**October 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:** Parties came to an agreement and filed a motion to dismiss which was granted by the court with prejudice on September 16, 2019.

**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:** Objections were filed by Mr. Beckham on October 7, 2019 to first set of discovery requests.

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

 **Current Disposition:** On August 15, 2019, the court denied Mr. Gollaher’s motion for a pretrial conference. First set of interrogatories were served by Mr. Gollaher to Morgan County on October 9, 2019.

**Platt v. Utah Attorney General’s Office,** 3rd District, Salt Lake County, Judge Keith Kelly, Case No. 180906128, filed August 22, 2018.

 **Current Disposition:** Substitution of counsel filed by AG’s Office on October 4, 2019.

**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:** Order partially granting summary judgment as agreed upon by the parties was filed with the court on October 3, 2019 for court’s consideration and signature.

**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:** AG’s Office filed a request for an order of compliance in disclosing the records and closing the case on August 27, 2019. Mr. Amann filed a Motion to Strike the request for an order on October 1, 2019.

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

 **Current Disposition:** Mr. Larsen’s October 18, 2019 Motion to Amend Judgment still pending with the court, leaving case still open without a final appealable order,

**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.

**Appellate Court Cases**

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

 **Current Disposition:** Oral argument held before the Utah Supreme Court on October 4, 2019. Questions before the court include whether the issue of BYU Police Department is a governmental entity is a moot issue because of the statutory change and the Tribune’s recent appeal from Jessica Miller, and whether attorney fees would be effected by a Supreme Court decision.

**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 was granted on August 22, 2019.

**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:** Judge Faust started case back up on motion from Mr. Bryner. Mr. Bryner appealed the trial court’s decision to the Court of Appeals disagreeing with the reasoning of Judge Faust. On October 1, 2019, the Court of Appeals dismissed the appeal remanding it back to Judge Faust. A pretrial conference is set for November 6, 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.