

3RD DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH
APPEALED: CASE # 20200366

IN THE MATTER OF THE AUDIE G LEVENTHAL IRV TRUST AGREEMENT

CASE NUMBER 153900945 Trust

CURRENT ASSIGNED JUDGE

KARA PETTIT

PARTIES

Petitioner - JUNE VANDERSTEEN
Represented by: MATTHEW GRIMMER

Petitioner - AUDIE G LEVENTHAL
Represented by: DANIEL GOODSSELL

Respondent - BRIAN SHAPIRO
Represented by: SARAH GOLDBERG
Represented by: CARSON HENINGER
Represented by: PEGGY HUNT

Counterclaimant - GOODSSELL & OLSEN LLP
Represented by: DANIEL GOODSSELL

Counterclaimant - SKOUBYE NIELSON & JOHANSEN LLC
Represented by: JOSEPH BALLSTAEDT

Counterclaimant - GOODSSELL & OLSEN LLP
Represented by: DANIEL GOODSSELL

Intervenor - SKOUBYE NIELSON & JOHANSEN LL
Represented by: JEFF SKOUBYE
Represented by: JOSEPH BALLSTAEDT
Represented by: KEVIN BISCHOFF
Represented by: STEVAN BAXTER

Other Party - BENNETT TULLER JOHNSON & DEERE
Represented by: RYAN MERRIMAN

Other Party - GOODSSELL & OLSEN LLP
Represented by: DANIEL GOODSSELL

Other Party - SARAH LEVENTHAL WHALENS

Other Party - JESSICA LEVENTHAL

Other Party - ASHER LEVENTHAL

Other Party - SAMUEL LEVENTHAL

Other Party - RAY BECK

Trustee - JUNE VANDERSTEEN
Represented by: MATTHEW GRIMMER

Trustee - AUDIE G LEVENTHAL

Trustee - NATHAN SPONENBURGH

ACCOUNT SUMMARY

Total Revenue Amount Due:	2,402.85
Amount Paid:	2,402.85
Amount Credit:	0.00
Balance:	0.00
Bail/Cash Bonds Amount Due:	900.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	900.00

REVENUE DETAIL - TYPE: COMPLNT-NO AMT PROBA

Original Amount Due:	360.00
Amended Amount Due:	360.00
Amount Paid:	360.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COUNTER 10K-MORE

Original Amount Due:	155.00
Amended Amount Due:	155.00
Amount Paid:	155.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: APPEAL

Original Amount Due:	225.00
Amended Amount Due:	225.00
Amount Paid:	225.00
Amount Credit:	0.00
Balance:	0.00

NONMONETARY BOND DETAIL - TYPE: Appeals

Posted By: BRIAN SHAPIRO	
Posted:	300.00
Forfeited:	0.00
Exonerated:	0.00
Balance:	300.00

REVENUE DETAIL - TYPE: GARNISHMENT

Original Amount Due:	50.00
Amended Amount Due:	50.00
Amount Paid:	50.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 80.00
Amended Amount Due: 0.00
Amount Paid: 0.00
Amount Credit: 0.00
Balance: 0.00
Account Adjustments Sum To Date Amount Reason
2018-02-26 -80.00 Reversal of transaction which
created the account.

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 40.00
Amended Amount Due: 40.00
Amount Paid: 40.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 20.00
Amended Amount Due: 20.00
Amount Paid: 20.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 20.00
Amended Amount Due: 20.00
Amount Paid: 20.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 10.00
Amended Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 10.00
Amended Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 20.00
Amended Amount Due: 20.00
Amount Paid: 20.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: INTERVENTION 10K +
Original Amount Due: 155.00
Amended Amount Due: 155.00
Amount Paid: 155.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: INTERVENTION 10K +
Original Amount Due: 155.00
Amended Amount Due: 155.00
Amount Paid: 155.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: INTERVENTION 10K +
Original Amount Due: 155.00
Amended Amount Due: 155.00
Amount Paid: 155.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY
Original Amount Due: 10.00
Amended Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES
Original Amount Due: 2.50
Amended Amount Due: 2.50
Amount Paid: 2.50
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFICATION
Original Amount Due: 4.00
Amended Amount Due: 4.00
Amount Paid: 4.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: POSTAGE-COPIES
Original Amount Due: 0.55
Amended Amount Due: 0.55
Amount Paid: 0.55
Amount Credit: 0.00
Balance: 0.00

NONMONETARY BOND DETAIL - TYPE: Appeals
Posted By: AUDIE G LEVENTHAL
Posted: 300.00

Forfeited: 0.00
Exonerated: 0.00
Balance: 300.00

REVENUE DETAIL - TYPE: APPEAL

Original Amount Due: 225.00
Amended Amount Due: 225.00
Amount Paid: 225.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due: 6.00
Amended Amount Due: 6.00
Amount Paid: 6.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due: 16.00
Amended Amount Due: 16.00
Amount Paid: 16.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: APPEAL

Original Amount Due: 225.00
Amended Amount Due: 225.00
Amount Paid: 225.00
Amount Credit: 0.00
Balance: 0.00

NONMONETARY BOND DETAIL - TYPE: Civil, Misc.

