**September 2020 State Records Committee Case Updates**

**District Court Cases**

**Univ. of Utah v. James McConkie,** 3rd Judicial District, Salt Lake County, Judge Linda Jones, Case No. 200904543, filed July 20, 2020.

**Current Disposition:** Respondent filed a Motion to Dismiss on August 24, 2020, arguing pursuant to Utah R. Civ.P. 12(b)(6) that as a matter of law, the parents of Lauren McCluskey are entitled to the records under GRAMA. Memorandum opposing Motion to Dismiss filed on September 8, 2020 by University of Utah.

**San Juan County v. Sheila Canavan,** 7th Judicial District, San Juan County, Judge Don M. Torgerson, Case No. 200700021, filed July 17, 2020.

**Current Disposition:** Oral arguments on Motion to Dismiss filed by Ms. Canavan was held on September 8, 2020. The court denied the Motion to Dismiss after oral arguments and the case is scheduled for a trial *de novo* on October 1, 2020 to be held via WebX.

**Corbin Volluz v. BYU Police Dept.,** 3rd Judicial District, Salt Lake County, Judge Kent Holmberg, Case No. 200904375, filed July 13, 2020.

**Current Disposition:** Telephone status conference scheduled for September 14, 2020.

**Dept. of Corrections v. Patrick Sullivan,** 3rd Judicial District, Salt Lake County, Judge Laura Scott, Case No. 200903406, filed May 19, 2019.

**Current Disposition:** Committee was served on August 25, 2020. Answer to be prepared and filed on behalf of the Committee.\*

**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 Consolidate granted on August 4, 2020. Answer to Amended Petition filed on behalf of the Committee on August 14, 2020.\*

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

**Current Disposition:** Motion for an Order Directing Release of Records by DNR filed by Peterson on August 31, 2020. Memorandum opposing motion filed by Big Game Forever on September 4, 2020.

**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:** On September 2, 2020, Mr. Gulliford filed a Motion to Withdraw. During a scheduling conference regarding the case held on September 8, 2020, the Committee and San Juan County agreed to a dismissal of the case which will be entered by the court.

**Davis County v. Riley Booker,** 2nd 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. Second notice of event dates issued by the court on August 4, 2020.\*

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

**Current Disposition:** On August 14, 2020, Mr. Onysko filed a Motion to Reconsider Order Denying Motion to Amend (Petition) and for Enlargement of Time. The Court had denied the Motion to Amend finding that “this matter had already been adjudicated when the Court granted Respondent’s Motion to Dismiss.” The Court further held that “this Court lacks jurisdiction as since Petitioner has appealed the granting of the Motion to Dismiss.” On August 23, 2020, the Committee filed a Memorandum Opposing Mr. Onysko’s Motion to Reconsider arguing that the no jurisdiction with the trial court because of the appeal being filed by Mr. Onysko. The Court issued a two sentence order: “The Court denies the motion for the same reasons previously given in its earlier denial. The Court denies the motion due to lack of jurisdiction.”\*

**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:** On August 6, 2020, Respondent filed a Motion to Dismiss stating that the court did not have jurisdiction over an appeal from a decision by the Committee continuing the case in order to view the documents. Beaver County filed a Motion for Summary Judgment on August 12, 2020, arguing that the documents were properly classified (issue never determined by the Committee). Reply in support of Motion to Dismiss filed on August 19, 2020.\*

**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 occurred on July 17, 2020 with Nate Alder. Parties came to a resolution at the end of mediation, but the agreement fell apart the next day. Case probably is going to go forward with litigation now.\*

**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. Morgan County filed on August 26, 2020 a Certificate of Service for Supplemental Responses to Interrogatories. Morgan County filed a motion to continue the September 14th hearing, but the proposed order was not signed by the Court so the hearing is still scheduled.

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

**Current Disposition:** Rule 16 conference held on September 2, 2020. Another is scheduled for October 15, 2020 with telephonic oral argument scheduled for November 12, 2020.

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

**Current Disposition:** Case is set for a two day trial on January 6th and 7th, 2021.\*

**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:** Review hearing for case held on September 9, 2020. Hearing for Motion for Leave to file Motion for Summary Judgment scheduled for September 18, 2020. Motion hearing also scheduled for November 6, 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:** August 19, 2020 Mr. Bryner filed a “Response and Objection” with the Court of Appeals. Waiting to see ruling from Court of Appeals on Motion for Summary Disposition of the appeal.

**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.\*