**February 2022 State Records Committee Case Updates**

**District Court Cases**

**Bennion v. State Records Committee,** 3rd Judicial District, Salt Lake County, Judge Adam Mow, Case No. 210907023, filed December 30, 2021.

 **Current Disposition:** Answer filed on behalf of the Committee on January 21, 2022. Original complaint did not properly name the Utah Housing Authority as a party. A motion for service and acceptance of parties of an amended petition and complaint was filed by February 11, 2022. New answer will need to be filed for an amended complaint.

**Rosenstein v. Utah Dept. of Transportation,** 3rd Judicial District, Salt Lake County, Judge Kent Holmberg, Case No. 210907032, filed December 30, 2021.

 **Current Disposition:** Answer to be filed on behalf of the Committee. Acceptance of service by the Committee filed on February 9, 2022.

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

 **Current Disposition:** Hearing held on February 4, 2022 on Mr. Tracy’s motion to dismiss the complaint. Court denied motion on basis that failure to file a notice of intent to appeal with the Committee denied the court jurisdiction over the petition for judicial relief. Court also denied argument made by Emigration Improvement that prior order in another case did not allow Judge Scott to have jurisdiction over the case. Proposed entry of judgment to be filed.

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

**Current Disposition:** Status hearing held on February 10, 2022. Motion for attorney eyes only currently before the court for along with motions for summary judgment.

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

 **Current Disposition:** Hearing on cross motions for summary judgment set to be held on February 16, 2022 was continued until April 13, 2022 .

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

 **Current Disposition:** Scheduling order filed on behalf of the parties on January 18, 2022.\*

**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.\*

**Sherratt v. Ut. Bd. of Pardons,** 3rd Judicial District, Salt Lake County, Judge Mathew Bates, Case No. 190909597, filed Dec. 11, 2019.

 **Current Disposition:** Case filed against multiple defendants including the Committee, Gina Proctor, and Ken Williams. Challenge to 2019 change in the Utah Code limiting number of GRAMA requests a prisoner can make during a given year. Committee served with complaint on January 4, 2022 and answer filed on January 26, 2022. Mr. Sherratt filed a “reply” to the Committee’s answer and requested that the Committee’s answer should be stricken.

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

 **Current Disposition:** Case to be argued in a 3 day trial from April 10-12, 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:** Pre-trial conference set for April 7, 2022.

**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:** Court granted for motion for attorney fees during district court case at hearing held on January 20, 2022. Case is currently before the Court of Appeals for briefing.

**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. Order after Rule 58A Notice is due on March 11, 2022.

**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:** Order of Affirmance from Court of Appeals on February 11, 2022. Court affirmed dismissing the petition for judicial review, finding that it was appropriately dismissed for failure to state a claim upon which relief could be granted. The court found that Onysko had no grounds to bring an action against the Chair, and the case could not be converted into a civil action to recover damages from the Committee or its chair by filing an “inappropriate notice of claim in the district court.”

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

 **Current Disposition:** Court issued decision on January 18, 2022 regarding various motions argued before the court. Court denied motion for summary judgment filed by DEQ regarding the fee waiver issue, finding that Mr. Onysko had requested a fee waiver but finding that there is an issue of fact concerning the reasonableness of the denial of the request for a fee waiver. The court granted the Committee’s motion to dismiss Patricia Smith-Mansfield as a party in the case. The court denied various motions filed by Mr. Onysko (Objection to Evidence, Motion to Certify, Motion to Invite Court Error, and Motion for Clarification).\*

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

 **Current Disposition:** Court will hold a Rule 16 management conference on March 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 denied on February 4, 2022.