

SJR005S01 compared with SJR005

~~{Omitted text}~~ shows text that was in SJR005 but was omitted in SJR005S01

inserted text shows text that was not in SJR005 but was inserted into SJR005S01

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1 **Joint Resolution Amending Rules of Civil**
 Procedure Regarding Business and Chancery Court
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Brady Brammer
 House Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This resolution amends the Utah Rules of Civil Procedure regarding the Business and
6 Chancery Court.

7 **Highlighted Provisions:**

8 This resolution:

- 9 ▸ amends Rule 42 of the Utah Rules of Civil Procedure to address the transfer of an action to the
 Business and Chancery Court; and
11 ▸ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 This resolution provides a special effective date.

16 **Utah Rules of Civil Procedure Affected:**

17 AMENDS:

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Rule 42 , Utah Rules of Civil Procedure

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 42**, Utah Rules of Civil Procedure is amended to read:

Rule 42. {~~Consolidation; separate trials; venue transfer.~~}

(1) When actions involving a common question of law or fact or arising from the same transaction or occurrence are pending before the court in one or more judicial districts, the court may, on motion of any party or on the court's own initiative:

(A) order that the actions are consolidated in whole or in part for any purpose, including for discovery, other pretrial matters, or a joint hearing or trial;

(B) stay any or all of the proceedings in any action subject to the order;

(C) transfer any or all further proceedings in the actions to a location in which any transferee court; and

(D) make other such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

[(1)](2) In determining whether to order consolidation and the appropriate location for the consolidated proceedings, the court may consider, among other factors:

(A) the complexity of the actions;

{ ~~(B) the importance of any common question of fact or law to the determination~~ }

(B) of

the actions;

(C) the risk of duplicative or inconsistent rulings, orders, or judgments;

{ ~~(D) case and records classification of each case as described in Rule 4-202.02~~ }

(E) the risk that consolidation may unreasonably delay the progress, increase }

(D) relative procedural postures of the actions;

of the Utah Code of Judicial Administration;

(E) expense, or complicate the processing of any action;

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(F) the risk that consolidation may unreasonably delay the progress, increase the expense, or complicate the processing of any action;

(G) prejudice to any party that far outweighs the overall benefits of consolidation;

(H) efficient utilization of judicial resources and the facilities and personnel
~~{ the of and and~~

~~(H) convenience of the parties, witnesses, and counsel; and }~~

(I) the efficient utilization of judicial resources and the facilities and personnel of
the court.

~~{ (2)(3) }~~ [(2)(3)] A motion to consolidate may be filed or opposed by any party to either action
to

be consolidated, without seeking permission to intervene. The motion must be filed in and heard by the judge assigned to the first action filed and must be served on all parties in each parties in each action pursuant to Rule 5. A notice of the motion must be filed in each action. action pursuant to Rule 5. The movant must file in each action notice of the motion and notice of the order denying or granting the motion.

~~{ (3)(4) }~~ [(3)(4)] If the court orders consolidation, the consolidated case will be heard by the judge assigned to the first action filed, unless otherwise ordered by the presiding judge or agreed upon by the originally assigned judges. The court will order that a single case number be used for all subsequent filings in the consolidated case.

expenses, if any, of consolidation. The presiding judge of the transferee court may assign the consolidated case to another judge for good cause.

For convenience or to avoid prejudice ,
the court may:

(1) order that the consolidated matters be tried together or that a separate trial be held on any one or more claims, crossclaims, counterclaims, third-party claims, or separate issues; or

(2) order that the consolidated matters be severed at any point and provide that the matters be treated as separate actions going forward, including that the severed matters be tried by either the judge in the consolidated matter or the originally assigned judge.

If the consolidation of actions would be otherwise appropriate but is not administratively possible, the judge assigned to the first action may order the court clerk to

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reassign the other actions to the judge assigned to the first action. Such actions will be treated for all purposes as if they were consolidated except that the actions will retain their separate case numbers, which must be included on all filings.

(A) On timely motion of any party, where transfer to a proper venue is available, the court must transfer any action filed in an improper venue.

~~{(2)(B)}~~ [(2)](B) The court must give substantial deference to a plaintiff's choice of a proper venue.

(C) On timely motion of any party, a court may:

(i) transfer venue of any action, in whole or in part, to any other venue for any purpose, including for discovery, other pretrial matters, or a joint hearing or trial;

(ii) stay any or all of the proceedings in the action; and

(iii) make other such orders concerning proceedings therein to pursue the

interests of justice and avoid unnecessary costs or delay. ~~{[In]}~~ [In] ~~determining whether to transfer~~

venue and ~~the appropriate venue for the transferred proceedings, the court may consider, among other factors, whether transfer will: increase the likelihood of a fair and impartial determination in the action; minimize expense or inconvenience to parties, witnesses, or the court; decrease delay; avoid hardship or injustice otherwise caused by venue requirements; and advance the interests of justice.~~

(3) The court may direct that specified parties pay the expenses, if any, of transfer.}

(A) If a plaintiff filed the complaint in the district court and the action meets the jurisdictional requirements of the business and chancery court, a party may file a separate notice requesting transfer of the action to the business and chancery court.

(B) If a party makes a request to transfer an action to the business and chancery court within 21 days after the appearance of the party:

(i) the district court must transfer the action to the business and chancery court

unless the district court determines that the transfer will prejudice the interests of justice; and

(ii) the district court may not give any deference to the plaintiff's choice to file the complaint in the district court.

(C) If a party makes a request to transfer an action to the business and chancery court more than 21 days after the appearance of the party, the district court may:

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(i) give deference to the plaintiff's choice to file the complaint in the district court;
or

(ii) transfer the action to the business and chancery court if the factors described in
paragraph (d)(3) weigh in favor of transfer.

(D) A district court may not transfer the action to the business and chancery court
under this rule if the action does not meet the jurisdictional requirements of the business and
chancery court.

On a motion under paragraph

(d)(1) or (2), a court may consider, among other factors, whether the transfer will:

(A) increase the likelihood of a fair and impartial determination in the action;

(B) minimize expense or inconvenience to parties, witnesses, or the court;

(C) decrease delay;

(D) avoid hardship or injustice otherwise caused by:

(i) the venue requirements if the court is determining whether to transfer the
action to the appropriate venue under paragraph (d)(1); or

(ii) keeping the action in the district court if the court is determining whether to
transfer the action to the business and chancery court under paragraph (d)(2); and

(E) advance the interests of justice.

The court may direct that specified parties pay the expenses, if any, of a
transfer of an action to the appropriate venue or to the business and chancery court.

Section 2. Effective date.

Effective Date.

As provided in Utah Constitution, Article VIII, Section 4, this resolution takes effect
upon a two-thirds vote of all members elected to each house.

1-30-26 10:04 AM