

## September 2022 State Records Committee Case Updates District Court Cases

***Staheli v. Utah Tech University***, 5<sup>th</sup> Judicial District, Washington County, Judge G. Michael Westfall, Case No. 220500564, filed August 25, 2022.

***Current Disposition:*** Case filed, and parties served on August 29, 2022.

***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 filed on behalf of the Attorney General's Office on September 1, 2022.

***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. Motion for Summary Judgment filed August 2, 2022, opposition filed August 19, 2022, with a reply filed on August 31, 2022. Waiting for a Request to Submit/Motion hearing.

***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 filed on behalf of the Department of Public Safety on August 24, 2022.

***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:*** Case is on stay until November 18, 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:*** The court ruled on August 12 granting the motion for summary judgment (in substantial part) in favor of the Tribune. City motion granted in part (with respect to private information in Garrity interviews) and denies the city's motion in all other respects. Settlement agreement in the works.

***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.\*

**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 for summary judgment filed on August 31, 2022.*

**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. On July 27, 2022, a request to submit was filed regarding Mr. Sherratt's motion dated June 21, 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:** Court ruling dated July 27, 2022, denying Mr. Platt's petition except for request #52. *Motion for Rule 11 sanctions against Mr. Pehrson and the AG's office filed September 7, 2022, and an opposition filed on September 7, 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:** Day 3 of the bench trial was scheduled for August 24, 2022. *Closing arguments will be heard on September 21, 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.

## 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:** Court of Appeals dismissed the appeal on June 9, 2022.

## 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:** Court of Appeals affirmed the district court's order dismissing the petition.

**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. 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. At the August 2, 2022, bench trial, Judge Mow ruled in favor of the respondent. Motion for vexatious litigant filed August 3, 2022, and Mr. Onysko's response was filed on August 15, 2022. *Mr. Onysko has filed an objection to the proposed Findings of Fact and Conclusions of Law on September 7, 2022. DEQ filed a response to the objection on September 9, 2022. Vexatious litigant motion hearing scheduled for October 12, 2022.*

**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:** Status conference scheduled for August 19, 2022, with the bench trial scheduled for September 19, 2022. *At the scheduling conference the bench trial was stricken, and briefing dates set. The court has not ruled on how to characterize what occurred at, or the outcome of the mediation that had already taken place.*

**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:** District courts order of dismissal was affirmed.