**June 2020 State Records Committee Case Updates**

**District Court Cases**

**Ai Hsu v. Utah Div. of Child & Family Serv.,** 3rd Judicial District, Salt Lake County, Judge Robert Faust, Case No. 200902525, filed April 2, 2020.

 **Current Disposition:** Motion to be filed to consolidate two 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:** Motion to be filed to consolidate two cases.

**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 but no record at this time of a complaint. Rule 26 initial disclosures filed by DNR.

**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 Gulliford 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:** Complicated… Motion to Dismiss filed on behalf of the Committee granted by the trial court. Counsel for SRC directed to prepare an order for the court, but before order is prepared, Onysko files an appeal. Several more motions were filed by Onysko with the district court until Judge Faust issued an order denying all motions filed by Onysko because the case was with the Court of Appeals. The Court of Appeals issued an order requiring the parties to submit briefing to the Court of Appeals on the issue of why the appeal shouldn’t be dismissed based upon a premature appeal being filed by Onysko.

**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 hearing to be held on Apr. 20, 2020, requiring parties to appear and show cause why case should or should not be dismissed, was continued because of COVID-19 court shutdown.\*

**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.\*

**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 originally scheduled for April 20, 2020 continued due to COVID-19.\*

**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 September 14, 2020.

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

 **Current Disposition:** Motion to set aside Summary Judgment granted, 3 day bench trial set for December 15-17, 2020.

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

 **Current Disposition:** Telephone conference scheduled for June 23, 2020 regarding setting a trial date.

**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:** Notice of Intent to Dismiss case for inactivity filed by court on June 2, 2020 unless written notice received by parties within 20 days of notice.

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

 **Current Disposition:** Request for a trial *de novo* filed by Mr. Amann on June 7, 2020.

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

 **Current Disposition:** Currently under consideration by the court is a motion to supply the court with a supplemental motion for attorney fees and to request the court to issue a show cause order, and a motion to continue hearing or trial.\*

**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 June 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.\*