

1 **Rule 7. Pleadings allowed; motions, memoranda, hearings, orders.**

2 **(a) Pleadings. Only these pleadings are allowed:**

3 (a)(1) a complaint;

4 (a)(2) an answer to a complaint;

5 (a)(3) an answer to a counterclaim designated as a counterclaim;

6 (a)(4) an answer to a cross claim;

7 (a)(5) a third party complaint

8 (a)(6) an answer to a third party complaint; and

9 (a)(7) a reply to an answer if permitted by the court.

10 **(b) Motions. A request for an order must be made by motion. The motion**
11 **must be in writing, unless made during a hearing or trial, must state the relief**
12 **requested, and must state the grounds for the relief requested. Except for the**
13 **following, a motion must be made in accordance with this rule.**

14 (b)(1) A motion made in proceedings before a court commissioner must
15 follow the procedures of Rule 101.

16 (b)(2) A request under Rule 26 for extraordinary discovery must follow
17 the expedited statement of discovery procedures of Rule 37(a).

18 (b)(3) A request under Rule 37 for a protective order or for an order
19 compelling disclosure or discovery—but not a motion for sanctions—must
20 follow the expedited statement of discovery procedures of Rule 37(a).

21 (b)(4) A request under Rule 45 to quash a subpoena must follow the
22 expedited statement of discovery procedures of Rule 37(a).

23 (b)(5) A motion for summary judgment must follow the procedures of
24 this rule, supplemented by the requirements of Rule 56.

25 **(c) Form, name and content of motion.**

26 (c)(1) The rules governing captions and other matters of form in
27 pleadings apply to motions and other papers. The moving party must title
28 the motion substantially as: “Motion [short phrase describing the relief

29 requested].” Unless permitted by the court, the motion, which shall include
30 the supporting memorandum, may not exceed 15 pages, not counting the
31 appendix. The motion must include under appropriate headings and in the
32 following order:

33 (c)(1)(A) a concise statement of the relief requested and the grounds
34 for the relief requested; and

35 (c)(1)(B) one or more sections that include a concise statement of
36 the relevant facts claimed by the moving party and argument citing
37 authority for the relief requested.

38 (c)(2) If the moving party cites documents, interrogatory answers,
39 deposition testimony, or other discovery materials, relevant portions of
40 those materials must be attached to or submitted with the motion.

41 **(d) Name and content of memorandum opposing the motion.**

42 (d)(1) A nonmoving party may file a memorandum opposing the motion
43 within 14 days after the motion is filed. The nonmoving party must title the
44 memorandum substantially as: “Memorandum opposing motion [short
45 phrase describing the relief requested].” Unless permitted by the court, the
46 memorandum may not exceed 15 pages, not counting the appendix. The
47 memorandum must include under appropriate headings and in the
48 following order:

49 (d)(1)(A) a concise statement of the party’s preferred disposition of
50 the motion and the grounds supporting that disposition;

51 (d)(1)(B) one or more sections that include a concise statement of
52 the relevant facts claimed by the nonmoving party and argument citing
53 authority for that disposition; and

54 (d)(1)(C) objections to evidence in the motion, citing authority for the
55 objection.

56 (d)(2) If the non-moving party cites documents, interrogatory answers,
57 deposition testimony, or other discovery materials, relevant portions of
58 those materials must be attached to or submitted with the memorandum.

59 **(e) Name and content of reply memorandum.**

60 (e)(1) Within 7 days after the memorandum opposing the motion is filed,
61 the moving party may file a reply memorandum, which must be limited to
62 rebuttal of new matters raised in the memorandum opposing the motion.
63 The moving party must title the memorandum substantially as “Reply
64 memorandum supporting the motion [short phrase describing the relief
65 requested].” Unless permitted by the court, the memorandum may not
66 exceed 5 pages, not counting the appendix. The memorandum must
67 include under appropriate headings and in the following order:

68 (e)(1)(A) a concise statement of the new matter raised in the
69 memorandum opposing the motion;

70 (e)(1)(B) one or more sections that include a concise statement of
71 the relevant facts claimed by the moving party and argument citing
72 authority rebutting the new matter;

73 (e)(1)(C) objections to evidence in the memorandum opposing the
74 motion, citing authority for the objection; and

75 (e)(1)(D) response to objections made in the memorandum opposing
76 the motion, citing authority for the response.

77 (e)(2) If the moving party cites documents, interrogatory answers,
78 deposition testimony, or other discovery materials, relevant portions of
79 those materials must be attached to or submitted with the memorandum.

80 **(f) Response to objections made in the reply memorandum.** If the reply
81 memorandum includes an objection to evidence, the nonmoving party may file
82 a response to the objection no later than 7 days after the reply memorandum
83 is filed.

84 **(g) Request to submit for decision.** When briefing is complete or the time
85 for briefing has expired, either party may and the moving party must file a
86 “Request to Submit for Decision.” The request to submit for decision must
87 state the date on which the motion was filed, the date the memorandum
88 opposing the motion, if any, was filed, the date the reply memorandum, if any,
89 was filed, and whether a hearing has been requested. If no party files a
90 request, the motion will not be submitted for decision.