Posted By: JEFF SKOUBYE
Posted: 300.00
Forfeited: 0.00
Exonerated: 0.00
Balance: 300.00

REVENUE DETAIL - TYPE: GARNISHMENT

Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION

Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION
Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION
Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION
Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION
Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES
Original Amount Due: 3.00
Amended Amount Due: 3.00
Amount Paid: 3.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFICATION
Original Amount Due: 8.00
Amended Amount Due: 8.00
Amount Paid: 8.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION
Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFICATION
Original Amount Due: 8.00

Amended Amount Due: 8.00
Amount Paid: 8.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due: 5.00
Amended Amount Due: 5.00
Amount Paid: 5.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: GARNISHMENT

Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: COPY FEE

Original Amount Due: 9.80
Amended Amount Due: 9.80
Amount Paid: 9.80
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: GARNISHMENT

Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION

Original Amount Due: 50.00
Amended Amount Due: 50.00
Amount Paid: 50.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: TELEPHONE/FAX/EMAIL

Original Amount Due: 5.00
Amended Amount Due: 5.00
Amount Paid: 5.00
Amount Credit: 0.00
Balance: 0.00

CASE NOTE

PROCEEDINGS

05-08-2015 Case filed
05-08-2015 Filed: Petition To Compel An Accounting
05-08-2015 Fee Account created Total Due: 360.00
05-08-2015 Fee Account created
05-08-2015 COMPLNT-NO AMT PROBA 360.00
05-08-2015 Note: discovery tier set to 2
05-08-2015 Judge TODD M SHAUGHNESSY assigned.
05-08-2015 Filed: Return of Electronic Notification
05-12-2015 Note: Changed case type from OT to TR
05-12-2015 Note: Hearing June 10th at 8:30am
05-13-2015 Filed: Request for Data Correction
05-13-2015 Filed: Return of Electronic Notification
05-22-2015 Judge PAIGE PETERSEN assigned.
05-28-2015 COMPEL ACCOUNTING scheduled on June 10, 2015 at 08:30 AM in
FOURTH FLOOR-N42 with Judge RANDALL SKANCHY
05-28-2015 NOTICE for Case 153900945 ID 16704504

Notice is hereby given that on May 08, 2015 AUDI G LEVENTHAL filed a Petition for Order compelling June Vandersteen to provide an accounting of the assets of the Audie G. Leventhal Irrevocable Trust and her administration thereof; Compelling June to redress all breaches of the Trust, if any, by paying damages, restoring property, or through other means deemed appropriate to the Court; Voiding any acts violating the Trust; Requiring June to personally pay the reasonable attorney fees and costs incurred by Petitioner, Audie G. Leventhal, in connection with this matter; and granting any other relief the Court deems appropriate.

A copy of the petition is on file with the clerk of the court and may be reviewed upon request.

The petition has been set for hearing in this court at the THIRD DISTRICT COURT, 450 SOUTH STATE STREET, SALT LAKE CITY, UTAH, COMPEL ACCOUNTING, is scheduled on June 10, 2015, at 08:30 o'clock a.m. in FOURTH FLOOR-N42 Before Judge: RANDALL SKANCHY.

Dated: May 28, 2015

Deputy Clerk

JEREMY C REUTZEL

3165 E MILLROCK DR STE 500

SALT LAKE CITY, UT 84121-5027

(Attorney)

CERTIFICATE OF POSTING

I certify that on May 29, 2015 I posted copies of the attached notice in three public places in SALT LAKE COUNTY, as follows:

Third District Court
450 South State
Salt Lake City UT 84111
Third District Court- W Jordan
8080 South Redwood Rd
West Jordan UT 84088

On the web at:

www.utcourts.gov/notices

And that the copies of the notice remained posted for ten consecutive days immediately preceding the time for the hearing referred to in the notice.

Dated: May 29, 2015

Deputy Clerk

- 05-28-2015 Filed: Signed Notice of Petition and Hearing
- 06-09-2015 Filed: Undelivered Notice of Petition and Hearing sent to Asher Leventhal in care of Jaqueline Leventhal returned as "Moved, Left No Address"
- 06-10-2015 Minute Entry - Minutes for COMPEL ACCOUNTING
Judge: RANDALL SKANCHY
Clerk: joannes

PRESENT

Petitioner's Attorney: MICHAEL B GILES
Attorney for the Trustee: BRADLEY M STRASSBERG
Audio
Tape Number: N42 Tape Count: 8:41

HEARING

Petition for an Order from the Court compelling June Vandersteen, Investment Trustee, to provide an accounting of the assets of the Audie G Leventhal Irrevocable Trust and her administration thereof; compelling June to redress all breaches of the Trust, if any, by paying damages, restoring property, or through other means deemed appropriate to the Court; voiding any acts violating the Trust; and, requiring June to personally pay the reasonable attorney fees and costs incurred by Petitioner, Audie G Leventhal, in connection with this matter, comes now before the Court for hearing.

