

1 **Rule 19. Extraordinary writs.**

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

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

15 (b)(1) A statement of all persons or associations, by name or by class,
16 whose 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
21 remedy exists and why the writ should issue;

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

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

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

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

30 (b)(9) Where emergency relief is sought, the petition must comply with
31 Rule ~~8A23C~~(b), including any additional requirements set forth by that
32 subpart.

33 (b)(10) Where the subject of the petition is an interlocutory order, the
34 petition must state whether a petition for interlocutory appeal has been filed
35 and, if so, summarize its status or, if not, state why interlocutory appeal is not
36 a plain, speedy or adequate remedy.

37 (c) Response to petition . The judge, agency, person, or entity and all
38 parties in the action other than the petitioner shall be deemed respondents for
39 all purposes. Two or more respondents may respond jointly. If any respondent
40 does not desire to appear in the proceedings, that respondent may advise the
41 clerk of the appellate court and all parties by letter, but the allegations of the
42 petition shall not thereby be deemed admitted. Where emergency relief is
43 sought, Rule ~~8A23C~~(d) shall apply. Otherwise, within seven days after service
44 of the petition, any respondent or any other party may file a response in
45 opposition or concurrence, which includes supporting authority.

46 (d) Review and disposition of petition. The court shall render a decision
47 based on the petition and any timely response, or it may require briefing or the
48 submission of further information, and may hold oral argument at its
49 discretion. If additional briefing is required, the briefs shall comply with Rules
50 24 and 27. Rule ~~8A23C~~(f) applies to requests for hearings in emergency
51 matters. With regard to emergency petitions submitted under Rule ~~8A23C~~,
52 and where consultation with other members of the court cannot be timely
53 obtained, a single judge or justice may grant or deny the petition, subject to

54 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
56 to materially comply with the requirements of this rule or Rule 65B, Utah Rules
57 of Civil Procedure. The denial of a petition by a single judge or justice may be
58 reviewed by the appellate court upon specific request filed within seven days
59 of notice of disposition, but such request shall not include any additional
60 argument or briefing.

61 (e) Transmission of record. In reviewing a petition for extraordinary writ, the
62 appellate court may order the record, or any relevant portion thereof, to be
63 transmitted.

64 (f) Number of copies. For a petition presented to the Supreme Court,
65 petitioner shall file with the clerk of the court an original and five copies of the
66 petition. For a petition pending in the Supreme Court, respondent shall file
67 with the clerk of the court an original and five copies of the response. For a
68 petition presented to the Court of Appeals, petitioner shall file with the clerk of
69 the court an original and four copies of the petition. For a petition pending in
70 the Court of Appeals, respondent shall file with the clerk of the court an
71 original and four copies of the response.

72 (g) Issuance of extraordinary writ by appellate court sua sponte. The
73 appellate court, in aid of its own jurisdiction in extraordinary cases, may issue
74 a writ of certiorari sua sponte directed to a judge, agency, person, or entity. A
75 copy of the writ shall be served on the named respondents in the manner and
76 by an individual authorized to accomplish personal service under Rule 4, Utah
77 Rules of Civil Procedure. In addition, copies of the writ shall be transmitted by
78 the clerk of the appellate court, by the most direct means available, to all
79 persons or associations whose interests might be substantially affected by the
80 writ. The respondent and the persons or associations whose interests are

81 substantially affected may, within four days of the issuance of the writ, petition
82 the court to dissolve or amend the writ. The petition shall be accompanied by
83 a concise statement of the reasons for dissolution or amendment of the writ.