

Scott D. Sandall proposes the following substitute bill:

Joint Resolution Amending Court Rules

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Katy Hall

LONG TITLE

General Description:

This resolution amends the Utah Rules of Civil Procedure.

Highlighted Provisions:

This resolution:

- amends Utah Rules of Civil Procedure, Rule 42, to address separate trials in a medical malpractice action and transfer to a district court panel;
- makes technical and conforming changes; and
- includes a coordination clause with S.J.R. 5, Joint Resolution Amending the Utah Rules of Civil Procedure, to address the coordination clause in S.J.R. 5.

Money Appropriated in this Bill:

None

Other Special Clauses:

This resolution provides a special effective date.

This resolution provides a coordination clause.

Utah Rules of Civil Procedure Affected:

AMENDS:

Rule 42, Utah Rules of Civil Procedure

Utah Code Sections affected by Coordination Clause:

Rule 42, as 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:

The following section is affected by a coordination clause at the end of this bill.

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

31 **Rule 42 . Consolidation; separate trials; venue transfer.**

32 **(a) Consolidation.**

33 (1) When actions involving a common question of law or fact or arising from the same
34 transaction or occurrence are pending before the court in one or more judicial districts, the
35 court may, on motion of any party or on the court's own initiative:

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

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

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

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

43 (2) In determining whether to order consolidation and the appropriate location for the
44 consolidated proceedings, the court may consider, among other factors:

45 (A) the complexity of the actions;

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

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

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

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

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

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

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

56 (I) the efficient utilization of judicial resources and the facilities and personnel of the
57 court.

58 (3) A motion to consolidate may be filed or opposed by any party to either action to
59 be consolidated, without seeking permission to intervene. The motion must be filed in and
60 heard by the judge assigned to the first action filed and must be served on all parties in each
61 action pursuant to Rule 5. The movant must file in each action notice of the motion and notice
62 of the order denying or granting the motion.

63 (4) If the court orders consolidation, the consolidated case will be heard by the judge

64 assigned to the first action filed, unless otherwise ordered by the presiding judge or agreed
 65 upon by the originally assigned judges. The court will order that a single case number be used
 66 for all subsequent filings in the consolidated case.

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

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

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

74 **(c) Separate trials in a medical malpractice action.** For a malpractice action against a health
 75 care provider, the factfinder may not prejudice a defendant by knowing or considering
 76 evidence of the claimant's alleged losses for past medical expenses or the past cost of medical
 77 equipment before:

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

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

81 **[(e)] (d) Reassignment.** If the consolidation of actions would be otherwise appropriate but is
 82 not administratively possible, the judge assigned to the first action may order the court clerk to
 83 reassign the other actions to the judge assigned to the first action. Such actions will be treated
 84 for all purposes as if they were consolidated except that the actions will retain their separate
 85 case numbers, which must be included on all filings.

86 **[(d)] (e) Transfer of action to proper venue or the business and chancery court.**

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

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

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

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

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

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

96 (iii) make other such orders concerning proceedings therein to pursue the interests
 97 of justice and avoid unnecessary costs or delay.

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

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

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

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

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

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

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

111 or

112 (ii) transfer the action to the business and chancery court if the factors described in
113 paragraph ~~[(d)(3)]~~ (e)(3) weigh in favor of transfer.

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

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

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

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

121 (C) decrease delay;

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

123 (i) the venue requirements if the court is determining whether to transfer the
124 action to the appropriate venue under paragraph ~~[(d)(1)]~~ (e)(1); or

125 (ii) keeping the action in the district court if the court is determining whether to
126 transfer the action to the business and chancery court under paragraph ~~[(d)(2)]~~ (e)(2); and

127 (E) advance the interests of justice.

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

130 ~~[(e)]~~ (f) **Transfer of an action to district court panel.**

131 (1) ~~[The Attorney General, the Governor, or the Legislature]~~ A party may file a notice to

132 convene a district court panel, as described in Utah Code section 78A-5-102.7, in an action in
 133 the district court if the notice to convene is filed within 45 days after:

134 (A) the day on which the action is commenced;

135 (B) the day on which the amended complaint is filed if the complaint is amended in
 136 the action; or

137 (C) February 13, 2026, if the action is pending in the district court on February 13,
 138 2026.

139 (2) If [~~the Attorney General, the Governor, or the Legislature~~] a party files a notice to
 140 convene a district court panel, the district court judge assigned to the action at the time the
 141 notice is filed must:

142 (A) notify the presiding officer of the Judicial Council that the action must be
 143 transferred to a district court panel; and

144 (B) transfer the action to the district court panel convened to hear and decide the
 145 action.

146 (3) Upon the filing of a notice to convene a district court panel, the district court judge
 147 assigned to the action at the time the notice is filed may not sever any matter from the action or
 148 take any further action.

149 (4) A district court panel may transfer an action back to the district court judge assigned
 150 to the action at the time the notice was filed if:

151 (A) the party that filed the notice fails to pay the filing fee if a filing fee is required
 152 for the party; or

153 (B) the panel determines that the notice did not comply with paragraph (f)(1) or with
 154 the requirements in Utah Code section 78A-5-102.7.

155 **Section 2. Effective Date.**

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

158 **Section 3. Coordinating S.J.R. 6 with S.J.R. 5.**

159 If S.J.R. 6, Joint Resolution Amending Court Rules, and S.J.R. 5, Joint Resolution
 160 Amending the Utah Rules of Civil Procedure, both pass and become law, the Legislature
 161 intends that, on the date when both resolutions have passed and taken effect, the coordination
 162 clause in S.J.R. 5 that coordinates with S.J.R. 6 not take effect.