

**Brady Brammer** proposes the following substitute bill:

**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.

28        (1) When actions involving a common question of law or fact or arising from the same  
29        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 receiving 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 of  
42        the actions;

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

44            (D) the case and records classification of each case as described in Rule 4-202.02  
45        of the Utah Code of Judicial Administration;

46            (E) the relative procedural postures of the actions;

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

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

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

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

53        [(2)] (3) A motion to consolidate may be filed or opposed by any party to either action to  
54        be consolidated, without seeking permission to intervene. The motion must be filed in and  
55        heard by the judge assigned to the first action filed and must be served on all parties in each  
56        action pursuant to Rule 5. The movant must file in each action notice of the motion and notice  
57        of the order denying or granting the motion.

58        [(3)] (4) If the court orders consolidation, the consolidated case will be heard by the  
59        judge assigned to the first action filed, unless otherwise ordered by the presiding judge or  
60        agreed upon by the originally assigned judges. The court will order that a single case number  
61        be used for all subsequent filings in the consolidated case.

62       **(b) Consolidation or severance in whole or in part.** For convenience or to avoid prejudice,  
63       the court may:

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

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

69       **(c) Reassignment.** If the consolidation of actions would be otherwise appropriate but is not  
70       administratively possible, the judge assigned to the first action may order the court clerk to  
71       reassign the other actions to the judge assigned to the first action. Such actions will be treated  
72       for all purposes as if they were consolidated except that the actions will retain their separate  
73       case numbers, which must be included on all filings.

74       **(d) [Venue Transfer] Transfer of an action.**

75           **(1) Transfer to proper venue.**

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

78           [B2] (B) The court must give substantial deference to a plaintiff's choice of a proper  
79       venue.

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

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

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

84           (iii) make other such orders concerning proceedings therein to pursue the  
85       interests of justice and avoid unnecessary costs or delay. [In determining whether to transfer  
86       venue and the appropriate venue for the transferred proceedings, the court may consider,  
87       among other factors, whether transfer will: increase the likelihood of a fair and impartial  
88       determination in the action; minimize expense or inconvenience to parties, witnesses, or the  
89       court; decrease delay; avoid hardship or injustice otherwise caused by venue requirements; and  
90       advance the interests of justice.]

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

92           **(2) Transfer to business and chancery court.**

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

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

98           (i) the district court must transfer the action to the business and chancery court  
99       unless the district court determines that the transfer will prejudice the interests of justice; and

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

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

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

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

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

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

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

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

115           (C) decrease delay;

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

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

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

121           (E) advance the interests of justice.

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

125       Section 2. **Effective Date.**

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