
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

IN RE:
ESTABLISHMENT OF SOUTHERN
REGION OF CENTRAL DIVISION

**SECOND AMENDED
GENERAL ORDER
(March 23, 2018)
No. 18-01**

Background. The Court has two divisions established by statute. The statute also defines locations of holding court for each division.¹

A Southern Region of the Central Division has become necessary to fulfill the Court's mission. Many factors compel this conclusion, including:

- the growing population of Southern Utah;
- the fact that Utah has only one full-service federal court location in Salt Lake City;
- the distance between Salt Lake City and Southern Utah areas;
- the District of Utah's successful handling of bankruptcy, felony, and misdemeanor cases in St. George for the past 22 years;
- the convenience of parties, witnesses, victims, defendants, and their families; and
- the convenience and cost savings for attorneys and staff; and
- the presence of many federal agencies in Southern Utah.

Establishment of the Southern Region. IT IS HEREBY ORDERED that the Southern Region of the Central Division of the District of Utah with locations of holding court in St. George and Salt Lake City is established effective March 1, 2018. The Clerk of Court shall assign case numbers to civil and criminal cases arising in the Southern Region of the Central Division based on the county in which the case arises.

Case Number Prefixes	Counties	Current Locations of Holding Court
1. Northern	Box Elder, Cache, Davis, Morgan, Rich, and Weber.	Salt Lake
2. Central	Carbon, Daggett, Duchesne, Juab, Salt Lake, Summit, Tooele, Uintah, Utah, and Wasatch.	Salt Lake St. George
4. Southern Region	Beaver, Emery, Garfield, Grand, Iron, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, and Wayne.	Salt Lake St. George

¹ [28 U.S.C. § 125.](#)

IT IS FURTHER ORDERED that until local rules on these subjects are adopted, the following procedures are established for cases in the Southern Region:

Motion to change location of holding court for civil cases in the Southern Region:

The location of holding court for civil cases in the Southern Region is presumptively St. George. A party to a civil case assigned to the Southern Region who desires hearings to be held in Salt Lake City may, after meeting and conferring with other counsel, file a motion identifying the reasons for changing location. Hearings should proceed in the location most convenient for disposition of the action. Video conferencing is available in the Salt Lake City and St. George courthouses. A motion for change of location is not governed by rules and case law for change of venue. A change of judge is not presumed with a change of location for proceedings.

Motion to change location of holding court for criminal cases in the Southern

Region: Criminal cases are assigned a case number on the basis of the Place of Offense as listed in the AO257 form “Defendant Information Relative to a Criminal Action,” but the location of holding court for criminal cases in the Southern Region may be designated in the “Comments” field of that form, and the location will be entered on the docket.

A defendant in a criminal case arising in the Southern Region who desires hearings to be held in a different location may, after meeting and conferring with the prosecution, file a motion identifying the reasons for change of location. Fed. R. Crim. P. 18 provides, “The court must set the place of trial within the district with due regard for the convenience of the defendant, any victim, and the witnesses, and the prompt administration of justice.” Considerations such as resources of counsel, investigating agencies, and court facilities and security may be appropriate. Video conferencing is available in the Salt Lake City and St. George courthouses. Change of location is not governed by rules and case law for change of venue. A change of judge is not presumed with a change of location for proceedings.

Judge assignment in the Southern Region cases: Until a district judge is based in St. George, a district judge based in Salt Lake City will be assigned to cases in the Southern Region. Random assignment under DUCivR 83-2 is not used in the Southern Region to minimize travel expense, to ensure proceedings are actually held in St. George, to provide centralized management for cases in the Southern Region, and to satisfy the factors identified above in this Order.

Currently, all criminal cases in the Southern Region with St. George designated as the location of holding court are assigned to District Judge Ted Stewart. Criminal cases in the Southern Region with Salt Lake City designated as the location of holding court and all Southern Region civil cases are assigned to Chief District Judge David Nuffer. After December 31, 2018, all criminal cases in the Southern Region will be assigned to Judge Nuffer.

In the event that Judge Nuffer recuses or a party sends a Request for Change of Judge (as provided in the next paragraph), the case shall be reassigned to District Judge Dee Benson, or if he is unable to take the reassignment, the case shall be reassigned to District

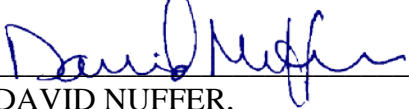
Judge Ted Stewart. Generally, proceedings in a case will be held in the location of holding court designated for that case.

