
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF CLARIFICATION OF
DUCivR 42-1 AND DUCivR 83-2(e)
REGARDING PROCEDURE FOR
CONSOLIDATING OR TRANSFERRING
CIVIL CASES

GENERAL ORDER

25-007

It has come to the court's attention that an ambiguity exists in two Local Rules of Practice: DUCivR 42-1 (Consolidation of Civil Cases) and DUCivR 83-2(e) (Transfer of Related Case). The ambiguity stems from the use of the term "lowest-numbered case" instead of "earliest-filed case" in both rules.

DUCivR 42-1(a) provides that, "If cases involve a common question of law or fact and are pending before different judges, any party to a *later-filed case* may file a motion and proposed order to consolidate the case to the judge with the *lowest-numbered case*."¹

Similarly, DUCivR 83-2(e) provides that, "If cases involve a common question of law or fact and are pending before different judges, any party to a *later-filed case* may

¹ DUCivR 42-1(a) (emphasis added).

file a motion and proposed order to transfer the case to the judge with the *lowest-numbered case*.”²

Historically, the lowest-numbered case was synonymous with the earliest-filed case. As federal courts began to standardize the case-numbering system, however, courts added numeric prefixes to case numbers to designate the division or region in which a case was filed. The use of case-number prefixes has created ambiguity in the meaning of “lowest-numbered case,” as it is used in DUCivR 42-1 and DUCivR 83-2(e).

The term “lowest-numbered case,” as it is used in these two rules, has always been intended to mean the earliest-filed case. Accordingly, the court orders that motions to consolidate or to transfer a civil case under DUCivR 42-1 and DUCivR 83-2(e) must be filed in the earliest-filed case.

The court requests that the Committee on the Local Rules of Practice clarify this ambiguity in next year’s amendments to the Local Rules of Practice. In the meantime, the term “lowest-numbered case” in rules DUCivR 42-1 and DUCivR 83-2(e) is hereby replaced with the term “earliest-filed case.”

SO ORDERED this 21st day of November 2025.

BY THE COURT:



JILL N. PARRISH
CHIEF UNITED STATES DISTRICT JUDGE

² DUCivR83-2(e) (emphasis added).