

1 **Rule 7. Pleadings allowed; motions, memoranda, hearings, orders.**

2 **(a) Pleadings.** Only these pleadings are allowed:

3 (1) a complaint;

4 (2) an answer to a complaint;

5 (3) an answer to a counterclaim designated as a counterclaim;

6 (4) an answer to a crossclaim;

7 (5) a third-party complaint;

8 (6) an answer to a third-party complaint; and

9 (7) a reply to an answer if ordered by the court.

10 **(b) Motions.** A request for an order must be made by motion. The motion must be in
11 writing unless made during a hearing or trial, must state the relief requested, and must
12 state the grounds for the relief requested. Except for the following, a motion must be
13 made in accordance with this rule.

14 (1) A motion, other than a motion described in paragraphs (b)(2), (b)(3) or (b)(4),
15 made in proceedings before a court commissioner must follow Rule [101](#).

16 (2) A request under [Rule 26](#) for extraordinary discovery must follow Rule [37\(a\)](#).

17 (3) A request under Rule [37](#) for a protective order or for an order compelling
18 disclosure or discovery – but not a motion for sanctions – must follow Rule [37\(a\)](#).

19 (4) A request under Rule [45](#) to quash a subpoena must follow Rule [37\(a\)](#).

20 (5) A motion for summary judgment must follow the procedures of this rule as
21 supplemented by the requirements of Rule [56](#).

22 **(c) Name and content of motion.**

23 (1) The rules governing captions and other matters of form in pleadings apply to
24 motions and other papers. The moving party must title the motion substantially as:
25 “Motion [short phrase describing the relief requested].” The motion must include

26 the supporting memorandum. The motion must include under appropriate headings
27 and in the following order:

28 (A) a concise statement of the relief requested and the grounds for the relief
29 requested; and

30 (B) one or more sections that include a concise statement of the relevant facts
31 claimed by the moving party and argument citing authority for the relief
32 requested.

33 (2) If the moving party cites documents, interrogatory answers, deposition
34 testimony, or other discovery materials, relevant portions of those materials must be
35 attached to or submitted with the motion.

36 (3) If the motion is for relief authorized by Rule 12(b) or 12(c), Rule 56 or Rule 65A,
37 the motion may not exceed 25 pages, not counting the attachments, unless a longer
38 motion is permitted by the court. Other motions may not exceed 15 pages, not
39 counting the attachments, unless a longer motion is permitted by the court.

40 **(d) Name and content of memorandum opposing the motion.**

41 (1) A nonmoving party may file a memorandum opposing the motion within 14
42 days after the motion is filed. The nonmoving party must title the memorandum
43 substantially as: "Memorandum opposing motion [short phrase describing the relief
44 requested]." The memorandum must include under appropriate headings and in the
45 following order:

46 (A) a concise statement of the party's preferred disposition of the motion and the
47 grounds supporting that disposition;

48 (B) one or more sections that include a concise statement of the relevant facts
49 claimed by the nonmoving party and argument citing authority for that
50 disposition; and

51 (C) objections to evidence in the motion, citing authority for the objection.

52 (2) If the non-moving party cites documents, interrogatory answers, deposition
53 testimony, or other discovery materials, relevant portions of those materials must be
54 attached to or submitted with the memorandum.

55 (3) If the motion is for relief authorized by Rule 12(b) or 12(c), Rule 56 or Rule 65A,
56 the memorandum opposing the motion may not exceed 25 pages, not counting the
57 attachments, unless a longer memorandum is permitted by the court. Other
58 opposing memoranda may not exceed 15 pages, not counting the attachments,
59 unless a longer memorandum is permitted by the court.

60 **(e) Name and content of reply memorandum.**

61 (1) Within 7 days after the memorandum opposing the motion is filed, the moving
62 party may file a reply memorandum, which must be limited to rebuttal of new
63 matters raised in the memorandum opposing the motion. The moving party must
64 title the memorandum substantially as “Reply memorandum supporting motion
65 [short phrase describing the relief requested].” The memorandum must include
66 under appropriate headings and in the following order:

67 (A) a concise statement of the new matter raised in the memorandum opposing
68 the motion;

69 (B) one or more sections that include a concise statement of the relevant facts
70 claimed by the moving party not previously set forth that respond to the
71 opposing party’s statement of facts and argument citing authority rebutting the
72 new matter;

73 (C) objections to evidence in the memorandum opposing the motion, citing
74 authority for the objection; and

75 (D) response to objections made in the memorandum opposing the motion, citing
76 authority for the response.

