

1 **Rule 9. Pleading special matters.**

2 **(a)(1) Capacity or Authority to Sue; Legal Existence.**

3 (1) In General. Except when required to show that the court has jurisdiction, a pleading need not  
 4 allege:

5 (A) a party's capacity to sue or be sued;

6 (B) a party's authority to sue or be sued in a representative capacity; or

7 (C) the legal existence of an organized association of persons that is made a party.

8 (2) Raising Those Issues. To raise any of those issues, a party must do so by a specific denial, which  
 9 must state any supporting facts that are peculiarly within the party's knowledge. It is not necessary to aver  
 10 the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative  
 11 capacity or the legal existence of an organized association of persons that is made a party. A party may  
 12 raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the  
 13 authority of a party to sue or be sued in a representative capacity by specific negative averment, which  
 14 shall include facts within the pleader's knowledge. If raised as an issue, the party relying on such  
 15 capacity, authority, or legal existence, shall establish the same on the trial.

16 **~~(a)(2)~~ (b) Designation of Unknown defendant parties.**

17 **(b)(1) Designation.** When a party does not know the name of an adverse opposing party, he it may  
 18 state that fact in the pleadings, and thereupon such adverse designate the opposing party may be  
 19 designated in any a pleading or proceeding by any name,; provided, that wWhen the true name of such  
 20 adverse the opposing party is ascertained becomes known, the pleading or proceeding must be amended  
 21 accordingly.

22 **~~(a)(3)~~ ~~(c)~~ (b)(2) Actions to quiet title; dDescriptions of interest of unknown parties in quiet title**  
 23 **actions.** In If a one or more parties in an action to quiet title wherein any of the parties are isare  
 24 designated in the caption as "unknown," the pleadings may describe such the unknown persons as "all  
 25 other persons unknown, claiming any right, title, estate or interest in, or lien upon the real property  
 26 described in the pleading adverse to the complainant's ownership, or clouding his its title thereto."

27 **~~(b)~~ (c) Fraud, mistake, condition of the mind.** In all averments of alleging fraud or mistake, a party  
 28 must state with particularity the circumstances constituting fraud or mistake shall be stated with  
 29 particularity. Malice, intent, knowledge, and other conditions of a person's mind of a person may be  
 30 averred alleged generally.

31 **~~(e)~~ (d) Conditions precedent.** In pleading the performance or occurrence of conditions precedent, it  
 32 is sufficient to aver allege generally that all conditions precedent have been performed or have occurred.  
 33 A denial of performance or occurrence shall be made specifically and When denying that a condition  
 34 precedent has been performed or has occurred, a party must do so with particularity, and when so made  
 35 the. The party pleading the performance or occurrence shall on the trial establish the facts showing such  
 36 performance or occurrence at trial.

37 ~~(d)-(e)~~ **Official document or act.** In pleading an official document or official act it is sufficient to ~~aver~~  
38 allege that the document was legally issued or the act was legally done ~~in compliance with law.~~

39 ~~(e)-(f)~~ **Judgment.** In pleading a judgment or decision of a domestic or foreign court, a judicial or quasi  
40 ~~judicial~~ tribunal, or ~~of a~~ board or officer, it is sufficient to ~~aver-plead~~ the judgment or decision without  
41 ~~setting forth matter~~ showing jurisdiction to render it. ~~A denial of jurisdiction shall be made specifically and~~  
42 ~~with particularity and when so made the party pleading the judgment or decision shall establish on the~~  
43 ~~trial all controverted jurisdictional facts.~~

44 ~~(f)-(g)~~ **Time and place.** ~~For the purpose of~~ An allegation of time or place is material when testing the  
45 sufficiency of a pleading, ~~averments of time and place are material and shall be considered like all other~~  
46 ~~averments of material matter.~~

47 ~~(g)-(h)~~ **Special damage.** ~~When~~ If an items of special damage ~~are~~ is claimed, ~~they shall~~ it must be  
48 specifically stated.

