

## July 2020 State Records Committee Case Updates

### District Court Cases

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

**Current Disposition:** Motion to Consolidate both cases has been drafted and circulated between the parties.

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

**Current Disposition:** Motion to Consolidate both cases has been drafted and circulated between the parties.

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

**Current Disposition:** Parties are engaged in discovery currently. Proposed protective order for “attorney eyes only” allowing records to be seen by legal counsel filed on July 7, 2020.

**San Juan County v. State Records Committee**, 7<sup>th</sup> 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**, 2<sup>nd</sup> Judicial District, Davis County, Judge Robert Dale, Case No. 200700081, filed Jan. 21, 2020.

**Current Disposition:** Court *sua sponte* issued Notice of Intent to Dismiss on June 24, 2020. Davis County filed a written statement regarding the Notice on July 8, 2020, arguing that there had not been any activity in the case because of COVID-19, and requested that the case not be dismissed.

**Onysko v. State Records Committee**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Robert Faust, Case No. 190909752, filed Dec. 15, 2019, Court of Appeals Case No. 20200406-CA.

**Current Disposition:** Judge Faust signed proposed final order submitted by the Committee on June 24, 2020. Mr. Onysko filed a Motion for Leave to File an Amended Petition on June 15, 2020. A memorandum opposing the Motion was filed by the Committee on June 23, 2020, and Mr. Onysko filed a reply memorandum on June 29, 2020. Case currently also on appeal before the Court of Appeals.

**Beaver County Sheriff's Office v. Utah Cold Case Coalition**, 3<sup>rd</sup> 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*.\*

“\*” means no update since last case status update given to the Committee.

**Brigham Young University v. Miller**, 4<sup>th</sup> 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**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Gardner, Case No. 180909564, filed December 19, 2018.

**Current Disposition:** Mediation conference scheduled for July 17, 2020.

**Gollaher v. Morgan County**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> District, Salt Lake County, Judge Connors, Case No. 180700511, filed May 21, 2018.

**Current Disposition:** Telephone conference scheduled for July 20, 2020 regarding setting a trial date.

**John Tilleman v. Ogden City**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> District, Salt Lake City, Judge Skanchy, Case No. 170903997, filed June 21, 2017.

“\*” means no update since last case status update given to the Committee.

**Current Disposition:** Hearing held on July 1, 2020 concerning motion for in person trial *de novo*. Court agreed to not have WebX trial on July 2, 2020, and scheduled another hearing on the issue in August 2020.

**Heber City v. David Larsen**, 4<sup>th</sup> 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)**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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.**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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 July 30, 2020.

**Roger Bryner v. City of Clearfield**, 2<sup>nd</sup> 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.\*

“\*” means no update since last case status update given to the Committee.