

1 **Rule 23. Motions.**

2 (a) *Content of motion.* Unless another form is elsewhere prescribed by these rules,
3 an application for an order or other relief shall be made by filing a motion for such order
4 or relief with proof of service on all other parties. The motion shall contain or be
5 accompanied by the following:

6 (1) A specific and clear statement of the relief sought;

7 (2) A particular statement of the factual grounds;

8 (3) If the motion is for other than an enlargement of time, a memorandum of points
9 and authorities in support; and

10 (4) Affidavits and papers, where appropriate.

11 (b) *Response.* Any party may file a response ~~in opposition~~ to a motion within 10 days
12 after service of the motion; however, the court may, for good cause shown, dispense
13 with, shorten or extend the time for responding to any motion.

14 (c) *Reply.* The moving party may file a reply only to answer new matter raised in the
15 response. A reply, if any, may be filed no later than 5 days after service of the response,
16 but the court may rule on the motion without awaiting a reply. ~~The court shall postpone~~
17 ~~action on the motion to await the reply.~~

18 (d) *Determination of motions for procedural orders.* Notwithstanding the provisions of
19 paragraph (a) of this rule as to motions generally, motions for procedural orders which
20 do not substantially affect the rights of the parties or the ultimate disposition of the
21 appeal, including any motion under Rule 22(b), may be acted upon at any time, without
22 awaiting a response or reply. Pursuant to rule or order of the court, motions for specified
23 types of procedural orders may be disposed of by the clerk. The court may review a
24 disposition by the clerk upon motion of a party or upon its own motion.

25 (e) *Power of a single justice or judge to entertain motions.* In addition to the authority
26 expressly conferred by these rules or by law, a single justice or judge of the court may
27 entertain and may grant or deny any request for relief which under these rules may
28 properly be sought by motion, except that a single justice or judge may not dismiss or
29 otherwise determine an appeal or other proceeding, and except that the court may

30 provide by order or rule that any motion or class of motions must be acted upon by the
31 court. The action of a single justice or judge may be reviewed by the court.

32 (f) *Form of papers; number of copies.*

33 (1) Only the original of a motion to enlarge time shall be filed. The number of
34 required copies of motions for summary disposition shall be governed by Rule 10(b).
35 For other motions presented to the Supreme Court, the movant shall file with the clerk
36 of the court an original and three copies. For other motions pending in the Supreme
37 Court, the respondent shall file an original and three copies of the response. For a
38 motion presented to the Court of Appeals, the movant shall file with the clerk of the
39 court an original and four copies. For a motion pending in the Court of Appeals, the
40 respondent shall file an original and four copies of the response.

41 (2) Motions and other papers shall be typewritten on opaque, unglazed paper 8 1/2
42 by 11 inches in size. Paper may be recycled paper, with or without deinking. The text
43 shall be in type not smaller than ten characters per inch. Lines of text shall be double
44 spaced and shall be upon one side of the paper only. Consecutive sheets shall be
45 attached at the upper left margin.

46 (3) A motion or other paper shall contain a caption setting forth the name of the
47 court, the title of the case, the docket number, and a brief descriptive title indicating the
48 purpose of the paper. The attorney shall sign all papers filed with the court with his or
49 her individual name. The attorney shall give his or her business address, telephone
50 number, and Utah State Bar number in the upper left hand corner of the first page of
51 every paper filed with the court except briefs. A party who is not represented by an
52 attorney shall sign any paper filed with the court and state the party's address and
53 telephone number.