49 ~~(h)-(i)~~ **Statute of limitations.** In pleading the statute of limitations it is not necessary to state the facts  
50 showing the defense but it may be alleged generally that the cause of action is barred by ~~the provisions of~~  
51 the statute ~~relied on~~, referring to or describing such the statute ~~specifically and definitely~~ by section  
52 number, subsection designation, if any, or ~~otherwise~~ designating the provision relied upon sufficiently  
53 clearly to identify it. ~~If such the allegation is controverted denied, the party pleading the statute must~~  
54 ~~establish, on the at trial, the facts showing that the cause of action is so barred.~~

55 ~~(i)-(j)~~ **Private statutes; ordinances.** In pleading a private statute ~~of this state, or an ordinance of any~~  
56 ~~political subdivision thereof, or a right derived from such a~~ statute or ordinance, it is sufficient to refer to  
57 such the statute or ordinance by its title and the day of its passage or by its section number or other  
58 designation in any official publication of the statutes or ordinances. The court ~~shall thereupon~~ will take  
59 judicial notice ~~thereof~~ of the statute or ordinance.

60 ~~(j)-(k)~~ **Libel and slander.**

61 ~~(j)(1)-(k)(1)~~ **Pleading defamatory matter.** ~~It is not necessary in~~ In an action for libel or slander to  
62 set forth any intrinsic facts showing the application to the plaintiff of the defamatory matter ~~out of~~  
63 ~~which the action arose; but~~ it is sufficient to ~~state~~ allege generally that the ~~same~~ defamatory matter  
64 out of which the action arose was published or spoken concerning the plaintiff. If ~~such the~~ allegation  
65 is ~~controverted~~ denied, the party alleging the ~~such~~ defamatory matter must establish, ~~on the at~~ trial,  
66 that it was ~~se~~ published or spoken.

67 ~~(j)(2)-(k)(2)~~ **Pleading defense.** ~~In his answer to an action for libel or slander, the~~ The defendant  
68 may allege ~~both~~ the truth of the matter charged as defamatory and any mitigating circumstances to  
69 reduce the amount of damages, ~~and, whether he proves the.~~ Whether or not justification ~~or not is~~  
70 proved, he the defendant may give ~~in~~ evidence of the mitigating circumstances.

71 **(k) Renew judgment.** A complaint alleging failure to pay a judgment shall describe the judgment with  
72 particularity or attach a copy of the judgment to the complaint.

73 **(l) Allocation of fault.**

74 | (l)(1) A party seeking to allocate fault to a non-party under [Title 78B, Chapter 5, Part 8](#) ~~shall~~must  
75 | file:

76 | (l)(1)(A) a description of the factual and legal basis on which fault can be allocated; and

77 | (l)(1)(B) information known or reasonably available to the party identifying the non-party,  
78 | including name, address, telephone number and employer. If the identity of the non-party is  
79 | unknown, the party ~~shall~~must so state.

80 | (l)(2) The information specified in ~~subsection paragraph~~ (l)(1) must be included in the party's  
81 | responsive pleading if then known or must be included in a supplemental notice filed within a  
82 | reasonable time after the party discovers the factual and legal basis on which fault can be allocated.  
83 | The court, upon motion and for good cause shown, may permit a party to file the information specified  
84 | in ~~subsection paragraph~~ (l)(1) after the expiration of any period permitted by this rule, but in no event  
85 | later than 90 days before trial.

86 | (l)(3) A party ~~may~~must not seek to allocate fault to another except by compliance with this rule.

87 | **Advisory Committee Note**

88 | The 2016 amendments deleted former paragraph (k) on renewing judgments because it was  
89 | superfluous. The Renewal of Judgment Act (Utah Code Sections 78B-6-1801 through 78B-6-1804) allows  
90 | a domestic judgment to be renewed by motion, and Section 78B-5-302 governs domesticating a foreign  
91 | judgment, which can then be renewed by motion.

92 | The process for renewing a judgment by motion is governed by Rule 58C.

93 | Issues of capacity, conditions precedent, and statutes of limitation in paragraphs (a), (e), and (j)  
94 | should be decided along with other claims and defenses.