Change of district judge in Southern Region cases: Any party may change the assigned district judge for a case in the Southern Region by sending a Request for Change of Judge to intake@utd.uscourts.gov. The request must be made within 28 days after the first defendant's appearance but cannot be made after a scheduling order has been entered in a civil case. The request shall not specify any reason for the change of judge, shall not be filed on the docket, and shall not be served on other parties. The assigned district judge shall not be notified which party sent the request. If a timely request is received, the clerk shall reassign the case as provided in this Order. Only one change of judge in an action is allowed under this procedure, though other means of challenging an assigned judge are available.²

Cases filed before March 1, 2018, that arose in the Southern Region area: Any party to a case filed before March 1, 2018, which after that date would have been assigned to the Southern Region, may move for change of location of holding court to St. George. If the motion is granted, the case will be reassigned to the judge who handles that type of case in the Southern Region, unless otherwise directed by the court. The judge currently presiding in the case shall determine the motion.

It is SO ORDERED this 23rd day of March 2018.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

DAVID NUFFER,
Chief United States District Judge

² [DUCivR83-2](#); [28 USC § 144](#); [28 USC § 455](#).

Designation of Case Numbers and Locations for Holding District Court

Purpose: To provide increased service to the Southern Utah area, the U.S. District Court for the District of Utah has created the Southern Region of the Central Division under [General Order 18-01](#). This document governs the designation of case numbers and locations for holding court in cases arising in the counties identified in the General Order. This document may be modified as experience is gained.

The District of Utah has two active locations for holding court: Salt Lake City and St. George. Cases arising anywhere in the District of Utah may be heard in Salt Lake City or in St. George.

Primary location for each Division and Region: The Salt Lake City location is the primary place of holding court for cases arising in the Northern and Central Divisions. Case numbers for these divisions start with “1” (Northern) and “2” (Central). The place of holding court for civil cases arising in the Southern Region is presumptively St. George. Case numbers for the Southern Region of the Central Division have a prefix number “4.”

Case number assignment: Case numbers are assigned based on the following criteria:

Civil cases are assigned case numbers based on information on the [JS44 Civil Cover Sheet](#) considered in the following order:

- The location of the land involved in an eminent domain case;
- “County of Residence of First-Listed Plaintiff” if that plaintiff resides in the District of Utah; or
- If the plaintiff is the United States or the first-listed plaintiff does not reside in the District of Utah, then “County of Residence of First Listed Defendant” if that defendant resides in the District of Utah.

If the proper case-number assignment is not apparent from the Civil Cover Sheet, the complaint will be examined to determine where the claim arose and will be assigned the case number accordingly.

Civil cases removed from State Court are assigned a case number based on the county from which the case was removed.

Criminal cases are assigned a case number based on the “Place of Offense” as listed in the AO257 form “Defendant Information Relative to a Criminal Action,” but the location of holding court for cases in the Southern Region of the Central Division may be designated in the “Comments” field of that form, and the location will be entered on the docket.

Clerk of Court



D. Mark Jones

Dated: February 14, 2018

Announcement and Request for Comment

Southern Region of the United States Courts for the District of Utah

To better serve the citizens of Southern Utah, the [United States District Court for the District of Utah](#) has formed a Southern Region within its Central Division. Please see the [Southern Region page](#) on the court website for more information. Send comments on the Southern Region to southernutahplan@utd.uscourts.gov.



Purpose of Creating Southern Region: The Federal Court has created a Southern Region of its Central Division to better serve the citizens who live in Southern Utah to:

- Provide all Utah citizens equal access to the federal judiciary to resolve disputes;
- Address the growing need for services due to increased population and business activity;
- Reduce inconvenience, time, and expense for residents of Southern Utah who are involved in federal court proceedings; and
- Accommodate community and cultural differences within the varied populations of the District of Utah.

Federal Court Divisions and Regions in Utah: Federal law currently divides the District of Utah into two divisions, the Northern Division and the Central Division. The Court has created a Southern Region within the Central Division. Public comment may result in changes to the counties assigned to the Southern Region.

