**March 2021 State Records Committee Case Updates**

**District Court Cases**

**Steven Onykso v. Dept. of Environmental Quality,** 3rd District, Salt Lake County, Judge Adam Mow, Case No. 200907218, filed November 19, 2020.

 **Current Disposition:** Motion for Summary Judgment filed by Mr. Onysko on January 25, 2021. Memorandum opposing Motion filed on February 8, 2021 by DEQ. Motion to dismiss Marie Owens and Ying-Ying Maculey as a party to appeal filed by DEQ. Motion in Limine filed by Mr. Onysko on March 8, 2021.

**Logan City School Dist. v. Michael Favero,** 3rd Judicial District, Salt Lake County, Judge Laura Scott, Case No. 200906659, filed October 21, 2020.

 **Current Disposition:** Complaint filed, Answer filed on behalf of the Committee on November 16, 2020. Answer filed by Mr. Favero on December 4, 2020.\*

**Steve Onysko v. Emigration Improvement Dist.,** 3rd Judicial District, Salt Lake County, Judge Keith Kelley, Case No. 200906661, filed October 21, 2020.

 **Current Disposition:** Answer filed on behalf of the Committee on November 11, 2020. Patricia Smith-Mansfield added as a party, will seek to dismiss her as a party similar to Bryner cases. District filed Answer on November 30, 2020.\*

**Dept. of Corrections v. Trevor Lee,** 3rd District, Salt Lake County, Judge Heather Brereton, Case No. 200906104, filed September 23, 2020.

 **Current Disposition:** Motion to substitute Patrick Sullivan as the Defendant in the case filed by Trevor Lee, arguing that Mr. Lee actually is not the real party in interest because he is an attorney representing Mr. Sullivan in the proceedings. Corrections has opposed the motion.

**Blake Johnson v. Judicial Conduct Commission,** 3rd Judicial District, Salt Lake County, Judge Laura Scott, Case No. 200906109, filed September 23, 2020.

 **Current Disposition:** Hearing for Motion to Dismiss filed by JCC held on January 27, 2021. Judge found in favor of JCC, finding that JCC was not required to provide the records to Mr. Johnson because they should remain non-public. Judgment entry to be filed by the court.\*

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

 **Current Disposition:** Answer filed on behalf of the Committee on September 14, 2020. Respondent filed first set of admissions on September 16, 2020.\*

**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:** Supplemental response to first set of discovery filed by DNR.

**Utah State Tax Commission v. Garfield County Taxpayers Assoc.,** 3rd Judicial District, Salt Lake County, Judge Kent Holmberg, Case No. 200901411, filed February 19, 2020.

 **Current Disposition:** Telephone scheduling conference to be held on March 17, 2021.

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

 **Current Disposition:** Status update on case filed by Davis County on February 2, 2021.\*

**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:** Trial held on January 13, 2021. Prior to oral ruling to be given by the court on February 1, 2021, the parties reached a settlement agreement and is dismissing the appeal.\*

**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.”\*

**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:** Case dismissed February 25, 2021.

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

 **Current Disposition:** Motion for Summary Judgment filed by Morgan County on November 10, 2020. Memorandum opposing Motion for Summary Judgment filed by Mr. Gollaher on March 11, 2021.

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

 **Current Disposition:** Oral argument on motions scheduled for April 8, 2021. Trial scheduled for May 4-6, 2021.

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

 **Current Disposition:** Bench trial concluded January 29, 2021. Judge Connors took matter under advisement, waiting for decision.\*

**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.\*

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

 **Current Disposition:** Motion for Summary Judgment filed by AG’s Office on November 13, 2020. January 13, 2021, Mr. Amann filed a memorandum opposing Motion for Summary Judgment. Reply memorandum from AG’s Office filed on March 5, 2021.

**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.” Stay ends on December 2, 2020.\*

**Appellate Cases**

**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:** Mr. Onysko’s brief is due April 14, 2021.