91 **(h) Hearings.** The court may hold a hearing on any motion. A party may
92 request a hearing in the motion, in a memorandum or in the request to submit
93 for decision. A request for hearing must be separately identified in the caption
94 of the document containing the request. The court must grant a request for a
95 hearing on a motion under Rule 56 or a motion that would dispose of the
96 action or any claim or defense in the action unless the court finds that the
97 motion or opposition to the motion is frivolous or the issue has been
98 authoritatively decided.

99 **(i) Notice of supplemental authority.** A party may file notice of citation to
100 significant authority that comes to the party’s attention after the party’s motion
101 or memorandum has been filed or after oral argument but before decision.
102 The notice must state—without argument—citation to the authority, the page
103 of the motion or memorandum or the point orally argued to which the authority
104 applies, and the reason the authority is relevant. Any other party may promptly
105 file a response, but the court may rule on the motion without a response. The
106 response must comply with this paragraph.

107 **(j) Orders.**

108 **(j)(1) Decision complete when signed; entered when recorded.**
109 However designated, the court’s decision on a motion is complete when
110 signed by the judge. The decision is entered when recorded in the docket.

111 **(j)(2) Preparing and serving a proposed order.** If directed by the
112 court, a party shall within 14 days prepare a proposed order confirming the
113 court's decision and serve the proposed order on the other parties for
114 review and approval as to form. If the party directed to prepare a proposed
115 order fails to timely serve the order, any other party may prepare a
116 proposed order confirming the court's decision and serve the proposed
117 order on the other parties for review and approval as to form.

118 **(j)(3) Effect of approval as to form.** A party's approval as to form of a
119 proposed order certifies that the proposed order accurately reflects the
120 court's decision. Approval as to form does not waive objections to the
121 substance of the order.

122 **(j)(4) Objecting to a proposed order.** A party may object to the form of
123 the proposed order by filing an objection within 7 days after the order is
124 served.

125 **(j)(5) Filing proposed order.** The party preparing a proposed order
126 must file it:

127 (j)(5)(A) after all other parties have approved the form of the order;
128 (The party preparing the proposed order must indicate the means by
129 which approval was received: in person; by telephone; by signature; by
130 email; etc.)

131 (j)(5)(B) after the time to object to the form of the order has expired;
132 (The party preparing the proposed order must also file a certificate of
133 service of the proposed order.) or

134 (j)(5)(C) within 7 days after a party has objected to the form of the
135 order. (The party preparing the proposed order may also file a response
136 to the objection.)

137 **(j)(6) Proposed order before decision prohibited; exceptions.**

138 Except as follows, a party may not file a proposed order concurrently with a

139 motion or a memorandum or a request to submit for decision. A proposed
140 order must be filed with:

141 (j)(6)(A) a stipulated motion;

142 (j)(6)(B) an ex parte motion;

143 (j)(6)(C) an expedited statement of discovery issues under Rule
144 37(b); and

145 (j)(6)(D) the request to submit for decision a motion in which a
146 memorandum opposing the motion has not been filed.

147 **(j)(7) Ex parte orders.** Except as otherwise provided by these rules, an
148 order made without notice to the other parties can be vacated or modified
149 by the judge who made it with or without notice.

150 **(j)(8) Order to pay money.** An order to pay money can be enforced in
151 the same manner as if it were a judgment.

152 **(k) Stipulated motions.** A party seeking relief that has been agreed to by
153 the other parties may file a stipulated motion which must:

154 (k)(1) be titled substantially as: “Stipulated motion [short phrase
155 describing the relief requested];

156 (k)(2) include a concise statement of the relief requested and the
157 grounds for the relief requested;

158 (k)(3) include a signed stipulation in or attached to the motion; and

159 (k)(4) be accompanied by a proposed order that has been approved by
160 the other parties.

161 **(l) Ex parte motions.** If a statute or rule permits a motion to be filed
162 without serving the motion on the other parties, the party seeking relief may
163 file a an ex parte motion which must:

164 (l)(1) be titled substantially as: “Ex parte motion [short phrase describing
165 the relief requested];

166 (l)(2) include a concise statement of the relief requested and the
167 grounds for the relief requested;

168 (l)(3) include the statute or rule authorizing the ex parte motion; and

169 (l)(4) be accompanied by a proposed order.

170 **(m) Motion in opposing memorandum or reply memorandum**

171 **prohibited.** A party may not make a motion in a memorandum opposing a
172 motion or in a reply memorandum. A party who objects to evidence in another
173 party's motion or memorandum may not move to strike that evidence. The
174 proper procedure is to include in the subsequent memorandum an objection to
175 the evidence.

176 **(n) Over-length motion or memorandum.** The court may permit a party
177 to file an over-length motion or memorandum upon ex parte motion and a
178 showing of good cause. An over-length motion or memorandum must include
179 a table of contents and a table of authorities with page references.