77 (2) If the moving party cites documents, interrogatory answers, deposition
78 testimony, or other discovery materials, relevant portions of those materials must be
79 attached to or submitted with the memorandum.

80 (3) If the motion is for relief authorized by Rule 12(b) or 12(c), Rule 56 or Rule 65A,
81 the reply memorandum may not exceed 15 pages, not counting the attachments,
82 unless a longer memorandum is permitted by the court. Other reply memoranda
83 may not exceed 10 pages, not counting the attachments, unless a longer
84 memorandum is permitted by the court.

85 **(f) Objection to evidence in the reply memorandum; response.** If the reply
86 memorandum includes an objection to evidence, the nonmoving party may file a
87 response to the objection no later than 7 days after the reply memorandum is filed. If
88 the reply memorandum includes evidence not previously set forth, the nonmoving
89 party may file an objection to the evidence no later than 7 days after the reply
90 memorandum is filed, and the moving party may file a response to the objection no
91 later than 7 days after the objection is filed. The objection or response may not be more
92 than 3 pages.

93 **(g) Request to submit for decision.** When briefing is complete or the time for briefing
94 has expired, either party may file a "Request to Submit for Decision," but, if no party
95 files a request, the motion will not be submitted for decision. The request to submit for
96 decision must state whether a hearing has been requested and the dates on which the
97 following documents were filed:

98 (1) the motion;

99 (2) the memorandum opposing the motion, if any;

100 (3) the reply memorandum, if any; and

101 (4) the response to objections in the reply memorandum, if any.

102 **(h) Hearings.** The court may hold a hearing on any motion. A party may request a
103 hearing in the motion, in a memorandum or in the request to submit for decision. A

104 request for hearing must be separately identified in the caption of the document
105 containing the request. The court must grant a request for a hearing on a motion
106 under Rule 56 or a motion that would dispose of the action or any claim or defense in
107 the action unless the court finds that the motion or opposition to the motion is frivolous
108 or the issue has been authoritatively decided. Motion hearings may be held remotely,
109 consistent with the safeguards in Rule 43(b).

110 **(i) Notice of supplemental authority.** A party may file notice of citation to significant
111 authority that comes to the party's attention after the party's motion or memorandum
112 has been filed or after oral argument but before decision. The notice may not exceed 2
113 pages. The notice must state the citation to the authority, the page of the motion or
114 memorandum or the point orally argued to which the authority applies, and the reason
115 the authority is relevant. Any other party may promptly file a response, but the court
116 may act on the motion without waiting for a response. The response may not exceed 2
117 pages.

118 **(j) Orders.**

119 **(1) Decision complete when signed; entered when recorded.** However designated,
120 the court's decision on a motion is complete when signed by the judge. The decision
121 is entered when recorded in the docket.

122 **(2) Preparing and serving a proposed order.** Within 14 days of being directed by the
123 court to prepare a proposed order confirming the court's decision, a party must
124 serve the proposed order on the other parties for review and approval as to form. If
125 the party directed to prepare a proposed order fails to timely serve the order, any
126 other party may prepare a proposed order confirming the court's decision and serve
127 the proposed order on the other parties for review and approval as to form.

128 **(3) Effect of approval as to form.** A party's approval as to form of a proposed order
129 certifies that the proposed order accurately reflects the court's decision. Approval as
130 to form does not waive objections to the substance of the order.

131 **(4) Objecting to a proposed order.** A party may object to the form of the proposed
132 order by filing an objection within 7 days after the order is served.

133 **(5) Filing proposed order.** The party preparing a proposed order must file it:

134 (A) after all other parties have approved the form of the order (The party
135 preparing the proposed order must indicate the means by which approval was
136 received: in person; by telephone; by signature; by email; etc.);

137 (B) after the time to object to the form of the order has expired (The party
138 preparing the proposed order must also file a certificate of service of the
139 proposed order.); or

140 (C) within 7 days after a party has objected to the form of the order (The party
141 preparing the proposed order may also file a response to the objection.).

142 **(6) Proposed order before decision prohibited; exceptions.** A party may not file a
143 proposed order concurrently with a motion or a memorandum or a request to
144 submit for decision, but a proposed order must be filed with:

145 (A) a stipulated motion;

146 (B) a motion that can be acted on without waiting for a response;

147 (C) an ex parte motion;

148 (D) a statement of discovery issues under Rule [37\(a\)](#); and

149 (E) the request to submit for decision a motion in which a memorandum
150 opposing the motion has not been filed.

151 **(7) Orders entered without a response; ex parte orders.** An order entered on a
152 motion under paragraph (l) or (m) can be vacated or modified by the judge who
153 made it with or without notice.

