

1 **Rule 19. Extraordinary writs.**

2 **(a) ~~Service of a petition for extraordinary writ to a judge or agency; petition; service and~~**  
3 **~~filing.~~** An application for an extraordinary writ referred to in Rule ~~65B~~, Utah Rules of Civil Procedure,  
4 directed to a judge, agency, person or entity shall be made by filing a petition with the clerk of the  
5 appellate court. ~~Service of the petition shall be made on the respondent judge, agency, person, or~~  
6 ~~entity and on all parties to the action or case in the trial court or agency. In the event of an original~~  
7 ~~petition in the appellate court where no~~

8 (a)(1) Unless an action is pending in the a trial court or agency, the a petition shall for an  
9 extraordinary writ under Utah Rule of Civil Procedure 65B must be served personally on the  
10 respondent judge, agency, person or entity by any of the methods in Utah Rule of Civil Procedure  
11 4 of the Utah Rules of Civil Procedure and service shall be made by the most direct means  
12 available must be served on all persons or associations whose interests might be substantially  
13 affected by the most direct means available.

14 (a)(2) If an action is pending in a trial court or agency, a petition for an extraordinary writ must  
15 be served on the respondent judge, agency, person, or entity and on all parties to the action in  
16 the trial court or agency by any of the methods allowed by Rule 21.

17 (a)(3) If imprisoned, the petitioner may mail the petition by United States mail, postage  
18 prepaid to the Attorney General of Utah or the county attorney of the county if imprisoned in a  
19 county jail.

20 **(b) Contents of petition and filing fee.** ~~A The petition for an extraordinary writ shall must~~ contain the  
21 following:

22 (b)(1) A statement of all persons or associations, by name or by class, whose interests might be  
23 substantially affected;

24 (b)(2) A statement of the issues presented and of the relief sought;

25 (b)(3) A statement of the facts necessary to an understanding of the issues presented by the  
26 petition;

27 (b)(4) A statement of the reasons why no other plain, speedy, or adequate remedy exists and why  
28 the writ should issue;

29 (b)(5) Except in cases where the writ is directed to a district court, a statement explaining why it is  
30 impractical or inappropriate to file the petition ~~for a writ~~ in the district court;

31 ~~Copies~~ (b)(6) A copy of or a link to any order or opinion or parts of the record which may be  
32 essential to an understanding of the matters set forth in the petition;

33 (b)(7) A memorandum of points and authorities in support of the petition; and

34 (b)(8) The prescribed filing fee, unless waived by the court.

35 (b)(9) ~~Where~~ If emergency relief is sought, the petition must comply with Rule 23C(b), including  
36 any additional requirements set forth by that ~~subpart~~ paragraph.

37           (b)(10) ~~Where~~If the subject of the petition is an interlocutory order, the petition must state  
 38           whether a petition for interlocutory appeal has been filed and, if so, summarize its status or, if not,  
 39           state why interlocutory appeal is not a plain, speedy or adequate remedy.

40           **(c) Response to petition.** The judge, agency, person, or entity and all parties in the action other than  
 41           the petitioner ~~shall be~~are deemed respondents for all purposes. Two or more respondents may respond  
 42           jointly. If any respondent does not desire to appear in the proceedings, that respondent may advise the  
 43           clerk of the appellate court and all parties by letter, but the allegations of the petition ~~shall~~are not thereby  
 44           ~~be deemed~~ admitted. ~~Where~~If emergency relief is sought, Rule ~~23C(d)~~shall applyapplies. Otherwise,  
 45           within ~~seven~~14 days after service of the petition, any respondent or any other party may file a response  
 46           in opposition or concurrence, which includes supporting authority.

47           **(d) Review and disposition of petition.** The court ~~shall~~may render a decision based on the petition  
 48           and any timely response, ~~or it may~~ require briefing or the submission of further information, and may hold  
 49           oral argument ~~at its discretion~~. If additional briefing is required, the briefs ~~shall~~must comply with Rules ~~24~~  
 50           and ~~27~~. If emergency relief is sought, Rule 23C(f) applies to requests for hearings in emergency matters.  
 51           ~~With regard to emergency petitions submitted under Rule 23C, and where~~If emergency relief is sought  
 52           and consultation with other members of the court cannot be timely obtained, a single judge or justice may  
 53           grant or deny the petition, subject to review by the court at the earliest possible time. With regard to all  
 54           petitions, a single judge or justice may deny the petition if it is frivolous on its face or fails to materially  
 55           comply with the requirements of this rule or Rule ~~65B~~, Utah Rules of Civil Procedure. The denial of a  
 56           petition by a single judge or justice may be reviewed by the appellate court upon ~~specific~~ request filed  
 57           within ~~seven~~7 days of notice of disposition, but ~~such~~the request ~~shall~~may not include any additional  
 58           argument or briefing.

59           **(e) Transmission of record.** ~~In reviewing a petition for extraordinary writ, the~~The appellate court  
 60           may order the record, or any relevant portion ~~thereof~~, to be transmitted.

61           **(f) Number of copies.** ~~For a petition presented to the Supreme Court, petitioner shall file with the~~  
 62           ~~clerk of the court an original and five copies of the petition. For a petition pending in the Supreme Court,~~  
 63           ~~respondent shall file with the clerk of the court an original and five copies of the response. For a petition~~  
 64           ~~presented to the Court of Appeals, petitioner shall file with the clerk of the court an original and four~~  
 65           ~~copies of the petition. For a petition pending in the Court of Appeals, respondent shall file with the clerk of~~  
 66           ~~the court an original and four copies of the response.~~

67           **(g)-(f) Issuance of extraordinary writ by appellate court sua sponte on its own initiative.** The  
 68           appellate court, in aid of its own jurisdiction in extraordinary cases, may issue a writ ~~of certiorari sua~~  
 69           ~~sponte on its own initiative~~ directed to a judge, agency, person, or entity. A copy of the writ ~~shall~~must be  
 70           served on the named respondents in the manner and by an individual authorized to accomplish personal  
 71           service under Rule ~~4~~, Utah Rules of Civil Procedure. In addition, copies of the writ ~~shall~~must be  
 72           transmitted by the clerk of the appellate court, by the most direct means available, to all persons or  
 73           associations whose interests might be substantially affected by the writ. The respondent and the persons

74 or associations whose interests are substantially affected may, within ~~four~~ 4 business days of the  
75 issuance of the writ, petition the court to dissolve or amend the writ. The petition ~~shall~~ must be  
76 accompanied by a concise statement of the reasons for dissolution or amendment of the writ.  
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