

November 2019 State Records Committee Case Updates

District Court Cases

Beaver County Sheriff's Office v. Utah Cold Case Coalition, 3rd Judicial District, Salt Lake County, Judge Patrick Corum, Case No. 190908404, filed Oct. 23, 2019.

Current Disposition: Complaint served on the Committee on Oct. 29, 2019, answer is due on Nov. 18, 2019.

Brigham Young University v. Miller, 4th Judicial District, Utah County, Judge Christine Johnson, Case No. 190401673, filed Oct. 23, 2019.

Current Disposition: Complaint served on the Committee on Oct. 30, 2019, answer is due on Nov. 19, 2019. BYU and the Tribune may be combining this with the other BYU Police Department 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.*

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

Current Disposition: Notice of appearance of counsel filed by the AG's office on Oct. 21, 2019. The Committee has filed an answer but no answer has been filed by the AG's office.

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

Current Disposition: Notice from the court of intent to dismiss the case due to inactivity filed on Oct. 18, 2019. Unless a written statement is received by the court by Nov. 7, 2019, the Court stated that the case would be dismissed without prejudice. As of Nov. 13, 2019, nothing has been filed with the court.

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 counsel has stated that an agreement has been reached and the case will be dismissed.

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: Responses to discovery filed with court on Nov. 11, 2019.

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

Current Disposition: Objections to Gollaher's first set of interrogatories filed by Morgan County on Oct. 23, 2019. Memorandum opposing objections filed by Gollaher on Nov. 13, 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: Petitioner's initial disclosures and initial discovery filed on Nov. 11, 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: Nov. 5, 2019 Ruling and Order from the court on ACLU's motion for summary judgment. The court found that internal evaluation reports performed by Davis County Jail personnel and external evaluation reports performed by the Utah Sheriffs Association are subject to GRAMA and will be reviewed by the court *in camera*. The court took under advisement issues relating to the Jail Standards.

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. Request to submit has not been filed yet.

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: Motion to dismiss filed on Oct. 21, 2019 by the Committee claiming *res judicata* applies because issues raised by Mr. Bryner were or could have been raised in the 2nd District Case. Mr. Bryner filed a Motion for Default Relief Hearing and Judgment of Pleadings also on Oct. 21, 2019. Memorandum opposing Motion for Default filed by Committee on Nov. 4, 2019. Bryner filed a Memorandum opposing the Motion to Dismiss on Nov. 7, 2019. Committee will file a Reply Memorandum on Nov. 14, 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. Response from AG's Office is due on Dec. 5, 2019.

