

1 **Rule 7A. Motion to enforce order and for sanctions.**

2 **(a) Motion.** To enforce a court order or to obtain a sanctions order for violation of an
3 order, including in supplemental proceedings under Rule 64, a party must file an ex
4 parte motion to enforce order and for sanctions (if requested), pursuant to this rule and
5 [Rule 7](#). The motion must be filed in the same case in which that order was entered. The
6 timeframes set forth in this rule, rather than those set forth in [Rule 7](#), govern motions to
7 enforce orders and for sanctions.

8 **(b) Affidavit.** The motion must state the title and date of entry of the order that the
9 moving party seeks to enforce. The motion must be verified, or must be accompanied
10 by at least one supporting affidavit that is based on personal knowledge and shows that
11 the affiant is competent to testify on the matters set forth. The verified motion or
12 affidavit must set forth facts that would be admissible in evidence and that would
13 support a finding that the party has violated the order.

14 **(c) Proposed order.** The motion must be accompanied by a request to submit for
15 decision and a proposed order to attend hearing, which must:

16 (1) state the title and date of entry of the order that the motion seeks to enforce;

17 (2) state the relief sought in the motion;

18 (3) state whether the motion is requesting that the other party be held in contempt
19 and, if so, state that the penalties for contempt may include, but are not limited to, a
20 fine of up to \$1000 and confinement in jail for up to 30 days;

21 (4) order the other party to appear personally or through counsel at a specific place
22 (the court's address) and date and time (left blank for the court clerk to fill in) to
23 explain whether the nonmoving party has violated the order; and

24 (5) state that no written response to the motion is required but is permitted if filed
25 within 14 days of service of the order, unless the court sets a different time, and that
26 any written response must follow the requirements of [Rule 7](#).

27 **(d) Service of the order.** If the court issues an order to attend a hearing, the moving
28 party must have the order, motion, and all supporting affidavits served on the
29 nonmoving party at least 28 days before the hearing. Service must be in a manner

30 provided in Rule 4 if the nonmoving party is not represented by counsel in the case. If
31 the nonmoving party is represented by counsel in the case, service must be made on the
32 nonmoving party's counsel of record in a manner provided in [Rule 5](#). For purposes of
33 this rule, a party is represented by counsel if, within the last 120 days, counsel for that
34 party has served or filed any documents in the case and has not withdrawn. The court
35 may shorten the 28 day period if:

- 36 (1) the motion requests an earlier date; and
- 37 (2) it clearly appears from specific facts shown by affidavit that immediate and
38 irreparable injury, loss, or damage will result to the moving party if the hearing is
39 not held sooner.

40 **(e) Opposition.** A written opposition is not required, but if filed, must be filed within 14
41 days of service of the order, unless the court sets a different time, and must follow the
42 requirements of Rule 7.

43 **(f) Reply.** If the nonmoving party files a written opposition, the moving party may file a
44 reply within 7 days of the filing of the opposition to the motion, unless the court sets a
45 different time. Any reply must follow the requirements of [Rule 7](#).

46 **(g) Hearing.** At the hearing the court may receive evidence, hear argument, and rule
47 upon the motion, or may request additional briefing or hearings. The moving party
48 bears the burden of proof on all claims made in the motion. At the court's discretion, the
49 court may convene a telephone conference before the hearing to preliminarily address
50 any issues related to the motion, including whether the court would like to order a
51 briefing schedule other than as set forth in this rule.

52 **(h) Limitations.** This rule does not apply to an order that is issued by the court on its
53 own initiative. This rule does not apply in criminal cases or motions filed under [Rule 37](#).
54 Nothing in this rule is intended to limit or alter the inherent power of the court to
55 initiate order to show cause proceedings to assess whether cases should be dismissed
56 for failure to prosecute or to otherwise manage the court's docket, or to limit the
57 authority of the court to hold a party in contempt for failure to appear pursuant to a
58 court order.

59 **(i) Orders to show cause.** The process set forth in this rule replaces and supersedes the
60 prior order to show cause procedure. An order to attend hearing serves as an order to
61 show cause as that term is used in Utah law.