

## **July 2022 State Records Committee Case Updates District Court Cases**

**Onysko v. Attorney General's Office**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge James Gardner, Case No. 220903297, filed June 2, 2022.

**Current Disposition:** Answer filed on behalf of the Committee on July 19, 2022. Answer to be filed on behalf of the Attorney General's Office.

**Salt Lake County v. Jennifer Orten**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Robert Faust, Case No. 220902520, filed April 26, 2022.

**Current Disposition:** Answer filed on behalf of the Committee on May 31, 2022. Answer filed on behalf of Jennifer Orten on May 17, 2022. Initial disclosures filed by Ms. Orten on June 29, 2022.

**Amann v. Dept. of Public Safety**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Barry Lawrence, Case No. 220901976, filed March 29, 2022.

**Current Disposition:** Answer filed on behalf of the Committee on July 19, 2022. Answer to be filed on behalf of the Department of Public Safety.

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

**Current Disposition:** Order allowing overlength brief filed by court on May 31, 2022. Hearing to be held regarding Attorney General's Motion to Dismiss on August 19, 2022.

**Rosenstein v. Utah Dept. of Transportation**, 3<sup>rd</sup> 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.\*

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

**Current Disposition:** 2 hour motion hearing held on June 22, 2022 on motions for summary judgment from both parties. Waiting on court decision. Request by other news media to have copy of court hearing.

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

**Current Disposition:** Deposition of Dr. Cynthia Berg from the University of Utah took place on July 14, 2022.

**Logan City School Dist. v. Michael Favero**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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.\*

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

**Dept. of Corrections v. Patrick Sullivan**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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.\*

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

**Current Disposition:** Memorandum Decision denying request for motion to dismiss filed by AG's Office issued on June 13, 2022. Subsequent to decision, Answer filed on behalf of State Defendants other than the Committee on July 19, 2022.

**Platt v. Utah Attorney General's Office**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> 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**, 3<sup>rd</sup> District, Salt Lake City, Judge Skanchy, Case No. 170903997, filed June 21, 2017.

**Current Disposition:** Three day bench trial set for August 10, 11, & 24, 2022.

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

**Current Disposition:** Decision issued by the court on June 19, 2022 denying request by Mr. Larsen for attorney fees.

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

## Appellate Cases

**Emigration Improvement Dist. v. Mark Tracy**, 3<sup>rd</sup> Judicial District, Salt Lake County, Judge Laura Scott, Case No. 210905044, filed September 20, 2021, Court of Appeals Case No. 20220525.

**Current Disposition:** Notice of Appeal filed on June 6, 2022 by Mr. Tracy from case being dismissed by court in favor of Emigration Improvement District.

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

**Current Disposition:** Appellant's brief is due on August 25, 2022. Department of Natural Resources has withdraw from the appeal leaving only Big Game Forever and Mr. Peterson as litigants.

## Steven Onysko Cases

**Steven Onysko v. State Records Committee**, 3<sup>rd</sup> 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 request by Mr. Onysko denied by the Utah Supreme Court on May 30, 2022.

**Steven Onysko v. Dept. of Environmental Quality**, 3<sup>rd</sup> District, Salt Lake County, Judge Adam Mow, Case No. 200907218, filed November 19, 2020, Court of Appeals Case No. 20220482.

**Current Disposition:** May 16, 2022 Mr. Onysko filed a motion to reopen discovery and stay the proceedings. Ruling and Order issued by the court on June 6, 2022 denying motion. Mr. Onysko filed motion regarding burden of proof which was denied on July 5, 2022. Request by Mr. Onysko request for an interlocutory appeal denied by the Court of Appeals on June 14, 2022. Case is set for 2 hour hearing on August 2, 2022. Mr. Onysko served his First Request of Admissions on the Committee on July 19, 2022 requesting admission regarding Committee not using the weighing provision in his Committee appeal.

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

**Current Disposition:** Bench trial scheduled for September 19, 2022.

**Steven Onysko v. State Records Committee**, 3<sup>rd</sup> 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.\*

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