180 **(o) Limited statement of facts and authority.** No statement of facts and
181 legal authorities beyond the concise statement of the relief requested and the
182 grounds for the relief requested required in paragraph (c) is required for the
183 following motions:

184 (o)(1) motion to allow an over-length motion or memorandum;

185 (o)(2) motion to extend the time to perform an act, if the motion is filed
186 before the time to perform the act has expired;

187 (o)(3) motion to continue a hearing;

188 (o)(4) motion to appoint a guardian ad litem;

189 (o)(5) motion to substitute parties;

190 (o)(6) motion to refer the action to or withdraw it from alternative dispute
191 resolution under Rule 4-510.05;

192 (o)(7) motion for a conference under Rule 16; and

193 (o)(8) motion to approve a stipulation of the parties.

194 **Advisory Committee Notes [Add to existing notes]**

195 The 2015 changes to Rule 7 repeal and reenact the rule. Many of the
196 provisions from the former Rule 7 are preserved in the 2015 version, but there
197 are many changes as well. The committee's intent is to bring more regularity
198 to motion practice. Some of these features are found in Rule 7-1 of the U.S.
199 District Court for the District of Utah:

- 200 • integrate the memorandum supporting a motion with the motion
201 itself;
- 202 • describe more uniform motion titles;
- 203 • describe more uniform content in the memoranda;
- 204 • regulate the process for citing supplemental authority;
- 205 • prohibit proposed orders before a decision, except for specified
206 motions;
- 207 • move the special requirements for a motion for summary judgment to
208 Rule 56;
- 209 • allow a limited statement of facts for specified motions;
- 210 • require an objection to evidence, rather than a motion to strike
211 evidence; and
- 212 • require a counter-motion rather than a motion in the opposing
213 memorandum.

214 In *Central Utah Water Conservancy District v. King*, 2013 UT 13 ¶27; the
215 Supreme Court directed the committee to address the problem of undue delay
216 when the parties fail to comply with former Rule 7(f)(2). A major objective of
217 the of the 2015 amendments is to continue the policy of clear expectations of
218 the parties established in:

- 219 • *Butler v. Corporation of The President of The Church of Jesus Christ*
220 *of Latter-Day Saints*, 2014 UT 41

- 221 • Central Utah Water Conservancy District v. King, 2013 UT 13;
222 • Giusti v. Sterling Wentworth Corp., 2009 UT 2;
223 • Houghton v. Dep't of Health, 2008 UT 86; and
224 • Code v. Dep't of Health, 2007 UT 43.

225 However, the 2015 amendments do so in a manner simpler than the “magic
226 words” required under the former Rule 7(f)(2).

227 In these cases, the Supreme Court established a policy favoring a clear
228 indication of whether a further document would be required from the parties
229 after a judge’s decision. The parties should not be required to guess what, if
230 anything, should come next.

231 There were three ways to meet the test: a proposed order was submitted
232 with the supporting or opposing memorandum; an order was prepared at the
233 direction of the judge; the decision included an express indication that a
234 further order was not required. The 2015 amendments remove a proposed
235 order from the process in most circumstances. The trend under the former
236 rule was to include in every order an indication that nothing further was
237 required even when the order expressly directed a party to prepare a further
238 order. Or orders were being prepared in some manner other than as
239 described in the rule, yet the order did not expressly state that nothing further
240 was required. The order technically was not complete, but everyone
241 proceeded as if it were.

242 The 2015 amendments continue the policy of a bright-line test for a
243 completed decision but do not rely on conditions that might or might not be
244 met. The one condition that can be counted on is the judge’s signature. Under
245 the former rule, a completed decision was imposed by operation of law when
246 the order was prepared in one of the recognized ways. The 2015 rule imposes
247 a completed decision by operation of law when the document memorializing
248 the decision is signed. Under the former rule, the judge’s silence meant that

249 something further was required, unless the order was prepared in one of the
250 ways described in Rule 7. The presumption in the 2015 amendments is the
251 opposite: silence means that nothing further is required from the parties.
252 Judges can expressly require an order confirming a decision if one is needed
253 in a particular case.

254 The committee recognizes the many different forms a judge’s decision
255 might take. The committee discussed defining “order,” but decided against the
256 attempt. There are too many variations. If written, the document might be titled
257 “order,” “ruling,” “opinion,” “decision,” “memorandum decision,” etc. The
258 decision might not be written; an oral directive is an order. A clerk’s minute
259 entry of an oral decision is, when signed by the judge, treated the same as a
260 written order. The committee decided instead to modify a phrase of long
261 standing from Rule 54(b)—“a decision, however designated”—in this rule and
262 in Rule 58A. In this rule, however a judge’s decision may be designated, that
263 decision is complete when the judge signs the document memorializing the
264 decision. Whether there is a right to appeal is determined by whether the
265 decision—or subsequent order confirming the decision—is a judgment. That
266 analysis is governed by Rule 54. When the judgment is entered is governed
267 by Rule 58A. If the order is not a judgment, the time in which to petition for
268 permission to appeal under Rule of Appellate Procedure 5 is calculated from
269 the date on which an order confirming an earlier decision is entered, but only if
270 the judge directs that a confirming order be prepared. If the judge does not
271 direct that a confirming order be prepared, the time is calculated from the date
272 on which the decision, however designated, is entered.