

1 **Rule 36. Issuance of ~~r~~Remittitur.**

2 (a) **Date of issuance.**

3 (1) ~~In t~~The Supreme Court will issue a~~the~~ remittitur ~~of the court shall issue~~ 15 days after
4 ~~the entry of~~ the judgment is entered. If a petition for rehearing is timely filed, the remittitur
5 ~~of the court shall~~will issue five days after ~~the entry of~~ the order disposing of the petition is
6 entered.

7 (2) ~~In t~~The Court of Appeals will issue a~~the~~ remittitur ~~of the court shall issue~~ immediately
8 after ~~the expiration of~~ the time for filing a petition for writ of certiorari expires. If a petition
9 for writ of certiorari is timely filed, ~~issuance of the remittitur by~~ the Court of Appeals will
10 automatically ~~be stayed~~ issuing the remittitur until the Supreme Court's disposition on the
11 petition for writ of certiorari. If the Supreme Court denies the petition, the Court of Appeals
12 ~~shall~~will issue its remittitur five days after ~~entry of~~ the order denying the petition is entered.
13 If the Supreme Court grants the petition, jurisdiction of the appeal ~~shall~~will ~~be~~
14 ~~transferred~~transfer to the Supreme Court, and the Court of Appeals ~~shall~~will close its file
15 and transfer the record on appeal, if any, to the Supreme Court.

16 (3) The time ~~for issuance of~~to issue the remittitur may be otherwise stayed, enlarged, or
17 shortened by ~~order of the court~~ order. ~~A certified copy of t~~The court's opinion ~~of the court~~,
18 any direction as to costs, and the record of the proceedings ~~shall~~will constitute the
19 remittitur.

20 (b) **Stay, supersedeas, or injunction pending application for review to the Supreme Court of**

21 **the United States.** A stay or supersedeas of the remittitur or an injunction pending application for
22 review to the United States Supreme Court may be granted on motion and for good cause. Any
23 motion for a stay of the remittitur or for approval of a supersedeas bond or for an order suspending,
24 modifying, restoring, or granting an injunction during ~~the pendency of~~ the appeal ~~shall~~must be
25 filed in the Utah Supreme Court. Reasonable notice of the motion ~~shall~~must be given to all parties.
26 The period of the stay, supersedeas, or injunction ~~shall~~will be for such time as the court ~~orders,~~
27 ~~by the court~~ up to and including the final disposition of the application for review. A bond or other
28 security on such terms as the court deems appropriate may be required as a condition to the grant
29 or continuance of relief under this paragraph. If the stay, supersedeas, or injunction is granted until
30 the final disposition of the application for review, the party seeking the review ~~shall~~must, within

31 the time permitted for seeking the review, file with the clerk of the court ~~which~~that entered the
32 decision sought to be reviewed, ~~a certified copy of~~ the notice of appeal, petition for writ of
33 certiorari, or other application for review, or ~~shall~~must file a certificate that such application for
34 review has been filed. Upon ~~the~~ filing ~~of a copy of~~ an order of the United States Supreme Court
35 dismissing the appeal or denying the petition for a writ of certiorari, the remittitur ~~shall~~will issue
36 immediately.

37 *Effective November 1, 2020*