

Effective 9/1/2025

78A-5a-103 Concurrent jurisdiction of the Business and Chancery Court -- Exceptions.

- (1) The Business and Chancery Court has jurisdiction, concurrent with the district court, over an action:
 - (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and
 - (b)
 - (i) with a claim arising from:
 - (A) a breach of a contract;
 - (B) a breach of a fiduciary duty;
 - (C) a dispute over the internal affairs or governance of a business organization;
 - (D) the sale, merger, or dissolution of a business organization;
 - (E) the sale of substantially all of the assets of a business organization;
 - (F) the receivership or liquidation of a business organization;
 - (G) a dispute over liability or indemnity between or among owners of the same business organization;
 - (H) a dispute over liability or indemnity of an officer or owner of a business organization;
 - (I) a tortious or unlawful act committed against a business organization, including an act of unfair competition, tortious interference, or misrepresentation or fraud;
 - (J) a dispute between a business organization and an insurer regarding a commercial insurance policy;
 - (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;
 - (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform Trade Secrets Act;
 - (M) the misappropriation of intellectual property;
 - (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or confidentiality agreement, regardless of whether the agreement is oral or written;
 - (O) a relationship between a franchisor and a franchisee;
 - (P) the purchase or sale of a security or an allegation of security fraud;
 - (Q) a dispute over a blockchain, blockchain technology, or a decentralized autonomous organization;
 - (R) a violation of Title 76, Chapter 16, Part 5, Antitrust Offenses; or
 - (S) a contract with a forum selection clause for a chancery, business, or commercial court of this state or any other state;
 - (ii) with a malpractice claim concerning services that a professional provided to a business organization;
 - (iii) that is a shareholder derivative action; or
 - (iv) seeking a declaratory judgment as described in Title 78B, Chapter 6, Part 4, Declaratory Judgments.
- (2) Except as provided in Subsection (3), the Business and Chancery Court may exercise supplemental jurisdiction over any claim in an action that is within the jurisdiction of the Business and Chancery Court under Subsection (1) if the claim arises from the same set of facts or circumstances as the action.
- (3) The Business and Chancery Court may not exercise supplemental jurisdiction over:
 - (a) any claim arising from:
 - (i) a consumer contract;
 - (ii) a personal injury, including a personal injury relating to or arising out of health care rendered or which should have been rendered by the health care provider;
 - (iii) a violation of Title 13, Chapter 7, Civil Rights;

- (iv) Title 20A, Election Code;
 - (v) Title 63G, Chapter 4, Administrative Procedures Act;
 - (vi) Title 78B, Chapter 6, Part 5, Eminent Domain;
 - (vii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, unless the claim is brought against a commercial tenant;
 - (viii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions; and
 - (ix) Title 81, Utah Domestic Relations Code;
 - (b) any action in which a governmental entity is a party; or
 - (c) any criminal matter, unless the criminal matter is an act or omission of contempt that occurs in an action before the Business and Chancery Court.
- (4) Notwithstanding Subsection (3), the Business and Chancery Court may exercise supplemental jurisdiction over a claim that is barred under Subsection (3):
- (a) if the claim is a compulsory counterclaim;
 - (b) if there would be a material risk of inconsistent outcomes if the claim were tried in a separate action; or
 - (c) solely to resolve a request for a provisional remedy related to the claim before the Business and Chancery Court transfers the claim as described in Subsection (5).
- (5) If an action contains a claim for which the Business and Chancery Court may not exercise supplemental jurisdiction under this section, the Business and Chancery Court shall bifurcate the action and transfer any claim for which the Business and Chancery Court does not have jurisdiction to a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.
- (6) Before the Business and Chancery Court transfers a claim as described in Subsection (5), the Business and Chancery Court may resolve:
- (a) all claims for which the Business and Chancery Court has jurisdiction; and
 - (b) any request for a provisional remedy related to a claim that is being transferred.

Amended by Chapter 426, 2025 General Session