

30 proceeding may be dismissed upon the application of any of the parties upon the grounds
31 provided in ~~[Rule 41 of the]~~ Utah Rules of Civil Procedure, Rule 41 for:

32 (a) the dismissal of actions generally; and ~~[for]~~

33 (b) failure to prosecute ~~[such]~~ the action with diligence.

34 (2) ~~[(a)]~~ For the purpose of this section, failure to prosecute a suit to ~~[final judgment]~~
35 trial within two years after it is filed~~[- or, if an appeal is taken from a district court judgment~~
36 ~~within three years after the filing of the suit, constitutes]~~ gives rise to a rebuttable presumption
37 of a lack of diligence.

38 ~~[(b) A court shall dismiss those suits after ten days' notice by regular mail to the~~
39 ~~plaintiff.]~~

40 (3) In evaluating the rebuttable presumption, the court shall consider the totality of the
41 circumstances.