

1 **Rule 9. Docketing statement.**

2 (a) *Time for filing.* Within 21 days after a notice of appeal, cross-appeal, or a petition
3 for review is filed, the appellant, cross-appellant, or petitioner shall file an original and
4 two copies of a docketing statement with the clerk of the appellate court and serve a
5 copy with attachments on all parties. The Utah Attorney General shall be served in any
6 appeal arising from a crime charged as a felony or a juvenile court proceeding.

7 (b) *Interlocutory appeals.* When a petition for interlocutory review is granted under
8 Rule 5, a docketing statement shall not be filed, unless otherwise ordered.

9 (c) *Content of docketing statement.* The docketing statement shall contain the
10 following information:

11 (c)(1) A concise statement of the nature of the proceeding, e.g., "This appeal is from
12 a final judgment or decree of the First District Court" or "This petition is from an order of
13 the Utah State Tax Commission."

14 (c)(2) The statutory provision that confers jurisdiction on the appellate court.

15 (c)(3) The following dates relevant to a determination of the timeliness of the notice
16 of appeal:

17 (c)(3)(A) The date of entry of the final judgment or order from which the appeal is
18 taken.

19 (c)(3)(B) The date the notice of appeal or petition for review was filed.

20 (c)(3)(C) The date of any motions filed pursuant to Rules 50(b), 52(b), or 59, Utah
21 Rules of Civil Procedure, or Rule 24, Utah Rules of Criminal Procedure, ~~or Utah Code~~
22 ~~Ann. § 77-13-6~~; and the date and effect of any orders disposing of such motions.

23 (c)(4) If the appellant is an inmate confined in an institution and is invoking Rule 4(f),
24 a statement to that effect.

25 (c)(5) If an appeal is from an order in a multiple-party or a multiple-claim case, and
26 the judgment has been certified as a final judgment by the trial court pursuant to Rule
27 54(b), Utah Rules of Civil Procedure:

28 (c)(5)(A) a statement of what claims and parties remain before the trial court for
29 adjudication, and

30 (c)(5)(B) a statement of whether the facts underlying the appeal are sufficiently
31 similar to the facts underlying the claims remaining before the trial court to constitute res
32 judicata on those claims.

33 (c)(6) If the case is criminal,

34 (c)(6)(A) the charges of which the defendant was convicted or, if the defendant is not
35 convicted, the dismissed or pending charges;

36 (c)(6)(B) any sentence imposed; and

37 (c)(6)(C) whether the defendant is currently incarcerated.

38 (c)(7) A statement of the issues appellant intends to assert on appeal, including, for
39 each issue,

40 (c)(7)(A) citations to determinative statutes, rules, or cases;

41 (c)(7)(B) the applicable standard of appellate review, with supporting authority.

42 (c)(8) A succinct summary of facts material to a consideration of the issues
43 presented.

44 (c)(9) If the appeal is subject to assignment by the Supreme Court to the Court of
45 Appeals, and the appellant advocates or opposes such an assignment, a succinct
46 statement of reasons why the Supreme Court should or should not assign the case. The
47 Supreme Court may, for example, consider whether the case presents or involves one
48 or more of the following:

49 (c)(9)(A) a novel constitutional issue;

50 (c)(9)(B) an important issue of first impression;

51 (c)(9)(C) a conflict in Court of Appeals decisions;

52 (c)(9)(D) any other persuasive reason why the Supreme Court should or should not
53 resolve the issue.

54 (c)(10) A reference to all related or prior appeals in the case, with case numbers and
55 citations.

56 (d) *Necessary attachments*. Copies of the following must be attached to each copy
57 of the docketing statement:

58 (d)(1) The final judgment or order from which the appeal is taken;

59 (d)(2) Any rulings or findings of the trial court or administrative tribunal included in
60 the judgment from which the appeal is taken;

61 (d)(3) In appeals arising from an order of the Public Service Commission, any
62 application for rehearing filed pursuant to Utah Code Ann. § 54-7-15;

63 (d)(4) The notice of appeal and any order extending the time for the filing of a notice
64 of appeal.

65 (d)(5) Any notice of claim.

66 (d)(6) Any motions filed pursuant to Rules 50(b), 52(b), 54(b), or 59, Utah Rules of
67 Civil Procedure, or Rule 24, Utah Rules of Criminal Procedure, ~~or Utah Code Ann. § 77-~~
68 ~~13-6~~, and orders disposing of such motions; and

69 (d)(7) If the appellant is an inmate confined in an institution and is invoking Rule 4(f),
70 the notarized statement or written declaration required by that provision.

71 (e) *Appellee's statement regarding assignment.* If the appeal is subject to
72 assignment by the Supreme Court to the Court of Appeals, an appellee may within 10
73 days of service of the docketing statement file a succinct statement of reasons why the
74 appeal should or should not be assigned.

75 (g) *Consequences of failure to comply.* Docketing statements which fail to comply
76 with this rule will not be accepted. Failure to comply may result in dismissal of the
77 appeal or the petition. An issue not listed in the docketing statement may nevertheless
78 be raised in appellant's opening brief.

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