

1 **Rule 15. Amended and supplemental pleadings.**

2 **(a) Amendments before trial.**

3 (a)(1) A party may amend his-its pleading once as a matter of course at any time before a
 4 responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted
 5 and the action has not been placed upon the trial calendar, he may so amend it at any time within:

6 (a)(1)(A) 21 days after -serving it-is served; or

7 (a)(1)(B) if the pleading is one to which a responsive pleading is required, 21 days after
 8 service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f),
 9 whichever is earlier.

10 (a)(2) ~~Otherwise~~ In all other cases, a party may amend his-its pleading only by leave of with the
 11 court's permission or by written consent of the adverse party; and leave shall be freely given
 12 opposing party's written consent. The party must attach its proposed amended pleading to the motion
 13 to permit an amended pleading. The court should freely give permission when justice so requires.

14 (a)(3) ~~A party shall plead in response to an amended pleading. Any required response to an~~
 15 amended pleading must be filed within the time remaining for ~~response to respond~~ to the original
 16 pleading or within 14 days after service of the amended pleading, whichever period may be the
 17 longer, unless the court otherwise orders is later.

18 **(b) ~~Amendments to conform to the evidence during and after trial.~~**

19 (b)(1) When an issues not raised by-in the pleadings are-is tried by the parties' express or implied
 20 consent of the parties, ~~they shall-it must~~ be treated in all respects as if ~~they had been~~ raised in the
 21 pleadings. Such amendments of the pleadings as may be necessary to cause them to conform to the
 22 evidence and to raise these issues may be made upon motion of any party at any time, even after
 23 judgment; but A party may move—at any time, even after judgment—to amend the pleadings to
 24 conform them to the evidence and to raise an unpleaded issue. But failure so to amend does not
 25 affect the result of the trial of ~~these that~~ issues.

26 (b)(2) If, at trial, a party ~~objects that~~ evidence is ~~objected to at the trial on the ground that it is not~~
 27 within the issues ~~made by~~ raised in the pleadings, the court may ~~allow~~ permit the pleadings to be
 28 amended ~~when the presentation of the merits of the action will be subserved thereby.~~ The court
 29 should freely permit an amendment when doing so will aid in presenting the merits and the objecting
 30 party fails to satisfy the court that the admission of such evidence would prejudice him in maintaining
 31 his ~~that~~ party's action or defense upon the merits. The court ~~shall~~ may grant a continuance, if
 32 necessary, to enable the objecting party to meet such ~~the~~ evidence.

33 **(c) Relation back of amendments.** ~~Whenever~~ An amendment to a pleading relates back to the date
 34 of the original pleading when:

35 (c)(1) the law that provides the applicable statute of limitations allows relation back;

36 ~~(c)(2) the claim or defense asserted in the amended pleading~~ the amendment asserts a claim or
 37 defense that arose out of the conduct, transaction, or occurrence set forth—~~out—~~or attempted to be set
 38 forth—~~in the original pleading, the amendment relates back to the date of the original pleading; or~~

39 (c)(3) the amendment adds a party, substitutes a party, or changes the name of the party against
 40 whom a claim is asserted, if paragraph (c)(2) is satisfied and if, within the period provided by Rule
 41 4(b) for serving the summons and complaint, the party to be brought in by amendment:

42 (c)(3)(A) received such notice of the action that it will not be prejudiced in defending on the
 43 merits; and

44 (c)(3)(B) knew or should have known that the action would have been brought against it, but
 45 for a mistake concerning the proper party's identity.

46 **(d) Supplemental pleadings.** ~~Upon~~ On ~~motion of a party and reasonable notice,~~ the court may, ~~upon~~
 47 ~~reasonable notice and upon such terms as are on just terms,~~ permit ~~him~~ a party to ~~serve~~ file a
 48 supplemental pleading setting ~~forth~~ out ~~any transactions, or occurrences, or events which have that~~
 49 ~~happened since~~ after the date of the pleading sought to be supplemented. ~~Permission may be granted~~
 50 The court may permit supplementation even though the original pleading is defective in its statement of
 51 stating a claim for relief or defense. If the court deems it advisable that the adverse ~~The court may order~~
 52 that the opposing party ~~plead~~ respond to the supplemental pleading, ~~it shall so order, specifying the time~~
 53 ~~therefor~~ within a specified time.

54
 55 Advisory Committee Notes

56 Although the precise language is different for purposes of clarity, the 2016 amendments to Utah Rule
 57 of Civil Procedure 15(c) adopt the approach of Federal Rule 15(c) regarding the relation-back of an
 58 amended pleading when the amended pleading adds a new party.