

August 2019 State Records Committee Case Updates

District Court Cases

Tooele County v. Sagers, 3rd Judicial District, Tooele County, Judge Matthew Bates, Case No. 190301021, filed June 17, 2019.

Current Disposition: Answer filed on behalf of the Committee on July 26, 2019. Answer filed on behalf of Mr. Sagers also on July 26, 2019.

Allred v. State Records Committee, 3rd 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. Will be filing a motion to dismiss.

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

Current Disposition: Motion for Summary Judgment filed by Salt Lake City on July 29, 2019, arguing that Mr. Clara has already received all of the records responsive to his request and therefore, the issues involved in his appeal are moot.

Berkovich v. Utah Attorney General's Office, 3rd District, Salt Lake County, Judge Robert Frost, Case No. 190902866, filed Apr. 4, 2019.

Current Disposition: Committee Answer was filed on July 22, 2019. AG's Office filed an Appearance of Counsel on July 29, 2019, but have not filed an answer yet.

Clara v. State Records Committee, 3rd 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. May need to file a Motion to Dismiss based upon relief cannot be granted because Committee does not possess the records.

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

Current Disposition: Pretrial disclosures filed on July 5, 2019.

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

Current Disposition: UTA filed their Answer on July 16, 2019, and after court hearing the parties discussed the idea of settling the case.

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

Current Disposition: Initial disclosures filed on July 1, 2019.

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

Current Disposition: Discovery is continuing in the.

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

Current Disposition: On July 12, 2019, the court ruled against Motion to Dismiss.

Platt v. Utah Attorney General's Office, 3rd District, Salt Lake County, Judge Keith Kelly, Case No. 180906128, 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, 4th 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, 3rd District, Salt Lake County, Judge Connors, Case No. 180700511, filed May 21, 2018.

Current Disposition: Request to submit filed for motion for summary judgment by ACLU. Court has sent out notice of putting together a telephonic scheduling conference for the summary judgment motion.

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

Current Disposition: Discover deadlines already ended and a certificate for readiness for trial should have been filed in March 2019. Sent e-mail to Ogden City's counsel asking if they were planning on filing a motion to dismiss based upon a failure to prosecute.

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

Current Disposition: Only activity was withdrawal of DHS counsel because AAG has left the office.

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

Current Disposition: Hearing set for August 9, 2019. Scheduled by Judge Skanchy as an "Objections Hearing."

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: E-mail correspondence with Mr. Larsen letting him know that case will remain in limbo as long as he never files a notice to submit to the court.

Matthew Piper v. State Records Committee (BYUPD Case), 3rd 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, 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 Piper v. State Records Committee (BYUPD Case), Utah Supreme Court Case No. 20180601.

Current Disposition: Appellant's Reply Brief is due on September 20, 2019.

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: Certiorari denied by Utah Supreme Court on February 5, 2018. Stay in case in effect until decision on vexatious order.

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: Motion to Lift Stay filed on May 29, 2019. Memorandum opposing termination of the stay was filed by Mr. Bryner on June 12, 2019, but not served on opposing counsel (certificate of services states it was, but nothing received). Reply Memorandum filed on July 25, 2019, will file Notice to Submit to the Court.

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. Mr. Bryner filed motion to "correct clerical error" dismissing the case on July 11, 2019.

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: Writ of Certiorari filed with Utah Supreme Court on July 26, 2019.