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September 12, 1990

TO: MEMBERS, UTAH SUPREME COURT ADVISORY COMMITTEE ON CIVIL
PROCEDURE

Dear Advisory Committee Member:

It's that time again. The next meeting of the committee will be held on Wednesday, September 19, 1990 at 4 p.m. The meeting will be held in the usual place, at the Administrative Office of the Courts, 230 S. 500 E., Suite 300, Salt Lake City, Utah. We plan to go for two hours. If you do not plan to attend or if you cannot be there promptly at 4 p.m., please let me know so that we don't wait for you.

The first order of business at our meeting next week will be to welcome a new member to our committee. James Soper is in charge of civil litigation in the Utah Attorney General's office. It has been some time since we have had a member of the Attorney General's staff on our committee, and we welcome Jim.

At the September 19 meeting, we will discuss the following items:

1) We will consider and, with luck, give final approval to a new draft of Rule 17(d), in accordance with discussions at our last meeting in June. Terrie McIntosh has prepared the enclosed draft to reflect the substance of our discussion about allowing judgments against associates' property.

2) We will discuss and, I hope, approve changes to Rule 65B. Enclosed for your review is a revision of Rule 65B to reflect the changes that we approved at our last meeting and others that we discussed in concept. For your convenience, I have underlined the new and different provisions of Rule 65B.

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Utah Supreme Court Advisory Committee
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John Fellows of the Office of Legislative Council has indicated an interest in proposing some additional terms relating to actions against the executive branch of state government by other branches. I have asked John to communicate directly with you, and I hope that he will be present at our next meeting.

3) We will consider what I hope will be our final draft of Rule 65A on injunctions. Since our last meeting, I have taken out the provision in paragraph (c)(1) relating to security required of a married person in a suit against the other party to the marriage contract. Other than this change, the draft remains the same as the one that we approved earlier. I have nevertheless enclosed it for your consideration so that we can obtain final approval on this rule before sending it to the Supreme Court.

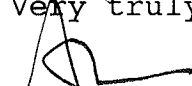
4) If the Rule 56 subcommittee is prepared to make a report, we will ask it to do so. As I understand it, Sam Alba and his subcommittee have agreed on some general directions that they believe we should take. We look forward to hearing from them.

5) At about the time of our last meeting, I appointed a subcommittee consisting of Brad Baldwin, Bruce Plenk, and Judge Murphy to undertake the revision of Rule 64A (on prejudgment writs generally), Rule 64B (on replevin), and Rule 64C (on attachment), to coincide with the changes that we have made with Rule 64D on garnishment. I realize that this subcommittee has not really begun to operate, but if members of the subcommittee would like to discuss anything with the committee as a whole, we will look forward to their comments.

6) We will discuss any new proposals for projects from any members of the committee.

I look forward to seeing all of you on September 19.

Very truly yours,


Alan L. Sullivan

ALS:crm

Encls

cc w/out encls: John Fellows, Esq.

cc w/encls: Carlie Christensen, Esq.

Jaryl Rencher, Esq.