**December 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). Motion to Dismiss hearing set for February 4, 2022.

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

**Current Disposition:** Cross motions for summary judgment filed by the parties.

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

 **Current Disposition:** Cross motions for summary judgment were filed by the parties and a request for oral arguments.

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

 **Current Disposition:** First set of discovery requests served by Cantwell on November 22, 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:** Case dismissed without prejudice by the court on December 7, 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:** Orders on pre-trial process, motion to dispose certain requests, and burden of proof at trial issued by court on December 2, 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:** Proposed orders regarding partial granting of summary judgment filed with the court on November 15, 2021. Proposed order on redactions filed on December 15, 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. Appellee appellate brief due on December 23, 2021.

**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 held on November 23, 2021. Court took motions under advisement, waiting for court’s decision.

**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 order issued by the court on December 14, 2021. Court will hold a Rule 16 management conference on February 9, 2022.

**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:** Writ of certiorari filed by Mr. Onysko with the Utah Supreme Court on December 7, 2021.