

1 **Rule 42. Consolidation; separate trials; venue transfer.**

2 **(a) Consolidation.** When actions involving a common question of law or fact or arising
3 from the same transaction or occurrence are pending before the court, ~~it in one or more~~
4 judicial districts, the court may, on motion of any party or on the court's own initiative:
5 order that the actions are consolidated in whole or in part for any purpose, including
6 for discovery, other pretrial matters, or a joint hearing or trial of any or all the matters in
7 issue in the actions; it may order; stay any or all of the proceedings in any action subject
8 to the order; transfer any or all further proceedings in the actions consolidated to a
9 location in which any of the actions is pending after consulting with the presiding judge
10 of the transferee court; and it may make other such orders concerning proceedings
11 therein as may tend to avoid unnecessary costs or delay.

12 (1) In determining whether to order consolidation and the appropriate location for
13 the consolidated proceedings, the court may consider, among other factors: the
14 complexity of the actions; the importance of any common question of fact or law to
15 the determination of the actions; the risk of duplicative or inconsistent rulings,
16 orders, or judgments; the relative procedural postures of the actions; the risk that
17 consolidation may unreasonably delay the progress, increase the expense, or
18 complicate the processing of any action; prejudice to any party that far outweighs
19 the overall benefits of consolidation; the convenience of the parties, witnesses, and
20 counsel; and the efficient utilization of judicial resources and the facilities and
21 personnel of the court.

22 (2) A motion to consolidate ~~eases shall~~ may be filed or opposed by any party. The
23 motion must be filed in and heard by the judge assigned to the first ~~case filed~~. ~~Notice~~
24 ~~of a motion to consolidate cases shall be given to~~ action filed and must be served on
25 all parties in each ~~case~~. ~~The~~ action pursuant to Rule 5. A notice of the motion
26 shall ~~must~~ be filed in each action. The movant must, and any party may, file in each
27 action notice of the order denying or granting the motion ~~shall be filed in each case.~~

28 ~~(23) If a motion to consolidate is granted, the~~ the court orders consolidation, a new
29 case number of the first case filed shall will be used for all subsequent papers filings
30 and the case shall be heard by the judge assigned to the first case in the consolidated
31 case. The court may direct that specified parties pay the expenses, if any, of
32 consolidation. The presiding judge of the transferee court may assign the
33 consolidated case to another judge for good cause.

34 **(b) Separate trials.** The court in furtherance of convenience or to avoid prejudice may
35 order a separate trial of any claim, cross claim, counterclaim, or third party claim, or of
36 any separate issue or of any number of claims, cross claims, counterclaims, third party
37 claims, or issues.

38 **(c) Venue Transfer.**

39 (1) On timely motion of any party, where transfer to a proper venue is available, the
40 court must transfer any action filed in an improper venue.

41 (2) The court must give substantial deference to a plaintiff's choice of a proper
42 venue. On timely motion of any party, a court may: transfer venue of any action, in
43 whole or in part, to any other venue for any purpose, including for discovery, other
44 pretrial matters, or a joint hearing or trial; stay any or all of the proceedings in the
45 action; and make other such orders concerning proceedings therein to pursue the
46 interests of justice and avoid unnecessary costs or delay. In determining whether to
47 transfer venue and the appropriate venue for the transferred proceedings, the court
48 may consider, among other factors, whether transfer will: increase the likelihood of a
49 fair and impartial determination in the action; minimize expense or inconvenience to
50 parties, witnesses, or the court; decrease delay; avoid hardship or injustice otherwise
51 caused by venue requirements; and advance the interests of justice.

52 (3) The court may direct that specified parties pay the expenses, if any, of transfer.

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54 **Advisory Committee Notes**

55 | *Note adopted 2020*

56 | The addition of paragraph (c) arose in part from the Supreme Court's decision in *Davis*

57 | *County v. Purdue Pharma, L.P., 2020 UT 17.*