154 **(8) Order to pay money.** An order to pay money can be enforced in the same
155 manner as if it were a judgment.

156 **(k) Stipulated motions.** A party seeking relief that has been agreed to by the other
157 parties may file a stipulated motion which must:

158 (1) be titled substantially as: “Stipulated motion [short phrase describing the relief
159 requested]”;

160 (2) include a concise statement of the relief requested and the grounds for the relief
161 requested;

162 (3) include a signed stipulation in or attached to the motion and;

163 (4) be accompanied by a request to submit for decision and a proposed order that
164 has been approved by the other parties.

165 **(l) Motions that may be acted on without waiting for a response.**

166 (1) The court may act on the following motions without waiting for a response:

167 (A) motion to permit an over-length motion or memorandum;

168 (B) motion for an extension of time if filed before the expiration of time;

169 (C) motion to appear pro hac vice; and

170 (D) other similar motions.

171 (2) A motion that can be acted on without waiting for a response must:

172 (A) be titled as a regular motion;

173 (B) include a concise statement of the relief requested and the grounds for the
174 relief requested;

175 (C) cite the statute or rule authorizing the motion to be acted on without waiting
176 for a response; and

177 (D) be accompanied by a request to submit for decision and a proposed order.

178 **(m) Ex parte motions.** If a statute or rule permits a motion to be filed without serving
179 the motion on the other parties, the party seeking relief may file an ex parte motion
180 which must:

181 (1) be titled substantially as: “Ex parte motion [short phrase describing the relief
182 requested]”;

183 (2) include a concise statement of the relief requested and the grounds for the relief
184 requested;

185 (3) cite the statute or rule authorizing the ex parte motion;

186 (4) be accompanied by a request to submit for decision and a proposed order.

187 **(n) Motion in opposing memorandum or reply memorandum prohibited.** A party
188 may not make a motion in a memorandum opposing a motion or in a reply
189 memorandum. A party who objects to evidence in another party’s motion or
190 memorandum may not move to strike that evidence. Instead, the party must include in
191 the subsequent memorandum an objection to the evidence.

192 **(o) Overlength motion or memorandum.** The court may permit a party to file an
193 overlength motion or memorandum upon a showing of good cause. An overlength
194 motion or memorandum must include a table of contents and a table of authorities with
195 page references.

196 **(p) Limited statement of facts and authority.** No statement of facts and legal
197 authorities beyond the concise statement of the relief requested and the grounds for the
198 relief requested required in paragraph (c) is required for the following motions:

199 (1) motion to allow an over-length motion or memorandum;

200 (2) motion to extend the time to perform an act, if the motion is filed before the time
201 to perform the act has expired;

202 (3) motion to continue a hearing;

203 (4) motion to appoint a guardian ad litem;

204 (5) motion to substitute parties;

205 (6) motion to refer the action to or withdraw it from alternative dispute resolution
206 under Rule 4-510.05;

207 (7) motion for a conference under Rule 16; and

208 (8) motion to approve a stipulation of the parties.

209 **(q) Limit on order to show cause.** An application to the court for an order to show
210 cause shall be made only for enforcement of an existing order or for sanctions for
211 violating an existing order. An application for an order to show cause must be
212 supported by an affidavit sufficient to show cause to believe a party has violated a court
213 order. Nothing in this rule is intended to limit or alter the inherent power of the court to
214 initiate order to show cause proceedings to assess whether cases should be dismissed
215 for failure to prosecute or to otherwise manage the court's docket.

216

217 **Advisory Committee Notes**

218 ~~The 2015 changes to Rule 7 repeal and reenact the rule. Many of the provisions~~
219 ~~from the former Rule 7 are preserved in the 2015 version, but there are many changes as~~
220 ~~well. The committee's intent is to bring more regularity to motion practice. Some of~~
221 ~~these features are found in Rule 7-1 of the U.S. District Court for the District of Utah:~~

- 222 ~~· integrate the memorandum supporting a motion with the motion itself;~~
- 223 ~~· describe more uniform motion titles;~~
- 224 ~~· describe more uniform content in the memoranda;~~
- 225 ~~· regulate the process for citing supplemental authority;~~
- 226 ~~· prohibit proposed orders before a decision, except for specified motions;~~
- 227 ~~· move the special requirements for a motion for summary judgment to Rule 56;~~
- 228 ~~· allow a limited statement of facts for specified motions;~~
- 229 ~~· require an objection to evidence, rather than a motion to strike evidence; and~~
- 230 ~~· require a counter-motion rather than a motion in the opposing memorandum.~~

