**April 2022 State Records Committee Case Updates**

**District Court Cases**

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

 **Current Disposition:** Mr. Bennion filed on March 18, 2022: “Motion for Alternative Service and Relief and Confirmation of Including and Adding the Utah Housing Corporation and John Does 1 thru 25 and all Unknown Persons who Claim any Interest in the Subject Matter of this Action as Respondent(s)/Defendant(s)/Appellee(s) to the Amended Petition and Complaint for Judicial Review of Agency Action and Decision and Order for Case No. 21-59 Utah State Records Committee.” (motion title probably breaks the Utah R. Civ. P. 7(c)(5) requirement for a “short phrase describing the relief requested” for a motion title. Motion to Dismiss the AG’s Office as a party filed on April 12, 2022.

**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 filed on behalf of the Committee February 22, 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:** Motion for Summary Judgment filed on March 10, 2022 on behalf of the Emigration Improvement District. Mr. Tracy filed a memorandum opposing and a reply memorandum was filed. On April 18, 2022, Mr. Tracy filed a notice to submit the District’s motion for summary judgment for decision by the court although noting that a hearing has been requested.

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

**Current Disposition:** Hearing regarding Tribune’s motion for “attorney eyes’ only” for review of disputed records held on April 14, 2022. Court limited review of records for purpose of responding to West Jordan’s arguments to two specified attorneys representing the Tribune. Proposed order filed with the court for signature.

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

 **Current Disposition:** Notice of settlement of case filed with the court on April 12, 2022 cancelling April 13, 2022 hearing. Stipulated motion to dismiss to be filed with the court shortly.

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

 **Current Disposition:** Second amended scheduling order filed by the court on February 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:** Motion to Dismiss filed by State of Utah on March 7, 2022 with memorandum opposing and reply memorandum filed.

**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 May 10-12, 2022. Final pre-trial hearing held on April 18, 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 held in person before Judge Skanchy on April 7, 2022. Three day bench trial set for August 10, 11, & 24, 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. Court set a hearing on motion in person for April 26, 2022.

**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.\*

**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:** Writ of certiorari filed by Mr. Onysko with Utah Supreme Court on April 14, 2022.

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

 **Current Disposition:** Motion for reconsideration filed by Mr. Onysko and a second amended motion to stay proceedings for seeking an appeal from an interlocutory order denied by the court during April 13, 2022 scheduling conference. Remaining issues in case to be decided by court in 2 hour hearing scheduled for August 2, 2022.

**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 filed on March 16, 2022. Bench trial scheduled for September 19, 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.\*