Divisions and Region	Counties	Current Places of Holding Court
Northern	Box Elder, Cache, Davis, Morgan, Rich, and Weber.	Salt Lake
Central	Carbon, Daggett, Duchesne, Juab, Salt Lake, Summit, Tooele, Uintah, Utah, and Wasatch.	Salt Lake St. George
Southern Region	Beaver, Emery, Garfield, Grand, Iron, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, and Wayne.	Salt Lake St. George

Judicial Staffing: Currently, one **district judge** in Salt Lake City will have principal responsibility for cases arising in the Southern Region. Other district judges may on occasion take case assignments. Eventually, a district judge may reside in St. George. The **current magistrate judge**, who is based in St. George, will continue to handle misdemeanor matters and pretrial matters in felony cases until mid-2019. After that time, another magistrate judge based in St. George will assume those duties and will also handle civil pretrial matters and civil cases on consent of the parties. A **bankruptcy judge** based in Salt Lake City will continue to hold regular hearings in St. George, using video conferencing when needed.

Hearings and Trials in Southern Utah: With these changes, parties, witnesses, and counsel in most Southern Region civil, criminal, and bankruptcy cases will be able to appear in St. George. Juries will be called from the Southern Region. Cases arising in the Southern Region will usually be heard in St. George but may be heard in Salt Lake on motion, for the convenience of parties. Video conferencing is available for many matters.

Other Federal Court Services: For the foreseeable future, St. George will not have a full-service clerk’s office. A courtroom deputy will support civil, criminal, and bankruptcy hearings and trials. Paper filings by pro se litigants and by counsel in sealed cases, mail, passport surrender, and payments must be handled in Salt Lake City. Probation Officers and Deputy U.S. Marshals will continue to support the Court in St. George. These services complement the existing federal law-enforcement services in St. George provided by Immigration and Customs Enforcement, the Federal Bureau of Investigation, the Drug Enforcement Agency, and others.

Frequently Asked Questions Southern Region of the Central Division of the U.S. Courts for the District of Utah

How were the boundaries of the Southern Region selected? Considerations in determining the proposed boundaries include distance from Salt Lake City; boundaries of state court districts; rural vs. urban composition; and current practices of the Court, U.S. Attorney and other federal entities in handling Southern Utah case. The boundaries of the Southern Region may be changed after comment and experience.

If the Court has no courthouse in the Northern Division, why does the division exist? Court divisions develop statistical information for planning purposes. Due to space reduction initiatives, the Court ended its lease of space in Ogden a few years ago. But even though Northern Division cases are heard in Salt Lake City and randomly assigned to all judges, separate statistics assist the Court and the Administrative Office of the U.S. Courts. The development of the Southern Region will permit development of statistics for Southern Utah.

If most of Utah's population is along the Wasatch Front, why have a Southern Region? Southern Utah residents who may be parties to cases, jurors, witnesses, victims, defendants, or families of any of these individuals are inconvenienced by the time and expense of travel to Salt Lake City for federal court services. Attorneys in Southern Utah are sometimes unable, due to distance and expense, to file civil cases in federal court. The Court and federal agencies expend considerable funds for travel between Southern Utah and Salt Lake City. Also, Utah is one of the few federal court districts to have only one courthouse. A second courthouse could also help continuity of operations in the event of a disaster in Salt Lake City.

When will we be able to file federal court documents in St. George? Paper document filing is increasingly rare in the District of Utah since electronic filing was introduced in 2005. Attorneys are required to file electronically. And now that attorneys can file most sealed documents electronically, paper filing is even less common. Until experience supports additional staffing, St. George will not have a full-service clerk's office. Paper filings by pro se litigants and by counsel in sealed cases, mail, passport surrender, and payments must still be handled in Salt Lake City.

When will the Court have resident judges in St. George? A half-time magistrate judge has been based in St. George since 1995. Most preliminary felony and all misdemeanor matters are handled by this judge, and after May 2019, all preliminary civil matters and even civil trials (on parties' consent) will be handled by a newly appointed magistrate judge based in St. George. Assignment of one district judge to Southern Region cases may eventually result in a district judge residing in St. George

Where will court proceedings be held after 2024 when the federal court lease for the courtroom and associated offices at the Fifth District State Courthouse expires? In 2024, the State Court will need the space now leased by the Federal Court in St. George. The Court is actively working on a plan for replacement space in St. George but needs statistical evidence that will be developed through the creation of the Southern Region.

