

## June 2019 State Records Committee Case Updates

### District Court Cases

**Allred v. State Records Committee**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Andrew Stone, Case No. 190903142, filed Apr. 17, 2019.

**Current Disposition:** Appeal dismissed from Committee because appeal was not filed timely. Petition for judicial review requests that the court remand the case back to the Committee to hear the appeal. Appeal also failed to name the governmental entity that holds the records (DCFS). Answer filed on behalf of the Committee on April 30, 2019.

**Clara v. Salt Lake City**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Robert Faust, Case No. 190902861, filed Apr. 8, 2019.

**Current Disposition:** Committee served on Apr. 10, 2019. No hearing was scheduled because there were no documents responsive to the records request. Salt Lake City filed their answer on April 30, 2019. The Committee filed their answer on May 1, 2019.

**Clara v. State Records Committee**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Amber M. Mettler, Case No. 190902358, filed March 21, 2019.

**Current Disposition:** Committee served on Mar. 22, 2019. Mr. Clara had requested copies of privilege logs from UTA that were provided at the appeal with UTA. The request was denied on the basis that the Committee does not keep those records. Answer filed on Apr. 12, 2019.

**Highland City v. Wahnschaffe**, 4<sup>th</sup> Judicial District, Utah County, Judge Christine Johnson, Case No. 190400262, filed Feb. 14, 2019.

**Current Disposition:** Answer filed on behalf of the Committee on March 4, 2019. Ms. Wahnschaffe filed her answer also on March 4, 2019. Highland City argues in its complaint that a settlement agreement was entered into by Ms. Wahnschaffe during mediation negotiations with the Government Records Ombudsman Ms. Cundiff, and that it should be enforced by the Court. Committee Answer includes a defense that the Committee cannot provide evidence regarding mediation proceedings because of the Utah Uniform Mediations Act.

**Clara v. Utah Transit Auth.**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Patrick Corum, Case No. 190900339, filed January 13, 2019.

**Current Disposition:** UTA filed a Rule 12(e) Motion for More Definite Statement arguing that Mr. Clara should be required to file an Amended Petition free of errors. The Court granted the motion on Feb. 20, 2019 and Mr. Clara filed his Amended Petition on March 6, 2019. UTA filed a Motion to Dismiss on March 20, 2019. No memorandum opposing motion was filed by Mr. Clara with 14 days, so Request to Submit filed by UTA on Apr. 8, 2019. Motion for More Definite Statement hearing scheduled for June 19, 2019.

**David v. Wasatch County**, 4<sup>th</sup> Judicial District, Wasatch County, Judge Jennifer A. Brown, Case No. 180500177, filed December 19, 2018.

**Current Disposition:** Complaint filed by Mr. Lynn on Dec. 19, 2018. Answer filed by the Committee on February 8, 2019. Answer filed by Wasatch County on March 12, 2019.

**Univ. of Utah v. Jeremy Beckham**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Gardner, Case No. 180909564, filed December 19, 2018.

**Current Disposition:** Scheduling Order filed and approved by court on June 11, 2019. .

**Gollaher v. Morgan County**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Andrew H. Stone, Case No. 180909188, filed Dec. 6, 2018.

**Current Disposition:** New Utah Civil Rule allows prisoners to have as their filing date be the same day that they put the court paper into the prisoner mailbox. Answers filed by Committee and Morgan County, will not be pursuing Motion to Dismiss.

**Platt v. Utah Attorney General's Office**, 3<sup>rd</sup> District, Salt Lake County, Judge Keith Kelly, Case No. , filed August 22, 2018.

**Current Disposition:** Proposed Order signed by the Court on December 31, 2018, denying AG's Office's motion to dismiss, finding that Mr. Platt's petition does specify the type and extent of relief requested and therefore is not a basis for dismissal.

**BYU v. KUTV News**, 4<sup>th</sup> District, Utah County, Judge Kraig Powell, Case No. 180401367, filed August 21, 2018.

**Current Disposition:** On September 28, 2018, the court granted a stipulated motion to consolidate the *Volluz* and *Truth and Transparency Foundation* cases into this case and stay the proceedings until a decision is rendered by the Utah Supreme Court in the *Salt Lake Tribune v. State Records Committee* case.

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

**Current Disposition:** Motion for Summary Judgment filed by ACLU on May 20, 2019.

**John Tilleman v. Ogden City**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> District, Salt Lake City, Judge Skanchy, Case No. 170903997, filed June 21, 2017.

**Current Disposition:** Addendum to Motion for Rule 11 Sanctions Against AAG Tonks filed on May 13, 2019. Show Cause Hearing held on May 15, 2019. Next hearing scheduled for June 18, 2019.

**Utah County v. Salt Lake Tribune**, 4<sup>th</sup> 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**, 4<sup>th</sup> District, Wasatch County, Judge Brown, Case No. 170500006, filed Jan. 17, 2017.

**Current Disposition:** Judgment granted in favor of Mr. Larsen by the Court on October 1, 2018. Court found that the letter of reprimand was considered disciplinary action and should be disclosed to Mr. Larsen. On October 10, 2018, Mr. Larsen filed a Motion for an Amended Judgment requesting payment for time he spent on the case at \$150 per hour for 250 to 300 hours of work. Heber City has opposed the motion.

**Matthew Piper v. State Records Committee (BYUPD Case)**, 3<sup>rd</sup> District, Salt Lake County, Judge Scott, Case No. 160904365, filed July 12, 2016.

**Current Disposition:** Interlocutory appeal currently being considered by the Utah Supreme Court.

**Swen Heimberg v. Utah Dept. of Public Safety**, 3<sup>rd</sup> 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**, 6<sup>th</sup> 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 Piper v. State Records Committee (BYUPD Case)**, Utah Supreme Court Case No. 20180601.

**Current Disposition:** Appellant's brief was filed on April 22, 2019. Appellee's brief is due on July 22, 2019.

### **Bryner Court Cases**

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

**Current Disposition:** Stay in case in effect until decision on vexatious order.

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

**Current Disposition:** Motion to lift stay filed on May 29, 2019 by the Committee.

**Roger Bryner v. City of Clearfield**, 2<sup>nd</sup> 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:** Mr. Bryner's Petition for Rehearing appeal stricken by Court of Appeals on May 23, 2019. Mr. Bryner has filed a Writ of Certiorari with the Utah Supreme Court on May 23, 2019. Response on behalf of Clearfield and State Records Committee to be filed.