

May 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: May 2, 2022 court issued decision denying Mr. Bennion's motion for alternative service to the Utah Housing Corporation and John Doe 1 through 25. The court found that if alternate or substitute service is requested, there must be a showing as to how the proposed methods are reasonably calculated to appraise the proposed defendants of the action. Case is set for hearing on August 19, 2022 for the AG's Office motion to dismiss based upon not being the holder of the record. Mr. Bennion has opposed the motion to dismiss arguing that the AG's Office is a necessary party because if unlawful actions occurred in the GRAMA request, the AG's Office should be a party to be put on notice of the unlawful actions.

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: May 4, 2022 decision by the court granting summary judgment in favor of the Emigration Improvement District. The court found that Mr. Tracy's GRAMA request violated the court order in a direct appeal to district court of a denial by the District of a previous GRAMA request by Mr. Tracy. The Judge Kouris decision stated that the District was not required to respond to any records requests from Mr. Tracy that included Simplifi and/or the Hawkes because it would be contrary to Judge Kouris' order.

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

Current Disposition: 2 hour motion hearing is set for June 22, 2022 on motions for summary judgment from both parties. Because hearing will discuss information contained within the records, the hearing will be a closed hearing with only the attorneys and the court participating in the hearing.

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

Current Disposition: Order dismissing the case filed by the court on May 16, 2022 based upon stipulated dismissal from a settlement agreement by the parties.

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.*

“*” means no update since last case status update given to the Committee.

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: Order of Dismissal filed by the court on May 13, 2022 even though an objection to motion to dismiss was filed on May 4, 2022 by Davis County.

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

Current Disposition: Request for motion to dismiss filed by AG's Office on April 25, 2022.

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

Current Disposition: Three day trial held May 10-12, 2022. Court took case under advisement for decision. Oral argument on Motion in Limine and Redactions set for May 31, 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. Various motions filed during the past month.

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

Current Disposition: Motion hearing set for May 24, 2022 regarding any remaining issues for the case.

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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: 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, Utah Supreme Court Case No. 20220350-SC.

Current Disposition: Writ of certiorari filed by Mr. Onysko with Utah Supreme Court on April 14, 2022. Review of case is due by Supreme Court on June 17, 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: Court issued decision on May 12, 2022 denying various objections and motions by Mr. Onysko. May 16, 2022 Mr. Onysko filed a motion to reopen discovery and stay the proceedings. Unless motion is granted, remaining issues in case to be decided by court in 2 hour hearing scheduled for August 2, 2022.

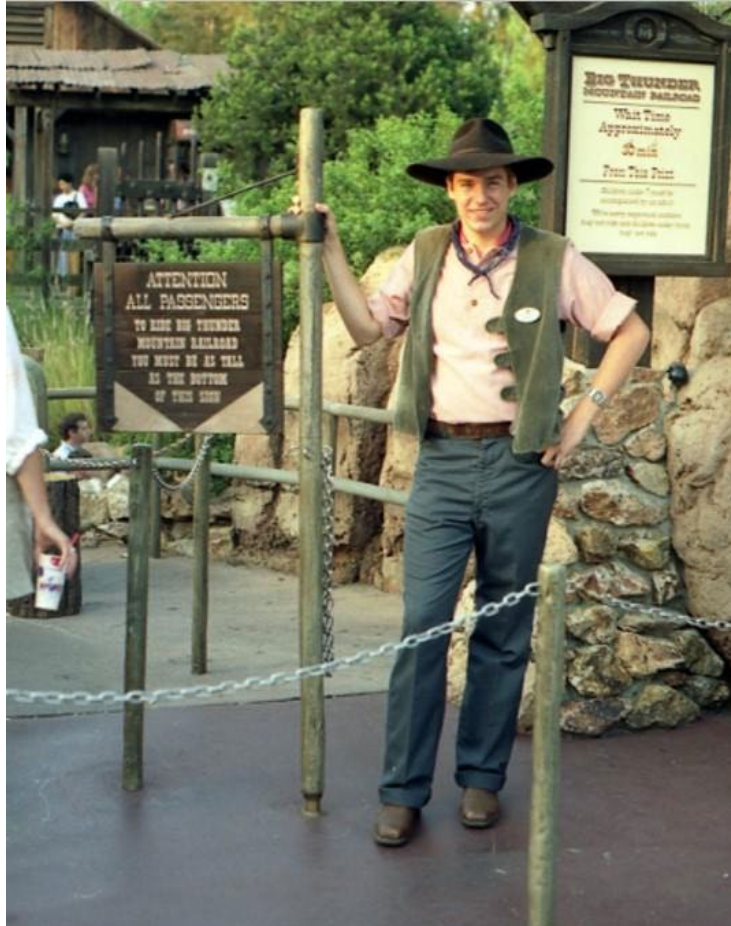
Steve Onysko v. Emigration Improvement Dist., 3rd Judicial District, Salt Lake County, Judge Keith Kelley, Case No. 200906661, filed October 21, 2020.

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, Utah Supreme Court Case No. 20210882-SC.

Current Disposition: Writ of certiorari filed by Mr. Onysko with the Utah Supreme Court denied on February 4, 2022.*

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