

1 **Rule 58A. Entry of judgment; abstract of judgment.**

2 ~~(a) Judgment upon the verdict of a jury.~~ Unless the court otherwise
3 directs and subject to Rule 54(b), the clerk shall promptly sign and file the
4 judgment upon the verdict of a jury. If there is a special verdict or a general
5 verdict accompanied by answers to interrogatories returned by a jury, the
6 court shall direct the appropriate judgment, which the clerk shall promptly sign
7 and file.

8 ~~(b) Judgment in other cases.~~ Except as provided in paragraphs (a) and
9 (f) and Rule 55(b)(1), all judgments shall be signed by the judge and filed with
10 the clerk.

11 ~~(c) When judgment entered; recording.~~ A judgment is complete and
12 shall be deemed entered for all purposes, except the creation of a lien on real
13 property, when it is signed and filed as provided in paragraphs (a) or (b). The
14 clerk shall immediately record the judgment in the register of actions and the
15 register of judgments.

16 **(a) Separate document required.** Every judgment and amended
17 judgment must be set out in a separate document ordinarily titled
18 “Judgment”—or, as appropriate, “Decree.”

19 **(b) Separate document not required.** A separate document is not
20 required for an order disposing of a post-judgment motion:

21 (b)(1) for judgment under Rule 50(b);

22 (b)(2) to amend or make additional findings under Rule 52(b);

23 (b)(3) for a new trial, or to alter or amend the judgment, under Rule 59;

24 or

25 (b)(4) for relief under Rule 60.

26 **(c) Preparing a judgment.**

27 **(c)(1) Preparing and serving a proposed judgment.** The prevailing
28 party or a party directed by the court must prepare and serve on the other

29 parties a proposed judgment for review and approval as to form. The
30 proposed judgment shall be served within 14 days after the jury verdict or
31 after the court's decision. If the prevailing party or party directed by the
32 court fails to timely serve a proposed judgment, any other party may
33 prepare a proposed judgment and serve it on the other parties for review
34 and approval as to form.

35 **(c)(2) Effect of approval as to form.** A party's approval as to form of a
36 proposed judgment certifies that the proposed judgment accurately reflects
37 the verdict or the court's decision. Approval as to form does not waive
38 objections to the substance of the judgment.

39 **(c)(3) Objecting to a proposed judgment.** A party may object to the
40 form of the proposed judgment by filing an objection within 7 days after the
41 judgment is served.

42 **(c)(4) Filing proposed judgment.** The party preparing a proposed
43 judgment must file it:

44 (c)(4)(A) after all other parties have approved the form of the
45 judgment; (The party preparing the proposed judgment must indicate
46 the means by which approval was received: in person; by telephone; by
47 signature; by email; etc.)

48 (c)(4)(B) after the time to object to the form of the judgment has
49 expired; (The party preparing the proposed judgment must also file a
50 certificate of service of the proposed judgment.) or

51 (c)(4)(C) within 7 days after a party has objected to the form of the
52 judgment. (The party preparing the proposed judgment may also file a
53 response to the objection.)

54 **(d) Judge's signature; judgment filed with the clerk.** Except as provided
55 in paragraph (h) and Rule 55(b)(1), all judgments must be signed by the judge

56 and filed with the clerk. The clerk must promptly record all judgments in the
57 docket.

58 **(e) Time of entry of judgment.**

59 (e)(1) If a separate document is not required, a judgment is complete
60 and is entered when it is signed by the judge and recorded in the docket.

61 (e)(2) If a separate document is required, a judgment is complete and is
62 entered at the earlier of these events:

63 (e)(2)(A) the judgment is set out in a separate document signed by
64 the judge and recorded in the docket; or

65 (e)(2)(B) 150 days have run from the clerk recording the decision,
66 however designated, that should have prompted the separate
67 document.

68 **(d)-(f) Notice of judgment.** The party preparing the judgment shall
69 promptly serve a copy of the signed judgment on the other parties in the
70 manner provided in Rule 5 and promptly file proof of service with the court.
71 Except as provided in Rule of Appellate Procedure 4(g), the time for filing a
72 notice of appeal is not affected by this requirement.

73 **(e)-(g) Judgment after death of a party.** If a party dies after a verdict or
74 decision upon any issue of fact and before judgment, judgment may
75 nevertheless be entered.

76 **(f)-(h) Judgment by confession.** If a judgment by confession is authorized
77 by statute, the party seeking the judgment must file with the clerk a statement,
78 verified by the defendant, ~~to the following effect~~ as follows:

79 ~~(f)(1)-(h)(1)~~ (f)(1)-(h)(1) If the judgment is for money due or to become due, ~~it shall~~
80 the statement must concisely state the claim and that the specified sum is
81 due or to become due.

82 ~~(f)(2)~~(h)(2) If the judgment is for the purpose of securing the plaintiff
83 against a contingent liability, ~~it~~the statement must state concisely the claim
84 and that the specified sum does not exceed the liability.

85 ~~(f)(3)~~(h)(3) The statement must authorize the entry of judgment for
86 the specified sum.