231 ~~The 2015 amendments in this rule, as well as in Rule 54 and Rule 58A, respond to~~
232 ~~the Supreme Court's directive to the committee in *Central Utah Water Conservancy*~~
233 ~~*District v. King*, 2013 UT 13 ¶27. In that case the Supreme Court directed the committee~~

234 ~~to address the problem of undue delay when the parties fail to comply with former Rule~~
235 ~~7(f)(2). A major objective of the 2015 amendments is to continue the policy of clear~~
236 ~~expectations of the parties established in:~~

237 ~~· — Butler v. Corporation of The President of The Church of Jesus Christ of Latter-~~
238 ~~Day Saints, 2014 UT 41~~

239 ~~· — Central Utah Water Conservancy District v. King, 2013 UT 13;~~

240 ~~· — Giusti v. Sterling Wentworth Corp., 2009 UT 2;~~

241 ~~· — Houghton v. Dep't of Health, 2008 UT 86; and~~

242 ~~· — Code v. Dep't of Health, 2007 UT 43.~~

243 ~~However, the 2015 amendments do so in a manner simpler than the “magic~~
244 ~~words” required under the former Rule 7(f)(2).~~

245 ~~In these cases, the Supreme Court established a policy favoring a clear indication~~
246 ~~of whether a further document would be required from the parties after a judge’s~~
247 ~~decision. The parties should not be required to guess what, if anything, should come~~
248 ~~next.~~

249 ~~There were three ways to meet the test: a proposed order was submitted with the~~
250 ~~supporting or opposing memorandum; an order was prepared at the direction of the~~
251 ~~judge; the decision included an express indication that a further order was not required.~~
252 ~~The 2015 amendments remove a proposed order from the process in most~~
253 ~~circumstances. The trend under the former rule was to include in every order an~~
254 ~~indication that nothing further was required, sometimes even when the order expressly~~
255 ~~directed a party to prepare a further order. In other cases orders were prepared in some~~
256 ~~manner other than as described in the rule, yet the order did not expressly state that~~
257 ~~nothing further was required. The order technically was not complete, but everyone~~
258 ~~proceeded as if it were.~~

259 ~~The 2015 amendments continue the policy of a bright-line test for a completed~~
260 ~~decision but do not rely on conditions that might or might not be met. The one~~

261 ~~condition that can be counted on is the judge's signature. Under the former rule, a~~
262 ~~completed decision was imposed by operation of law when the order was prepared in~~
263 ~~one of the recognized ways. The 2015 rule imposes a completed decision by operation of~~
264 ~~law when the document memorializing the decision is signed. Under the former rule,~~
265 ~~the judge's silence meant that something further was required, unless the order was~~
266 ~~prepared in one of the ways described in Rule 7. The presumption in the 2015~~
267 ~~amendments is the opposite: silence means that nothing further is required from the~~
268 ~~parties. Judges can expressly require an order confirming a decision if one is needed in~~
269 ~~a particular case.~~

270 ~~The committee recognizes the many different forms a judge's decision might~~
271 ~~take, and discussed defining "order," but decided against the attempt. There are too~~
272 ~~many variations. If written, the document might be titled "order," "ruling," "opinion,"~~
273 ~~"decision," "memorandum decision," etc. The decision might not be written; an oral~~
274 ~~directive is an order. A clerk's minute entry of an oral decision is, when signed by the~~
275 ~~judge, treated the same as a written order. The committee decided instead to modify a~~
276 ~~phrase of long standing from Rule 54(b)—"a decision, however designated"—in this~~
277 ~~rule and in Rule 58A. In this rule, however a judge's decision may be designated, that~~
278 ~~decision is complete when the judge signs the document memorializing the decision.~~
279 ~~Whether there is a right to appeal is determined by whether the decision—or~~
280 ~~subsequent order confirming the decision—is a judgment. That analysis is governed by~~
281 ~~Rule 54. When the judgment is entered is governed by Rule 58A. If the order is not a~~
282 ~~judgment, the time in which to petition for permission to appeal under Rule of~~
283 ~~Appellate Procedure 5 is calculated from the date on which an order confirming an~~
284 ~~earlier decision is entered, but only if the judge directs that a confirming order be~~
285 ~~prepared. If the judge does not direct that a confirming order be prepared, the time is~~
286 ~~calculated from the date on which the decision, however designated, is entered.~~

287 ~~The 2017 amendments to Rule 7 return pre-2015 paragraph (b)(2) language~~
288 ~~addressing limits on orders to show cause to new paragraph (q) and also clarify the~~

289 | ~~discretion the court retains to manage its docket. Paragraph (q) is directed only at~~
290 | ~~limitations on order to show cause proceedings initiated by parties.~~