

1 **Rule 58A. Entry of judgment; abstract of judgment.**

2 ~~(a) Judgment upon the verdict of a jury.~~ Unless the court otherwise directs and subject to Rule
3 54(b), the clerk shall promptly sign and file the judgment upon the verdict of a jury. If there is a special
4 verdict or a general verdict accompanied by answers to interrogatories returned by a jury, the court shall
5 direct the appropriate judgment, which the clerk shall promptly sign and file.

6 ~~(b) Judgment in other cases.~~ Except as provided in paragraphs (a) and (f) and Rule 55(b)(1), all
7 judgments shall be signed by the judge and filed with the clerk.

8 ~~(c) When judgment entered; recording.~~ A judgment is complete and shall be deemed entered for
9 all purposes, except the creation of a lien on real property, when it is signed and filed as provided in
10 paragraphs (a) or (b). The clerk shall immediately record the judgment in the register of actions and the
11 register of judgments.

12 (a) Separate document required. Every judgment and amended judgment must be set out in a
13 separate document ordinarily titled "Judgment"—or, as appropriate, "Decree."

14 (b) Separate document not required. A separate document is not required for an order disposing of
15 a post-judgment motion:

16 (b)(1) for judgment under Rule 50(b);

17 (b)(2) to amend or make additional findings under Rule 52(b);

18 (b)(3) for a new trial, or to alter or amend the judgment, under Rule 59; or

19 (b)(4) for relief under Rule 60.

20 **(c) Preparing a judgment.**

21 (c)(1) Preparing and serving a proposed judgment. The prevailing party or a party directed by
22 the court must prepare and serve on the other parties a proposed judgment for review and approval
23 as to form. The proposed judgment shall be served within 14 days after the jury verdict or after the
24 court's decision. If the prevailing party or party directed by the court fails to timely serve a proposed
25 judgment, any other party may prepare a proposed judgment and serve it on the other parties for
26 review and approval as to form.

27 (c)(2) Effect of approval as to form. A party's approval as to form of a proposed judgment
28 certifies that the proposed judgment accurately reflects the verdict or the court's decision. Approval as
29 to form does not waive objections to the substance of the judgment.

30 (c)(3) Objecting to a proposed judgment. A party may object to the form of the proposed
31 judgment by filing an objection within 7 days after the judgment is served.

32 (c)(4) Filing proposed judgment. The party preparing a proposed judgment must file it:

33 (c)(4)(A) after all other parties have approved the form of the judgment; (The party preparing
34 the proposed judgment must indicate the means by which approval was received: in person; by
35 telephone; by signature; by email; etc.)

36 (c)(4)(B) after the time to object to the form of the judgment has expired; (The party preparing
37 the proposed judgment must also file a certificate of service of the proposed judgment.) or

38 (c)(4)(C) within 7 days after a party has objected to the form of the judgment. (The party
 39 preparing the proposed judgment may also file a response to the objection.)

40 **(d) Judge's signature; judgment filed with the clerk.** Except as provided in paragraph (h) and Rule
 41 55(b)(1), all judgments must be signed by the judge and filed with the clerk. The clerk must promptly
 42 record all judgments in the docket.

43 **(e) Time of entry of judgment.**

44 (e)(1) If a separate document is not required, a judgment is complete and is entered when it is
 45 signed by the judge and recorded in the docket.

46 (e)(2) If a separate document is required, a judgment is complete and is entered at the earlier of
 47 these events:

48 (e)(2)(A) the judgment is set out in a separate document signed by the judge and recorded in
 49 the docket; or

50 (e)(2)(B) 150 days have run from the clerk recording the decision, however designated, that
 51 provides the basis for the entry of judgment.

52 **(d)-(f) Notice of judgment.** The party preparing the judgment shall promptly serve a copy of the
 53 signed judgment on the other parties in the manner provided in Rule 5 and promptly file proof of service
 54 with the court. Except as provided in Rule of Appellate Procedure 4(g), the time for filing a notice of
 55 appeal is not affected by this requirement.

56 **(e)-(g) Judgment after death of a party.** If a party dies after a verdict or decision upon any issue of
 57 fact and before judgment, judgment may nevertheless be entered.

58 **(f)-(h) Judgment by confession.** If a judgment by confession is authorized by statute, the party
 59 seeking the judgment must file with the clerk a statement, verified by the defendant, ~~to the following effect~~
 60 as follows:

61 (f)(1)-(h)(1) If the judgment is for money due or to become due, it shall the statement must
 62 concisely state the claim and that the specified sum is due or to become due.

63 (f)(2)-(h)(2) If the judgment is for the purpose of securing the plaintiff against a contingent liability,
 64 it the statement must state concisely the claim and that the specified sum does not exceed the
 65 liability.

66 (f)(3)-(h)(3) The statement must authorize the entry of judgment for the specified sum.

