

1 **Rule 11. Signing of pleadings, motions, affidavits, and other papers;**
2 **representations to court; sanctions.**

3 **(a) Signature.**

4 (a)(1) Every pleading, written motion, and other paper shall be signed by at least
5 one attorney of record, or, if the party is not represented, by the party.

6 (a)(2) A person may sign a paper using any form of signature recognized by law
7 as binding. Unless required by statute, a paper need not be accompanied by
8 affidavit or have a notarized, verified or acknowledged signature. If a rule requires an
9 affidavit or a notarized, verified or acknowledged signature, the person may submit a
10 declaration pursuant to Utah Code Section 78B-5-705. If a statute requires an
11 affidavit or a notarized, verified or acknowledged signature and the party
12 electronically files the paper, the signature shall be notarized pursuant to Utah Code
13 Section 46-1-16.

14 (a)(3) An unsigned paper shall be stricken unless omission of the signature is
15 corrected promptly after being called to the attention of the attorney or party.

16 **(b) Representations to court.** By presenting a pleading, written motion, or other
17 paper to the court (whether by signing, filing, submitting, or advocating), an attorney or
18 unrepresented party is certifying that to the best of the person's knowledge, information,
19 and belief, formed after an inquiry reasonable under the circumstances,

20 (b)(1) it is not being presented for any improper purpose, such as to harass or to
21 cause unnecessary delay or needless increase in the cost of litigation;

22 (b)(2) the claims, defenses, and other legal contentions are warranted by existing
23 law or by a nonfrivolous argument for the extension, modification, or reversal of
24 existing law or the establishment of new law;

25 (b)(3) the allegations and other factual contentions have evidentiary support or, if
26 specifically so identified, are likely to have evidentiary support after a reasonable
27 opportunity for further investigation or discovery; and

28 (b)(4) the denials of factual contentions are warranted on the evidence or, if
29 specifically so identified, are reasonably based on a lack of information or belief.

30 (c) **Sanctions.** If, after notice and a reasonable opportunity to respond, the court
31 determines that subdivision (b) has been violated, the court may, subject to the
32 conditions stated below, impose an appropriate sanction upon the attorneys, law firms,
33 or parties that have violated subdivision (b) or are responsible for the violation.

34 (c)(1) **How initiated.**

35 (c)(1)(A) **By motion.** A motion for sanctions under this rule shall be made
36 separately from other motions or requests and shall describe the specific conduct
37 alleged to violate subdivision (b). It shall be served as provided in Rule 5, but
38 shall not be filed with or presented to the court unless, within 21 days after
39 service of the motion (or such other period as the court may prescribe), the
40 challenged paper, claim, defense, contention, allegation, or denial is not
41 withdrawn or appropriately corrected. If warranted, the court may award to the
42 party prevailing on the motion the reasonable expenses and attorney fees
43 incurred in presenting or opposing the motion. In appropriate circumstances, a
44 law firm may be held jointly responsible for violations committed by its partners,
45 members, and employees.

46 (c)(1)(B) **On court's initiative.** On its own initiative, the court may enter an
47 order describing the specific conduct that appears to violate subdivision (b) and
48 directing an attorney, law firm, or party to show cause why it has not violated
49 subdivision (b) with respect thereto.

50 (c)(2) **Nature of sanction; limitations.** A sanction imposed for violation of this
51 rule shall be limited to what is sufficient to deter repetition of such conduct or
52 comparable conduct by others similarly situated. Subject to the limitations in
53 subparagraphs (A) and (B), the sanction may consist of, or include, directives of a
54 nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion
55 and warranted for effective deterrence, an order directing payment to the movant of
56 some or all of the reasonable attorney fees and other expenses incurred as a direct
57 result of the violation.

58 (c)(2)(A) Monetary sanctions may not be awarded against a represented party
59 for a violation of subdivision (b)(2).

60 (c)(2)(B) Monetary sanctions may not be awarded on the court's initiative
61 unless the court issues its order to show cause before a voluntary dismissal or
62 settlement of the claims made by or against the party which is, or whose
63 attorneys are, to be sanctioned.

64 (c)(3) **Order.** When imposing sanctions, the court shall describe the conduct
65 determined to constitute a violation of this rule and explain the basis for the sanction
66 imposed.

67 ~~(d) **Inapplicability to discovery.** Subdivisions (a) through (c) of this rule do not~~
68 ~~apply to disclosures and discovery requests, responses, objections, and motions that~~
69 ~~are subject to the provisions of Rules 26 through 37.~~

70 **Advisory Committee Notes**

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