

June 2018 State Records Committee Case Updates

District Court Cases

ACLU v. Davis County, 3rd District, Salt Lake County, Judge Connors, Case No. 180700511, filed May 21, 2018.

Current Disposition: Answer filed by the Committee on June 7, 2018. Answer has not been filed yet by Davis County.

John Tilleman v. Ogden City, 3rd District, Salt Lake County, Judge Kelly, Case No. 180901915, filed March 19, 2018.

Current Disposition: Answers filed by Ogden City and the Committee on April 9, 2018.

Lance Rolph v. Utah Dept. of Human Services, 3rd District, Salt Lake County, Judge Hansen, Case No. 170905372, filed August 23, 2017.

Current Disposition: Initial disclosures filed by DHS on January 17, 2018.

~~**Paul Amann v. Utah Attorney General's Office**, 3rd District, Salt Lake City, Judge Paige Petersen, Case No. 170903997, filed June 21, 2017.~~

~~**Current Disposition:** Committee was served with the complaint on October 17, 2017, and an answer was filed on behalf of the Committee on November 8, 2017. Answer filed by the AG's Office on December 11, 2017.~~

Utah State University v. Alex Stuckey, 3rd District, Salt Lake County, Judge Gardner, Case No. 170901815, filed March 21, 2017.

Current Disposition: Hearing for Motion to Amend Complaint scheduled for July 11, 2018.

Utah County v. Salt Lake Tribune, 4th District, Utah County, Judge Powell, Case No. 170300010, filed Jan. 18, 2017.

Current Disposition: A proposed order was filed with the Court on November 8, 2017, proposing that Utah County release some of the documents subject to redaction to the Tribune. The Tribune after reviewing the documents can then request that the Court review the redactions *in camera* to verify that the redactions were properly done. The Court signed the order on November 9, 2017.

Heber City v. David Larsen, 4th District, Wasatch County, Judge Brown, Case No. 170500006, filed Jan. 17, 2017.

Current Disposition: Oral Argument held on May 21, 2018 in Heber City. Issue before court is whether judgment should be granted in favor of Heber City. Judge said will issue opinion with 60 days of oral argument.

Salt Lake Tribune v. Utah State Records Committee, 3rd District, Salt Lake County, Judge Scott, Case No. 160904365, filed July 12, 2016.

Current Disposition: Oral arguments for cross motions for summary judgment heard on May 14, 2018. Judge Scott said that she would be ruling on the case no less than 60 days from the date of the hearing, so decision should be rendered in early July 2018.

Swen Heimberg v. Utah Dept. of Public Safety, 3rd District, Salt Lake County, Case No. 150904273, Judge Bates, filed June 24, 2015.

Current Disposition: Proposed protective order for disclosure of documents filed with the Court. Nothing has been filed in the case since March 3, 2017.

William Sherratt v. Utah Dept. of Corrections, 6th District, Sanpete County, Case No. 140600023, filed April 23, 2014.

Current Disposition: January 3, 2016, Court granted Corrections' second Motion to Quash Service. Committee answer was filed on July 20, 2016. Waiting to see if anything will be filed by Sherratt.

Appellate Court Cases

Matthew Winters v. West Jordan City, Utah Court of Appeals, Case No. 20180331.

Current Disposition: Trial Court *sua sponte* on March 23, 2018 dismissed the case without prejudice "for failure to serve the defendant within 120 days of filing the Complaint." Mr. Winters filed an appeal with the Court of Appeals. Motion for summary disposition of appeal filed with responses due from opposing party.

Edgardo Mata v. Utah Dept. of Corrections, Utah Court of Appeals, Case No. 20180051.

Current Disposition: Motion for summary disposition of the appeal filed on March 30, 2018. Motion granted disposing of the appeal on May 18, 2018. Mr. Mata filed a petition for a rehearing, which was denied on June 5, 2018.

Utah Legal Clinic v. Salt Lake City Corp., Utah Court of Appeals, Case No 20170362.

Current Disposition: Reply brief was filed on May 21, 2018.

Salt Lake City v. Jordan River Restoration Network, Utah Supreme Court Case No. 20160098.

Current Disposition: Oral arguments held before the Utah Supreme Court on March 14, 2018. Case now submitted to the court awaiting a decision from the court.

Bryner Court Cases

Roger Bryner v. City of Clearfield, 3rd District, Salt Lake County, Judge Gardner, Case No. 160907299, filed Nov. 25, 2016; Utah Supreme Court Case No. 20170729.

Current Disposition: Writ of Certiorari filed with the Utah Supreme Court on November 29, 2017 denied on February 7, 2018.

Roger Bryner v. Utah Attorney General's Office, et. al., 3rd District, Salt Lake County, Judge Laura Scott, Case No. 160906562, filed October 20, 2016. Utah Court of Appeals Case No. 20170235.

Current Disposition: AG's Office brief filed on May 29, 2018. Mr. Bryner's reply brief is due on June 28, 2018.

Roger Bryner v. Utah State Records Committee, 3rd District, Salt Lake County, Judge Faust, Case No. 160903793, filed June 15, 2016. Utah Court of Appeals Case No. 20160870, Utah Supreme Court Case No. 20170112.

Current Disposition: May 24, 2017, Utah Supreme Court denied request for *writ of certiorari*. Case dismissed by the trial court on May 30, 2017.

Roger Bryner v. Utah Dept. of Health et. al., 3rd District, Salt Lake County, Judge Gardner, Case No. 160903244, filed May 23, 2016.

Current Disposition: Court put a stay of the proceedings on March 8, 2018 until October 1, 2018 based upon other proceedings taking place.

Roger Bryner v. City of Clearfield, 2nd District, Davis County, Judge Morris, Case No. 150701062, filed October 20, 2015; Utah Court of Appeals Case Nos. 20160863, 20161089, 20170477, & 20171016; United States Supreme Court Case No. 17-7806.

Current Disposition: A petition for a writ of certiorari was filed with the United States Supreme Court by Mr. Bryner in December 2017. Petition was denied on April 16, 2018.