**April 2020 State Records Committee Case Updates**

**District Court Cases**

**Utah Div. of Child & Family Serv. v. Jana Tibbitts,** 3rd Judicial District, Salt Lake County, Judge Kara Pettit, Case No. 200902499, filed April 1, 2020.

**Current Disposition:** Complaint filed with trial court appealing Committee decision. DCFS filed a motion to have all court pleadings to be classified as private which was granted on April 1, 2020. Also received a Petition for Judicial Review from Ai Ning Hsu without a Summons, but don’t know if it was filed with trial court yet. Will file Answer on behalf of Committee.

**Big Game Forever v. Eric Peterson,** 3rd Judicial District, Salt Lake County, Judge Kara Pettie, Case No. 200902471, filed March 31, 2010.

**Current Disposition:** Answer to be filed on behalf of the Committee. A notice of intent to appeal was also filed by Eric Peterson.

**San Juan County v. State Records Committee,** 7th Judicial District, San Juan County, Judge Don Torgerson, Case No. 200700004, filed Jan. 31, 2020.

**Current Disposition:** Appeared at Motion Hearing on March 2, 2020, awaiting ruling by Court on issue of whether case will be heard by the trial court *de novo* or remanded back to the Committee for further proceedings. Court granted motion for Andrew Guilliford to be joined to the case at the hearing. Counsel for Gulliford allowed to withdraw based upon time commitment to other cases on April 3, 2020.

**Davis County v. Riley Booker,** 2nd Judicial District, Davis County, Judge Robert Dale, Case No. 200700081, filed Jan. 21, 2020.

**Current Disposition:** Answer filed on behalf of the Committee on Feb. 20, 2020. Answer filed by Ms. Booker on Feb. 27, 2020.

**Onysko v. State Records Committee,** 3rd Judicial District, Salt Lake County, Judge Robert Faust, Case No. 190909752, filed Dec. 15, 2019.

**Current Disposition:** Motion to Dismiss complaint filed on behalf of the Committee on March 30, 2020 after discovery served on Committee on February 28, 2020.

**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:** Answer and Counterclaim for attorney fees filed by Cold case Coalition. Answer on behalf of the Committee filed on Nov. 18, 2019. Question being raised is what issues can be argued by a governmental entity when it is an appeal of a continuance order based upon request by Committee to review documents *in camera*.\*

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

**Current Disposition:** Stipulated court order entered on February 12, 2020 staying all further proceedings “until further notice to allow the parties to explore potential resolution of the case.”\*

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

**Current Disposition:** Show Cause notice filed by court to be held on Apr. 20, 2020, requiring parties to appear and show cause why case should or should not be dismissed.\*

**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. May be filing a motion to dismiss or waiting until court dismisses the case for failure to prosecute.\*

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

**Current Disposition:** Stipulated order of dismissal with prejudice signed by court on March 13, 2020.

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

**Current Disposition:** Stipulated order of dismissal with prejudice signed by court on March 26, 2020.

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

**Current Disposition:** Mediation conference scheduled for April 20, 2020.\*

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

**Current Disposition:** Order to Show Cause hearing scheduled for March 5, 2020 was continued by the court to a date available to all parties.

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

**Current Disposition:** Hearing on Motion for Summary Judgment held on March 3, 2020. Court ruled from the bench at hearing granting Summary Judgment in favor of the Utah AG’s Office, and directed them to draft an order for the court. After submission of the draft to the court, Mr. Platt filed a Motion to Reconsider/Motion to Set Aside on March 15, 2020. AG’s Office filed a Memorandum opposing Mr. Platt’s motion on March 30, 2020, and a reply memorandum was filed on April 6, 2020. Notice to submit filed on April 7, 2020.

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

**Current Disposition:** Motions filed stipulating dismissal of all cases on April 7th and 8th, 2020. Orders have not been signed by the court yet.

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

**Current Disposition:** Bench trial set for May 20-21, 2020 for remaining issues regarding release of records. Unclear when trial will occur because of Justice Durrant’s order staying all non-essential trials until after June 1, 2020.

**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:** Motions hearing occurred on March 17, 2020 telephonically. Court set an evidentiary hearing to be held on June 15th by telephone.

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

**Current Disposition:** Motion to Provide Court with Supplemental Motion filed by Mr. Larsen on March 23, 2020. Heber City filed response on March 30, 2020.

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

**Current Disposition:** Stipulated court order entered on February 12, 2020 staying all further proceedings “until further notice to allow the parties to explore potential resolution of the case.”\*

**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, **20191033,** Utah Supreme Court Case No. 20170112.

**Current Disposition:** Time for Mr. Bryner to file response to court’s sua sponte motion for summary disposition extended until April 30, 2020.

**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 denied by Utah Supreme Court on November 25, 2019.\*