

1 **Rule 23. Motions.**

2 (a) **Content of motion.** Unless another form is elsewhere prescribed by these rules, an
3 application for an order or other relief ~~shall~~must be made by filing a motion for such
4 order or relief with proof of service on all other parties. The motion ~~shall~~must contain ~~or~~
5 ~~be accompanied by the following:~~

6 (1) ~~A~~a specific and clear statement of the relief sought;

7 (2) ~~A~~a particular statement of the factual grounds;

8 (3) ~~If the motion is for other than an enlargement of time,~~ a memorandum of
9 points and authorities in support (unless the motion is for an enlargement of
10 time); and

11 (4) ~~A~~affidavits or declarations and ~~papers~~documents, where appropriate.

12 (b) **Response.** Any party may file a response to a motion within ~~10~~4 days after the
13 motion is served~~service of the motion~~; however, the court may, for good cause shown,
14 dispense with, shorten, or extend the time for responding to any motion.

15 (c) **Reply.** The moving party may file a reply only to answer new matters raised in the
16 response. A reply, if any, may be filed no later than 5 days after the response is served
17 ~~service of the response~~, but the court may rule on the motion without awaiting a reply.

18 (d) **Determination of motions for procedural orders.** Notwithstanding ~~the provisions~~
19 ~~of~~ paragraph (a) ~~of this rule~~ as to motions generally, motions for procedural orders
20 ~~which do~~ not substantially affecting the rights of the parties or the ultimate disposition
21 of the appeal, including any motion under Rule 22(b), may be acted upon at any time,
22 without awaiting a response or reply. Pursuant to rule or at the court's direction~~order~~
23 ~~of the court~~, the clerk may dispose of motions for specified types of procedural orders
24 ~~may be disposed of by the clerk~~. The court may review a clerk's disposition ~~by the clerk~~
25 upon a party's motion ~~of a party~~ or upon its own motion.

26 (e) **Power of a single justice or judge to entertain motions.** In addition to the authority
27 expressly conferred by these rules or by law, a single justice or judge of the court may
28 entertain and may grant or deny any request for relief ~~which~~ that under these rules may
29 properly be sought by motion, except that:

30 (1) a single justice or judge may not dismiss or otherwise determine an appeal or
31 other proceeding; ~~and~~

32 (2) ~~except that~~ the court may provide by order or rule that any motion or class of
33 motions must be acted upon by the court; and

34 (3) ~~T~~he action of a single justice or judge may be reviewed by the court.

35 **~~(f) Form of papers; number of copies.~~**

36 ~~(1) Only the original of a motion to enlarge time shall be filed. The number of~~
37 ~~required copies of motions for summary disposition shall be governed by Rule~~
38 ~~10(b). For other motions presented to the Supreme Court, the movant shall file~~
39 ~~with the clerk of the court an original and three copies. For other motions~~
40 ~~pending in the Supreme Court, the respondent shall file an original and three~~
41 ~~copies of the response. For a motion presented to the Court of Appeals, the~~
42 ~~movant shall file with the clerk of the court an original and four copies. For a~~
43 ~~motion pending in the Court of Appeals, the respondent shall file an original and~~
44 ~~four copies of the response.~~

45 ~~(2) Motions and other papers shall be typewritten on opaque, unglazed paper~~
46 ~~8 1/2 by 11 inches in size. Paper may be recycled paper, with or without~~
47 ~~deinking. The text shall be in type not smaller than ten characters per inch. Lines~~
48 ~~of text shall be double spaced and shall be upon one side of the paper only.~~
49 ~~Consecutive sheets shall be attached at the upper left margin.~~

50 ~~(3) A motion or other paper shall contain a caption setting forth the name of the~~
51 ~~court, the title of the case, the docket number, and a brief descriptive title~~
52 ~~indicating the purpose of the paper. The attorney shall sign all papers filed with~~

53 ~~the court with his or her individual name. The attorney shall give his or her~~
54 ~~business address, telephone number, and Utah State Bar number in the upper left~~
55 ~~hand corner of the first page of every paper filed with the court except briefs. A~~
56 ~~party who is not represented by an attorney shall sign any paper filed with the~~
57 ~~court and state the party's address and telephone number.~~