

## SJR006S01 compared with SJR006

{Omitted text} shows text that was in SJR006 but was omitted in SJR006S01  
{inserted text} shows text that was not in SJR006 but was inserted into SJR006S01

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1 **Joint Resolution Amending Court Rules Regarding Medical Malpractice**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Scott D. Sandall**  
House Sponsor:

# 2

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# 3 **LONG TITLE**

## 4 General Description:

5 This resolution amends court rules to address medical malpractice actions.

## 6 **Highlighted Provisions:**

7 This resolution:

8           ▶ amends Rule 42 of the Utah Rules of Civil Procedure to address separate trials in a medical  
malpractice action; and

10           ▶ makes technical and conforming changes.

## 11 Money Appropriated in this Bill:

12 None

## 13 Other Special Clauses:

14 This resolution provides a special effective date.

## 15 Utah Rules of Civil Procedure Affected:

16 AMENDS:

17 Rule 42, Utah Rules of Civil Procedure

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

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

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

25     **Rule 42. {Consolidation; separate trials; venue transfer.}**

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: 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; stay any or all of the proceedings in any action  
subject to the order; transfer any or all further proceedings in the actions to a location in which  
receiving court;

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

(1) In determining whether to order consolidation and the appropriate location for the  
consolidated proceedings, the court may consider, among other factors: the complexity of the  
actions; the importance of any common question of fact or law to the determination of the  
relative  
case and

records classification of each case as described in Rule 4-202.02 of the Utah Code of Judicial  
Administration; the relative procedural postures of the actions; the risk that consolidation may  
unreasonably delay the progress, increase the expense, or complicate the processing of any  
action; prejudice to any party that far outweighs the overall benefits of consolidation; the  
convenience of the parties, witnesses, and counsel; and the efficient utilization of judicial  
resources and the facilities and personnel of the court.

(2) A motion to consolidate may be filed or opposed by any partyto 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 action  
parties in each action pursuant to Rule 5. A notice of the motion must be filed in each action.

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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) 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.

For convenience or to avoid prejudice,

the court may :

case to another judge for good cause.

{(1) {The] Except as provided in paragraph (b)(2), the court in furtherance of convenience order } (1) order that the consolidated matters be tried together or that a separate trial be held on third party claim, or of any separate issue or of any number of claims, cross claims, any one or more claims, crossclaims, counterclaims, third-party claims, or {issues} 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.

For a malpractice action against a health

{the court shall order: }

care provider, the factfinder may not prejudice a defendant by knowing or considering evidence of the claimant's alleged losses for past medical expenses or the past cost of medical equipment before:

{liability } (1) liability for the alleged losses has been established; and

(2) any claim or award of noneconomic damages, if any, for the alleged losses has been fully adjudicated or entered.

If the consolidation of actions would be otherwise appropriate but is

{to the the

defendant after liability of the defendant is established. }

not administratively possible, the judge assigned to the first action may order the court clerk to 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

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case numbers, which must be included on all filings.

(1) 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) The court must give substantial deference to a plaintiff's choice of a proper venue.

On timely motion of any party, a court may: 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; stay any or all of the proceedings in the action; and make other such orders concerning proceedings therein to pursue the interests of justice and avoid unnecessary costs or delay. 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.

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### **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.

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