

Joint Resolution Amending Rules of Civil Procedure Regarding Business and Chancery Court

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This resolution provides a special effective date.

Utah Rules of Civil Procedure Affected:

AMENDS:

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.

(a) Consolidation.

— (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

30 court may, on motion of any party or on the court's own initiative:

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

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

34 (C) transfer any or all further proceedings in the actions to a location in which any
35 of the actions is pending after consulting with the presiding judge of the transferee court; and

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

38 [(1)] (2) In determining whether to order consolidation and the appropriate location for
39 the consolidated proceedings, the court may consider, among other factors:

40 (A) the complexity of the actions;

41 (B) the importance of any common question of fact or law to the determination
42 of the actions;

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

44 (D) the relative procedural postures of the actions;

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

47 (F) prejudice to any party that far outweighs the overall benefits of
48 consolidation;

49 (G) the convenience of the parties, witnesses, and counsel; and

50 (H) the efficient utilization of judicial resources and the facilities and personnel
51 of the court.

52 [(2)] (3) A motion to consolidate may be filed or opposed by any party. The motion must
53 be filed in and heard by the judge assigned to the first action filed and must be served on all
54 parties in each action pursuant to Rule 5. A notice of the motion must be filed in each action.
55 The movant must, and any party may, file in each action notice of the order denying or
56 granting the motion.

57 [(3)] (4) If the court orders consolidation, a new case number will be used for all
58 subsequent filings in the consolidated case. The court may direct that specified parties pay the
59 expenses, if any, of consolidation. The presiding judge of the transferee court may assign the
60 consolidated case to another judge for good cause.

61 **(b) Separate trials.** The court in furtherance of convenience or to avoid prejudice may order
62 a separate trial of any claim, cross claim, counterclaim, or third party claim, or of any separate
63 issue or of any number of claims, cross claims, counterclaims, third party claims, or issues.

64 **(c) [Venue Transfer] Transfer of an action.**65 **(1) Transfer to proper venue.**66 (A) On timely motion of any party, where transfer to a proper venue is available, the
67 court must transfer any action filed in an improper venue.68 [(2)] (B) The court must give substantial deference to a plaintiff's choice of a proper
69 venue.70 (C) On timely motion of any party, a court may:71 (i) transfer venue of any action, in whole or in part, to any other venue for any
72 purpose, including for discovery, other pretrial matters, or a joint hearing or trial;73 (ii) stay any or all of the proceedings in the action; and74 (iii) make other such orders concerning proceedings therein to pursue the interests
75 of justice and avoid unnecessary costs or delay. [~~In determining whether to transfer venue and~~
76 ~~the appropriate venue for the transferred proceedings, the court may consider, among other~~
77 ~~factors, whether transfer will: increase the likelihood of a fair and impartial determination in~~
78 ~~the action; minimize expense or inconvenience to parties, witnesses, or the court; decrease~~
79 ~~delay; avoid hardship or injustice otherwise caused by venue requirements; and advance the~~
80 ~~interests of justice].~~]81 [(3) The court may direct that specified parties pay the expenses, if any, of transfer.]82 **(2) Transfer to business and chancery court.**83 (A) If a plaintiff filed the complaint in the district court and the action meets the
84 jurisdictional requirements of the business and chancery court, a party may file a separate
85 notice requesting transfer of the action to the business and chancery court.86 (B) If a party makes a request to transfer an action to the business and chancery court
87 within 21 days after the appearance of the party:88 (i) the district court must transfer the action to the business and chancery court
89 unless the district court determines that the transfer will prejudice the interests of justice; and90 (ii) the district court may not give any deference to the plaintiff's choice to file
91 the complaint in the district court.92 (C) If a party makes a request to transfer an action to the business and chancery court
93 more than 21 days after the appearance of the party, the district court may:94 (i) give deference to the plaintiff's choice to file the complaint in the district
95 court; or96 (ii) transfer the action to the business and chancery court if the factors
97 described in paragraph (c)(3) weigh in favor of transfer.

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

101 **(3) Factors in determining whether to transfer an action.** On a motion under paragraph
102 (c)(1) or (2), a court may consider, among other factors, whether the transfer will:

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

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

105 (C) decrease delay;

106 (D) avoid hardship or injustice otherwise caused by:

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

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

111 (E) advance the interests of justice.

112 **(4) Expenses.** The court may direct that specified parties pay the expenses, if any, of a
113 transfer of an action to the appropriate venue or to the business and chancery court.

114 Section 2. **Effective Date.**

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