 of the Utah
24 Rules of Civil Procedure;

25 (D) A motion for a new trial under Rule 59 of the Utah Rules of Civil
26 Procedure;

27 (E) A motion for relief under Rule [60\(b\)](#) of the Utah Rules of Civil
28 Procedure if the motion is filed no later than 28 days after the judgment is
29 entered;

30 (F) A motion or claim for attorney fees under Rule [73](#) of the Utah Rules of
31 Civil Procedure; or

32 (G) A motion for a new trial under Rule [24](#) of the Utah Rules of Criminal
33 Procedure.

34 (2) A notice of appeal filed after announcement or entry of judgment, but before
35 entry of an order disposing of any motion listed in paragraph (b), shall be treated
36 as filed after entry of the order and on the day thereof, except that such a notice
37 of appeal is effective to appeal only from the underlying judgment. To appeal
38 from a final order disposing of any motion listed in paragraph (b), a party must
39 file a notice of appeal or an amended notice of appeal within the prescribed time
40 measured from the entry of the order.

41 (c) **Filing prior to entry of judgment or order.** A notice of appeal filed after the
42 announcement of a decision, judgment, or order but before entry of the judgment or
43 order shall be treated as filed after such entry and on the day thereof.

44 (d) **Additional or cross-appeal.** If a timely notice of appeal is filed by a party, any other
45 party may file a notice of appeal within 14 days after the date on which the first notice
46 of appeal was filed, or within the time otherwise prescribed by paragraphs (a) and (b) of
47 this rule, whichever period last expires.

48 (e) **Motion for extension of time.**

49 (1) The trial court, upon a showing of good cause, may extend the time for filing
50 a notice of appeal upon motion filed before the expiration of the time prescribed
51 by paragraphs (a) and (b) of this rule. Responses to such motions for an extension
52 of time are disfavored and the court may rule at any time after the filing of the
53 motion. No extension shall exceed 30 days beyond the prescribed time or 14 days

54 beyond the date of entry of the order granting the motion, whichever occurs
55 later.

56 (2) The trial court, upon a showing of good cause or excusable neglect, may
57 extend the time for filing a notice of appeal upon motion filed not later than 30
58 days after the expiration of the time prescribed by paragraphs (a) and (b) of this
59 rule. The court may rule at any time after the filing of the motion. That a movant
60 did not file a notice of appeal to which paragraph (c) would apply is not relevant
61 to the determination of good cause or excusable neglect. No extension shall
62 exceed 30 days beyond the prescribed time or 14 days beyond the date of entry of
63 the order granting the motion, whichever occurs later.

64 **(f) Motion to reinstate period for filing a direct appeal in criminal cases.** Upon a
65 showing that a criminal defendant was deprived of the right to appeal, the trial court
66 shall reinstate the thirty-day period for filing a direct appeal. A defendant seeking such
67 reinstatement shall file a written motion in the sentencing court and serve the
68 prosecuting entity. If the defendant is not represented and is indigent, the court shall
69 appoint counsel. The prosecutor shall have 30 days after service of the motion to file a
70 written response. If the prosecutor opposes the motion, the trial court shall set a hearing
71 at which the parties may present evidence. If the trial court finds by a preponderance of
72 the evidence that the defendant has demonstrated that the defendant was deprived of
73 the right to appeal, it shall enter an order reinstating the time for appeal. The
74 defendant's notice of appeal must be filed with the clerk of the trial court within 30 days
75 after the date of entry of the order.

76 **(g) Motion to reinstate period for filing a direct appeal in civil cases.**

77 (1) The trial court shall reinstate the thirty-day period for filing a direct appeal if
78 the trial court finds by a preponderance of the evidence that:

79 (A) The party seeking to appeal lacked actual notice of the entry of
80 judgment at a time that would have allowed the party to file a timely
81 motion under paragraph (e) of this rule;

82 (B) The party seeking to appeal exercised reasonable diligence in
83 monitoring the proceedings; and

84 (C) The party, if any, responsible for serving the judgment under Rule
85 [58A\(d\)](#) of the Utah Rules of Civil Procedure did not promptly serve a copy
86 of the signed judgment on the party seeking to appeal.

87 (2) A party seeking such reinstatement shall file a written motion in the trial
88 court within one year from the entry of judgment. The party shall comply with
89 Rule [7](#) of the Utah Rules of Civil Procedure and shall serve each of the parties in
90 accordance with Rule [5](#) of the Utah Rules of Civil Procedure.

91 (3) If the trial court enters an order reinstating the time for filing a direct appeal,
92 a notice of appeal must be filed within 30 days after the date of entry of the
93 order.

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