67 The clerk shall must sign and file the judgment for the specified sum, with costs of entry, if any,
 68 and record it in the register of actions and the register of judgments.

69 **(g)-(i) Abstract of judgment.** The clerk may abstract a judgment by a signed writing under seal of
 70 the court that:

71 (g)(1)-(i)(1) identifies the court, the case name, the case number, the judge or clerk that signed
 72 the judgment, the date the judgment was signed, and the date the judgment was recorded in the
 73 registry of actions and the registry of judgments;

74 (g)(2)-(i)(2) states whether the time for appeal has passed and whether an appeal has been filed;

75 ~~(g)(3)-(i)(3)~~ states whether the judgment has been stayed and when the stay will expire; and
76 ~~(g)(4)-(i)(4)~~ if the language of the judgment is known to the clerk, quotes verbatim the operative
77 language of the judgment or attaches a copy of the judgment.

78 **Advisory Committee Note**

79 The 2015 amendments to Rule 58A adopt the requirement, found in Rule 58 of the Federal Rules of
80 Civil Procedure, that a judgment be set out in a separate document. In the past, problems have arisen
81 when the district court entered a decision with dispositive language, but without the other formal elements
82 of a judgment, resulting in uncertainty about whether the decision started the time for appeals. This
83 problem was compounded by uncertainty under Rule 7 about whether the decision was the court’s final
84 ruling on the matter or whether the prevailing party was expected to prepare an order confirming the
85 decision.

86 The 2015 amendments of Rule 7, Rule 54 and Rule 58A are intended to reduce this confusion by
87 requiring “that there be a judgment set out on a separate document—distinct from any opinion or
88 memorandum—which provides the basis for the entry of judgment.” See Advisory Committee Notes to
89 1963 Amendments to Fed. R. Civ. P. 58. Courts and practitioners are encouraged to use appropriate
90 titles with separate documents intended to operate as judgments, such as “Judgment” or “Decree,” and to
91 avoid using such titles on documents that are not appealable. The parties should consider the form of
92 judgment included in the Appendix of Forms. On the question of what constitutes a separate document,
93 the Committee refers courts and practitioners to existing case law interpreting Fed. R. Civ. P. 58. For
94 example, *In re Cendant Corp.*, 454 F.3d 235, 242-244 (3d Cir. 2006) offers three criteria:

- 95 1) the judgment must be set forth in a document that is independent of the court’s opinion or decision;
96 2) it must contain ordering clauses stating the relief to which the prevailing party is entitled, and not
97 merely refer to orders made in other documents or state that a motion has been granted; and
98 3) it must substantially omit recitation of facts, procedural history, and the reasons for disposing of the
99 parties’ claims.

100 While “some trivial departures” from these criteria—such as a one-sentence explanation of reasoning,
101 a single citation to authority, or a reference to a separate memorandum decision—“must be tolerated in
102 the name of common sense,” any explanation must be “very sparse.” *Kidd v. District of Columbia*, 206
103 F.3d 35, 39 (D.C. Cir. 2000).

104 The concurrent amendments to Rule 7 remove the separate document requirement formerly
105 applicable to interlocutory orders. Henceforward, the separate document requirement will apply only to
106 judgments, a change that should reduce the tendency to confuse judgments with other orders. Rule 7 has
107 also been amended to modify the process by which orders on motions are prepared. The process for
108 preparing judgments is the same.

109 Under amended Rule 7(j), a written decision, however designated, is complete—is the judge’s last
110 word on the motion—when it is signed, unless the court expressly requests a party to prepare an order
111 confirming the decision. But this should not be confused with the need to prepare a separate judgment

112 when the decision has the effect of disposing of all claims in the case. If a decision disposes of all claims
113 in the action, a separate judgment is required whether or not the court directs a party to prepare an order
114 confirming the decision.

115 Rule 58A is similar to Fed. R. Civ. P. 58 in listing the instances where a separate document is not
116 required. The state rule differs from the federal rule regarding an order for attorney fees. Fed. R. Civ. P.
117 58 includes an order for attorney fees as one of the orders not requiring a separate document. That
118 particular order is omitted from the Utah rule because under Utah law a judgment does not become final
119 for purposes of appeal until the trial court determines attorney fees. See *ProMax Development*
120 *Corporation v. Raile*, 2000 UT 4, 998 P.2d 254. See also Utah Rule of Appellate Procedure 4, which
121 states that the time in which to appeal post-trial motions is from the disposition of the motion.

122 State Rule 58A is also similar to Fed. R. Civ. P. 58 in determining the time of entry of judgment when
123 a separate document is required but not prepared. This situation involves the “hanging appeals” problem
124 that the Supreme Court asked this Committee to address in *Central Utah Water Conservancy District v.*
125 *King*, 2013 UT 13, ¶27. Under the 2015 amendments, if a separate document is required but is not
126 prepared, judgment is deemed to have been entered 150 days from the date the decision—or the order
127 confirming the decision—was entered on the docket.

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