

1 **Rule 11. Signing of pleadings, motions, affidavits, and other papers; representations to**
2 **court; sanctions.**

3 **(a) Signature.**

4 (a)(1) Every pleading, written motion, and other paper must be signed by at least one attorney of
5 record, or, if the party is not represented, by the party.

6 (a)(2) A person may sign a paper using any form of signature recognized by law as binding.
7 Unless required by statute, a paper need not be accompanied by affidavit or have a notarized,
8 verified or acknowledged signature. If a rule requires an affidavit or a notarized, verified or
9 acknowledged signature, the person may submit a ~~declaration pursuant to Utah Code~~
10 Section 78B-5-705 an unsworn declaration as described in Title 78B, Chapter 18a, Uniform Unsworn
11 Declarations Act. If an affidavit or a paper with a notarized, verified or acknowledged signature is
12 filed, the party must comply with Rule 5(f).

13 (a)(3) An unsigned paper will be stricken unless omission of the signature is corrected promptly
14 after being called to the attention of the attorney or party.

15 **(b) Representations to court.** By presenting a pleading, written motion, or other paper to the court
16 (whether by signing, filing, submitting, or advocating), an attorney or unrepresented party is certifying that
17 to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under
18 the circumstances,

19 (b)(1) it is not being presented for any improper purpose, such as to harass or to cause
20 unnecessary delay or needless increase in the cost of litigation;

21 (b)(2) the claims, defenses, and other legal contentions are warranted by existing law or by a
22 nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment
23 of new law;

24 (b)(3) the allegations and other factual contentions have evidentiary support or, if specifically so
25 identified, are likely to have evidentiary support after a reasonable opportunity for further investigation
26 or discovery; and

27 (b)(4) the denials of factual contentions are warranted on the evidence or, if specifically so
28 identified, are reasonably based on a lack of information or belief.

29 **(c) Sanctions.** If, after notice and a reasonable opportunity to respond, the court determines that
30 paragraph (b) has been violated, the court may, subject to the conditions stated below, impose an
31 appropriate sanction upon the attorneys, law firms, or parties that have violated paragraph (b) or are
32 responsible for the violation.

33 **(c)(1) How initiated.**

34 **(c)(1)(A) By motion.** A motion for sanctions under this rule must be made separately from
35 other motions or requests and must describe the specific conduct alleged to violate paragraph
36 (b). It must be served as provided in Rule 5, but may not be filed with or presented to the court
37 unless, within 21 days after service of the motion (or such other period as the court may

38 prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn
39 or appropriately corrected. If warranted, the court may award to the party prevailing on the motion
40 the reasonable expenses and attorney fees incurred in presenting or opposing the motion. In
41 appropriate circumstances, a law firm may be held jointly responsible for violations committed by
42 its partners, members, and employees.

43 **(c)(1)(B) On court's initiative.** On its own initiative, the court may enter an order describing
44 the specific conduct that appears to violate paragraph (b) and directing an attorney, law firm, or
45 party to show cause why it has not violated paragraph (b) with respect thereto.

46 **(c)(2) Nature of sanction; limitations.** A sanction imposed for violation of this rule must be
47 limited to what is sufficient to deter repetition of such conduct or comparable conduct by others
48 similarly situated. Subject to the limitations in paragraphs (c)(2)(A) and (c)(2)(B), the sanction may
49 consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if
50 imposed on motion and warranted for effective deterrence, an order directing payment to the movant
51 of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the
52 violation.

53 (c)(2)(A) Monetary sanctions may not be awarded against a represented party for a violation
54 of paragraph (b)(2).

55 (c)(2)(B) Monetary sanctions may not be awarded on the court's initiative unless the court
56 issues its order to show cause before a voluntary dismissal or settlement of the claims made by
57 or against the party which is, or whose attorneys are, to be sanctioned.

58 **(c)(3) Order.** When imposing sanctions, the court will describe the conduct determined to
59 constitute a violation of this rule and explain the basis for the sanction imposed.

60 [Advisory Committee Notes](#)

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