

1 **Rule 16. Pretrial conferences and parties' planning conferences**

2 (a) **Pretrial conferences.** The court will direct the attorneys and, when appropriate, the
3 parties to appear for an initial pretrial conference to be held no later than 28 days after
4 all parties have appeared, and in its discretion or upon motion may conduct additional
5 pretrial conferences for such purposes as:

6 (1) expediting the disposition of the action;

7 (2) establishing early and continuing control so that the case will not be protracted
8 for lack of management;

9 (3) discouraging wasteful pretrial activities;

10 (4) improving the quality of the trial through more thorough preparation;

11 (5) facilitating mediation or other ADR processes for the settlement of the case;

12 (6) considering all matters as may aid in the disposition of the case;

13 (7) establishing the time to join other parties and to amend the pleadings;

14 (8) establishing the time to file motions;

15 (9) establishing the time to complete discovery and determining if an accelerated
16 discovery plan deviating from Rule 26 is warranted;

17 (10) setting the date for pretrial and final pretrial conferences and trial;

18 (11) providing for the preservation, disclosure, or discovery of electronically stored
19 information;

20 (12) considering any agreements the parties reach for asserting claims of privilege or
21 of protection as trial-preparation material after production; and

22 (13) considering any other appropriate matters.

23 **(b) Parties' initial planning conference.**

24 (1) No later than 14 days before the date set for the initial pretrial conference, the
25 parties must confer regarding a discovery plan. In conferring, the parties must

26 consider the nature and basis of their claims and defenses and the possibility of
27 promptly resolving the case, discuss any issues about preserving discoverable
28 information, and develop a proposed discovery plan. The attorneys of record and all
29 unrepresented parties who have appeared in the case are jointly responsible for
30 arranging the conference, for attempting in good faith to agree on the proposed
31 discovery plan, and for submitting to the court within seven days after the
32 conference a written report outlining the plan. The court may order the parties or
33 attorneys to attend the conference in person.

34 (2) A discovery plan must state the parties' views and proposals on:

35 (A) the subjects on which discovery may be needed, when discovery should be
36 completed, and whether discovery should be conducted in phases or be limited
37 to particular issues;

38 (B) any issues about disclosure, discovery, or preservation of electronically-
39 stored information, including the form or forms in which it should be produced;

40 (C) any issues about privilege claims or the protection of materials prepared in
41 anticipation of litigation or for trial, including whether to ask the court to include
42 any agreement between the parties in an order under Rule 26;

43 (D) any changes that should be made in the limitations on discovery imposed
44 under these rules, and any other limitations that should be imposed; and

45 (E) any other requests that the parties have of the court.

46 **(c) Trial setting.** Unless an order sets the trial date, any party may and the plaintiff
47 must, at the close of all discovery, certify to the court that discovery is complete, that
48 any required mediation or other ADR processes have been completed or excused, and
49 that the case is ready for trial. The court will schedule the trial as soon as mutually
50 convenient to the court and parties. The court will notify parties of the trial date and of
51 any final pretrial conference.

52 **(d) Final pretrial conference.** The court, in its discretion or upon motion, may direct the
53 attorneys and, when appropriate, the parties to appear at a final pretrial conference for
54 such purposes as discussing settlement and trial management. The conference will be
55 held as close to the time of trial as reasonable under the circumstances.

56 **(e) Sanctions.** If a party or a party's attorney fails to obey an order, if a party or a
57 party's attorney fails to attend a conference, if a party or a party's attorney is
58 substantially unprepared to participate in a conference, or if a party or a party's
59 attorney fails to participate in good faith, the court, upon motion or its own initiative,
60 may take any action authorized by Rule [37\(b\) of the Utah Rules of Civil Procedure](#).

61 **Advisory Committee Note**

62 For the purposes of this rule, "ADR" is as defined in [CJA Rule 4-510.01](#).

63 *Effective May/November 1, 20__*

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