How long are comments accepted? Comments on the plan and court operations are always welcome.

More information on these topics is on the [Southern Region page](#) on the court website. Please submit comments and questions to southernutahplan@utd.uscourts.gov.



UNITED STATES DISTRICT COURT District of Utah

Honorable David Nuffer, Chief Judge | D. Mark Jones, Clerk of Court

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<http://www.utd.uscourts.gov/southern-region-district-utah>

Southern Region – District of Utah

A CLE discussion about the Southern Region was held in St. George on March 8, 2018.

[Click here for the PowerPoint Slides.](#)

A CLE presentation in St. George on Thursday, May 10, 2018 will discuss "Handling the Utah Federal Civil Case from Start to Finish."

Civil and criminal cases arising in the Southern Region counties listed below (shown in yellow) will be designated with a case number beginning with a "4" prefix.

- Beaver, Emery, Garfield, Grand, Iron, Kane,
- Millard, Piute, San Juan, Sanpete, Sevier,
- Washington, and Wayne.

Trials and hearings may be held in Salt Lake City or St. George. More information is found in these documents:

Amended General Order 18-01 establishes the Southern Region of the Central Division of the District of Utah and, for cases arising in the Southern Region, defines procedures for assigning a judge, requesting a change of judge, and requesting a change of location for court proceedings.

Designation of Case Numbers and Locations outlines the Clerk's procedure for assigning case numbers and the location of holding court.

Announcement, Request for Comment, and FAQ gives public notice about the Southern Region and answers some frequently asked questions. The boundaries of the Southern Region may change as a result of public comments.





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Chief Judge David Nuffer

<http://www.utd.uscourts.gov/chief-judge-david-nuffer>

Chambers Staff

David Nuffer

Anndrea Sullivan-Bowers, Case Manager

Notice: Judge Nuffer is currently assigned all civil cases in the Southern Region of the Central Division of the District of Utah. After January 1, 2019, he will also be assigned all criminal cases in the Southern Region.

Case Assignments

Law Clerk	Cases ending with:	Law Clerk Flag:
Alex Jacobson	0, 2 and 6	LC3
Andrew Munson	3 and 4	LC4
Michael Thomas	1 and 5 and All Patent Cases	LC1
Melina Shiraldi	7, 8 and 9	LC2

Please e-mail [inquiries to dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov)

If your question is on a specific case, please put the case name and number in the Subject line. Your e-mail should show a copy sent to all counsel.

Find lawyers' e-mail addresses at the [Utah Bar](#), [Lawyers.com](#) or by using the 'Mailing Info For a Case Utility' in CM/ECF (under Utilities).

Our goal is 1 working day response to all e-mail.

Journalists who desire to use electronic devices in the courtroom should use [this form](#).

Contact Information, Practices & Procedures and Resources

Contact Information	Motions Ready for Decision	Trial Information and Forms
Suggestions for Writing	Hearings On Motions	Professionalism & Civility



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Judge Nuffer's Resource Materials

<http://www.utd.uscourts.gov/judge-nuffers-resource-materials>

Q&A, Computer Information and CLE Materials

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Technical/Technology

Substantive

Hyperlinks and E-Research

Redaction and Metadata

PDF Skill and Help Files

Liberty Player for Court Audio

Multiple Monitor / Large Monitor Computer Systems How to get a large virtual desktop.

Useful Computer Skills in the CM/ECF Environment Settings and skills for Windows, Lotus Notes, Acrobat, Westlaw and CM/ECF that are useful with the CM/ECF.

Questions and Answers about Magistrate Judges

Civil Motion Referral and Unreferral

Who Hears the Motion? This flow chart may reduce confusion about which judge will hear a motion when a district judge refers parts of a case to a magistrate judge.

CLE Materials Archive

Hyperlinks and E-Research

- [Attorney Guide to Hyperlinking in the Federal Courts - Word](#)
- [Attorney Guide to Hyperlinking in the Federal Courts - WordPerfect](#)
- [Federal Court Hyperlinking website](#) - a site to promote the use of hyperlinks by attorneys

Learn all about Cross-Document Hyperlinks in CM/ECF that let your court papers refer to other court papers in the CM/ECF docket. When the judge reads a memorandum reference to a declaration or deposition, a cross-document hyperlink in the memorandum can take the judge to that declaration