

1 **Rule 19. Extraordinary writs.**

2 (a) Petition for extraordinary writ to a judge or agency; petition; service and filing. An
3 application for an extraordinary writ referred to in Rule 65B, Utah Rules of Civil
4 Procedure, ~~except a writ of habeas corpus,~~ directed to a judge, agency, person or entity
5 shall be made by filing a petition with the clerk of the appellate court ~~or, in an~~
6 ~~emergency, with a justice or judge of the appellate court.~~ Service of the petition shall be
7 made on the respondent judge, agency, person, or entity and on all parties to the action
8 or case in the trial court or agency. In the event of an original petition in the appellate
9 court where no action is pending in the trial court or agency, the petition shall be served
10 personally on the respondent judge, agency, person or entity and service shall be made
11 by the most direct means available on all persons or associations whose interests might
12 be substantially affected.

13 (b) Contents of petition and filing fee. A petition for an extraordinary writ shall contain
14 the following:

15 (b)(1) A statement of all persons or associations, by name or by class, whose
16 interests might be substantially affected;

17 (b)(2) A statement of the issues presented and of the relief sought;

18 (b)(3) A statement of the facts necessary to an understanding of the issues
19 presented by the petition;

20 (b)(4) A statement of the reasons why no other plain, speedy, or adequate remedy
21 exists and why the writ should issue;

22 (b)(5) Except in cases where the writ is directed to a district court, a statement
23 explaining why it is impractical or inappropriate to file the petition for a writ in the district
24 court;

25 (b)(6) Copies of any order or opinion or parts of the record which may be essential to
26 an understanding of the matters set forth in the petition;

27 (b)(7) A memorandum of points and authorities in support of the petition; and

28 (b)(8) The prescribed filing fee, unless waived by the court.

29 **(b)(9) Where emergency relief is sought, the petition must comply with rule 8A(b),**
30 **including any additional requirements set forth by that subpart.**

31 (c) ~~Response to petition and oral argument. Within seven days after service of the~~
32 ~~petition, or such shorter time as may be fixed by the appellate court, any respondent or~~
33 ~~any other party may file a response in opposition or concurrence, together with a~~
34 ~~supporting memorandum of law. The judge, agency, person, or entity and all parties in~~
35 ~~the action other than the petitioner shall be deemed respondents for all purposes. Two~~
36 ~~or more respondents may respond jointly. If any respondent does not desire to appear~~
37 ~~in the proceedings, that respondent may advise the clerk of the appellate court and all~~
38 ~~parties by letter, but the allegations of the petition shall not thereby be taken as deemed~~
39 ~~admitted. Unless the appellate court determines that the petition is frivolous on its face,~~
40 ~~the clerk shall advise the parties of the date of oral argument. Where emergency relief~~
41 ~~is sought, rule 8A(c) shall apply. Otherwise, within seven days after service of the~~
42 ~~petition, any respondent or any other party may file a response in opposition or~~
43 ~~concurrence, together with a supporting memorandum of law.~~

44 (d) Review and disposition ~~denial or grant~~ of petition. ~~The court shall deny or grant~~
45 ~~the petition, and the clerk shall immediately notify the petitioner and all respondents of~~
46 ~~the court's determination. In an emergency, a single justice or judge may grant a writ~~
47 ~~subject to review by the court at the earliest possible time. The court shall render a~~
48 ~~decision based on the petition and any timely response, or it may require briefing or the~~
49 ~~submission of further information, and may hold oral argument at its discretion. If~~
50 ~~additional briefing is required, the briefs shall comply with rules 24 and 27. Rule 8A(e)~~
51 ~~applies to requests for hearings in emergency matters. With regard to emergency~~
52 ~~petitions submitted under rule 8A, and where consultation with other members of the~~
53 ~~court cannot be timely obtained, a single judge or justice may grant or deny the petition,~~
54 ~~subject to review by the court at the earliest possible time. With regard to all petitions, a~~
55 ~~single judge or justice may deny the petition if it is frivolous on its face or fails to~~
56 ~~materially comply with the requirements of this rule or Rule 65B, Utah Rules of Civil~~
57 ~~Procedure. The denial of a petition by a single judge or justice may be reviewed by the~~
58 ~~appellate court upon specific request filed within seven days of notice of disposition, but~~
59 ~~such request shall not include any additional argument or briefing.~~

60 (e) ~~Effect of granting petition for writ of quo warranto or certiorari.~~ Transmission of
61 record. ~~If the appellate court grants a petition for a writ quo warranto or certiorari, it shall~~
62 In reviewing a petition for extraordinary writ, the appellate court may order the record, or
63 any relevant portion thereof, to be transmitted_ by the respondent to whom the writ is
64 directed. The briefing and oral argument shall proceed on an expedited basis, and the
65 clerk shall advise all parties of the dates on which briefs are to be filed and of the date
66 of oral argument. Briefs submitted pursuant to this subsection shall address the merits
67 and shall comply with the requirements of Rules 24 and 27. The appellate court shall
68 issue its opinion as in other cases.

69 (f) Number of copies. For a petition presented to the Supreme Court, petitioner shall
70 file with the clerk of the court an original and five copies of the petition. For a petition
71 pending in the Supreme Court, respondent shall file with the clerk of the court an
72 original and five copies of the response. For a petition presented to the Court of
73 Appeals, petitioner shall file with the clerk of the court an original and four copies of the
74 petition. For a petition pending in the Court of Appeals, respondent shall file with the
75 clerk of the court an original and four copies of the response.

76 (g) Issuance of extraordinary writ by appellate court sua sponte. The appellate court,
77 in aid of its own jurisdiction in extraordinary cases, may issue a writ of certiorari sua
78 sponte directed to a judge, agency, person, or entity. A copy of the writ shall be served
79 on the named respondents in the manner and by an individual authorized to accomplish
80 personal service under Rule 4, Utah Rules of Civil Procedure. In addition, copies of the
81 writ shall be transmitted by the clerk of the appellate court, by the most direct means
82 available, to all persons or associations whose interests might be substantially affected
83 by the writ. The respondent and the persons or associations whose interests are
84 substantially affected may, within four days of the issuance of the writ, petition the court
85 to dissolve or amend the writ. The petition shall be accompanied by a concise statement
86 of the reasons for dissolution or amendment of the writ.

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