**November 2021 State Records Committee Case Updates**

**District Court Cases**

**Emigration Improvement Dist. v. Mark Tracy**, 3rd Judicial District, Salt Lake County, Judge Laura Scott, Case No. 210905044, filed September 20, 2021.

 **Current Disposition:** Answer filed on behalf of the Committee on November 12, 2021. Mr. Tracy filed a motion to dismiss on November 1, 2021 arguing that the district court does not have jurisdiction because Emigration Improvement District did not file a timely notice of appeal with the Committee pursuant to Utah Code § 63G-2-403(15)(a).

**West Jordan v. Sam Stecklow,** 3rd Judicial District, Salt Lake County, Judge Vernice Trease, Case No. 210903045, filed June 9, 2021.

**Current Disposition:** Depositions held October 28-29, 2021. An amended scheduling order was filed on November 16, 2021 extending discovery.

**Washington Cty. v. Sam Stecklow,** 5th Judicial District, Washington County, Judge John J. Walton, Case No. 210500440, filed June 7, 2021.

 **Current Disposition:** Motion for Summary Judgment filed by the Salt Lake Tribune on October 8, 2021 along with a motion for attorney eyes only review of the disputed records. Response to evidentiary objections filed on November 5, 2021 by the Tribune.

**Cantwell v. Univ. of Utah,** 3rd Judicial District, Salt Lake County, Judge Robert Faust, Case No. 210902665, filed May 18, 2021.

 **Current Disposition:** Answer filed on behalf of the Committee on June 8, 2021. Answer filed by University of Utah July 16, 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.\*

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

 **Current Disposition:** June 30, 2021 Mr. Sullivan filed a request with the court for all copies of documents filed in the case.\*

**Dept. of Corrections v. Patrick Sullivan,** 3rd Judicial District, Salt Lake County, Judge Laura Scott, Case No. 200903406, filed May 19, 2020.

 **Current Disposition:** Court order issued on August 24, 2021 extending discovery and ordering Petitioner to respond to specific interrogatories.\*

**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.\*

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

 **Current Disposition:** June 19, 2021 notice of appearance for new counsel filed.\*

**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:** Notice of intent to dismiss case filed by court on November 8, 2021, stating that unless a written statement is filed within 20 days, case will be dismissed.

**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 held on November 9, 2021. Three day bench trial scheduled for February 24, 2022.

**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:** Court issued 2nd order granting in part summary judgment for AG’s Office on October 27, 2021.

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

 **Current Disposition:** Mr. Larsen filed a request to submit his motion for attorney fees and costs on October 22, 2021. Heber City filed reply to request on October 28, 2021.

**Appellate Cases**

**Big Game Forever v. Eric Peterson,** 3rd Judicial District, Salt Lake County, Judge Kara Pettit, Case No. 200902471, filed March 31, 2020, Court of Appeals Case No. 20210792.

 **Current Disposition:** Notice of appeal filed by Big Game on October 28, 2021 by Big Game. Motion to stay judgment while appeal is pending filed by Big Game and Department of Natural Resources on November 10, 2021 in district court.

**Gollaher v. Morgan County,** 3rd Judicial District, Salt Lake County, Judge Andrew H. Stone, Case No. 180909188, filed Dec. 6, 2018, Court of Appeals Case No. 20210509.

 **Current Disposition:** Order of dismissal filed by court on September 28, 2021.\*

**Steven Onysko Cases**

**Steven Onysko v. State Records Committee,** 3rd District, Salt Lake County, Judge Teresa Welch, Case No. 210901695, filed March 23, 2021, Court of Appeals Case No. 20210511.

 **Current Disposition:** Mr. Onysko’s appellant memorandum filed on November 3, 2021. Mr. Onysko argues that the trial court’s decision was inadequate and that an OPMA case requires the trial court to review actions of the Committee.

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

 **Current Disposition:** Motions hearing is set for November 23, 2021.\*

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

 **Current Disposition:** Scheduling conference set for December 3, 2021.\*

**Steven 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:** Court of Appeals affirmed decision of Judge Faust granting motion to dismiss Mr. Onysko’s appeal filed by the Committee on September 30, 2021. A request for an extension of time to file a writ of certiorari by Mr. Onysko was filed with the Utah Supreme Court.\*