87 The clerk shall must sign ~~and file~~ the judgment for the specified sum,
88 ~~with costs of entry, if any, and record it in the register of actions and the~~
89 ~~register of judgments.~~

90 **~~(g)~~(i) Abstract of judgment.** The clerk may abstract a judgment by a
91 signed writing under seal of the court that:

92 ~~(g)(1)~~(i)(1) identifies the court, the case name, the case number, the
93 judge or clerk that signed the judgment, the date the judgment was signed,
94 and the date the judgment was recorded in the registry of actions and the
95 registry of judgments;

96 ~~(g)(2)~~(i)(2) states whether the time for appeal has passed and whether
97 an appeal has been filed;

98 ~~(g)(3)~~(i)(3) states whether the judgment has been stayed and when the
99 stay will expire; and

100 ~~(g)(4)~~(i)(4) if the language of the judgment is known to the clerk, quotes
101 verbatim the operative language of the judgment or attaches a copy of the
102 judgment.

103 **Advisory Committee Note**

104 The 2015 amendments to Rule 58A adopt the requirement, found in Rule
105 58 of the Federal Rules of Civil Procedure, that a judgment be set out in a
106 separate document. In the past, problems have arisen when the district court
107 entered a decision with dispositive language, but without the other formal
108 elements of a judgment, resulting in uncertainty about whether the decision
109 started the time for appeals. This problem was compounded by uncertainty

110 under Rule 7 about whether the decision was the court’s final ruling on the
111 matter or whether the prevailing party was expected to prepare an order
112 confirming the decision.

113 The 2015 amendments of Rule 7, Rule 54 and Rule 58 are intended to
114 reduce this confusion by requiring “that there be a judgment set out on a
115 separate document—distinct from any opinion or memorandum—which
116 provides the basis for the entry of judgment.” See Advisory Committee Notes
117 to 1963 Amendments to Fed. R. Civ. P. 58. Courts and practitioners are
118 encouraged to use appropriate titles with separate documents intended to
119 operate as judgments, such as “Judgment” or “Decree,” and to avoid using
120 such titles on documents that are not appealable. The parties should consider
121 the form of judgment included in the Appendix of Forms. On the question of
122 what constitutes a separate document, the Committee refers courts and
123 practitioners to existing case law interpreting Fed. R. Civ. P. 58. For example,
124 *In re Cendant Corp.*, 454 F.3d 235, 242-244 (3d Cir. 2006) offers three
125 criteria:

126 1) the judgment must be set forth in a document that is independent of the
127 court’s opinion or decision;

128 2) it must contain ordering clauses stating the relief to which the prevailing
129 party is entitled, and not merely refer to orders made in other documents or
130 state that a motion has been granted; and

131 3) it must substantially omit recitation of facts, procedural history, and the
132 reasons for disposing of the parties’ claims.

133 While “some trivial departures” from these criteria—such as a one-
134 sentence explanation of reasoning, a single citation to authority, or a
135 reference to a separate memorandum decision—“must be tolerated in the
136 name of common sense,” any explanation must be “very sparse.” *Kidd v.*
137 *District of Columbia*, 206 F.3d 35, 39 (D.C. Cir. 2000).

138 The concurrent amendments to Rule 7 remove the separate document
139 requirement formerly applicable to interlocutory orders. Henceforward, the
140 separate document requirement will apply only to judgments, a change that
141 should reduce the tendency to confuse judgments with other orders. Rule 7
142 has also been amended to modify the process by which orders on motions are
143 prepared. The process for preparing judgments is the same.

144 Under amended Rule 7(j), a written decision, however designated, is
145 complete—is the judge’s last word on the motion—when it is signed, unless
146 the court expressly requests a party to prepare an order confirming the
147 decision. But this should not be confused with the need to prepare a separate
148 judgment when the decision has the effect of disposing of all claims in the
149 case. If a decision disposes of all claims in the action, a separate judgment is
150 required whether or not the court directs a party to prepare an order
151 confirming the decision.

152 Rule 58A is similar to Fed. R. Civ. P. 58 in listing the instances where a
153 separate document is not required. The state rule differs from the federal rule
154 regarding an order for attorney fees. Fed. R. Civ. P. 58 includes an order for
155 attorney fees as one of the orders not requiring a separate document. That
156 particular order is omitted from the Utah rule because under Utah law a
157 judgment does not become final for purposes of appeal until the trial court
158 determines attorney fees. See *ProMax Development Corporation v. Raile*,
159 2000 UT 4, 998 P.2d 254. See also Utah Rule of Appellate Procedure 4,
160 which states that the time in which to appeal post-trial motions is from the
161 disposition of the motion.

162 State Rule 58A is also similar to Fed. R. Civ. P. 58 in determining the time
163 of entry of judgment when a separate document is required but not prepared.
164 This situation involves the “hanging appeals” problem that the Supreme Court
165 asked this Committee to address in *Central Utah Water Conservancy District*

166 v. King, 2013 UT 13, ¶27. Under the 2015 amendments, if a separate
167 document is required but is not prepared, judgment is deemed to have been
168 entered 150 days from the date the decision—or the order confirming the
169 decision—was entered on the docket.

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