Mr. Strassberg is present and enters his objection.

The Court having considered and there being an objection entered thereto, now refers this matter to mediation and, if unresolved, to the trial calendar of the assigned Judge (Petersen).

- 06-19-2015 Filed: Notice of Withdrawal of Counsel
- 06-19-2015 Filed: **EFile Error - Wrong Document Attached.**Notice of Withdrawal of Counsel
- 06-19-2015 Filed: Return of Electronic Notification
- 06-30-2015 Filed: Appearance of Counsel/Notice of Limited Appearance for June Vandersteen, Trustee
- 06-30-2015 Filed: Return of Electronic Notification
- 07-21-2015 Filed: Notice to Appear or Appoint Counsel to Petitioner
- 07-21-2015 Filed: Return of Electronic Notification
- 07-27-2015 Filed: Notice of Appearance of Counsel - Audie Leventhal for himself
- 08-25-2015 Filed: June Vandersteens Accounting as Benefits Trustee of the Audie G. Leventhal Irrevocable Trust
- 08-25-2015 Filed: Return of Electronic Notification
- 08-25-2015 Filed: Ex Parte Order (Proposed) Granting Ex Parte Motion to Withdraw Case from Mediation
- 08-25-2015 Filed: Motion to Withdraw from Mediation (Ex Parte)
Filed by: JUNE VANDERSTEEN
- 08-25-2015 Filed: Return of Electronic Notification
- 08-25-2015 Filed: Exhibits 1-16 to Petition for Removal of Trustee Audie G. Leventhal and Complaint
- 08-25-2015 Filed: Exhibits 17-22 to Petition for Removal of Trustee Audie G. Leventhal and Complaint
- 08-25-2015 Filed: Petition for Removal of Trustee Audie G. Leventhal and Complaint
- 08-25-2015 Filed: Exhibits 23-33 to Petition for Removal of Trustee Audie G. Leventhal and Complaint

08-25-2015 Filed: Return of Electronic Notification
08-25-2015 Filed: Return of Electronic Notification
08-25-2015 Filed: Exhibits 1-16 to Memorandum Supporting Motion for Preliminary Injunction
08-25-2015 Filed: Exhibits 17-22 to Memorandum Supporting Motion for Preliminary Injunction
08-25-2015 Filed: Memorandum Supporting Motion for Preliminary Injunction
08-25-2015 Filed: Motion for Preliminary Injunction

Filed by: JUNE VANDERSTEEN

08-25-2015 Filed: Exhibits 23-33 to Memorandum Supporting Motion for Preliminary Injunction
08-25-2015 Filed: Return of Electronic Notification
08-25-2015 Filed: Return of Electronic Notification
08-25-2015 Filed: Affidavit/Declaration of June Vandersteen
08-25-2015 Filed: Exhibits 1-16 to Declaration of June Vandersteen
08-25-2015 Filed: Exhibits 17-22 to Declaration of June Vandersteen
08-25-2015 Filed: Exhibits 23-33 to Declaration of June Vandersteen
08-25-2015 Filed: Order (Proposed) Granting Motion for Preliminary Injunction
08-25-2015 Filed: Return of Electronic Notification
08-25-2015 Filed: Return of Electronic Notification
08-26-2015 NOTICE for Case 153900945 ID 16895785

Judge: PAIGE PETERSEN

PRELIM INJUNCTION is scheduled.

Date: 09/02/2015

Time: 10:00 a.m.

Location: FOURTH FLOOR-S42

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: PAIGE PETERSEN

This is set for a 1 hour Preliminary Injunction. Mr. Ray Beck and Nathan Sponenburgh may appear by telephone if they would like to be there. If they would like to be there please call the clerk to give an phone number (801-238-7035).

08-26-2015 PRELIM INJUNCTION scheduled on September 02, 2015 at 10:00 AM in FOURTH FLOOR-S42 with Judge PAIGE PETERSEN
08-26-2015 Filed: Notice for Case 153900945 ID 16895785
08-28-2015 Filed: Appearance of Counsel/Notice of Limited Appearance Notice of Entry of Appearance
08-28-2015 Filed: Appearance of Counsel/Notice of Limited Appearance Notice of Entry of Appearance
08-28-2015 Filed: Return of Electronic Notification
08-28-2015 PRELIMINARY INJUNCTION scheduled on October 06, 2015 at 08:00 AM in FOURTH FLOOR-S42 with Judge PAIGE PETERSEN
08-28-2015 Minute Entry - Minutes for TELEPHONE CONFERENCE ON HEAR

Judge: PAIGE PETERSEN

Clerk: kaylaw

TELEPHONE CONFERENCE

PRESENT

Petitioner's Attorney: TIMOTHY K CLARK

Petitioner's Attorney: PETER W BILLINGS

Trustee: ADAM REVELLI

Audio

Tape Number: S42 Tape Count: 3:19-3:45

HEARING

New counsel present for Mr. Leventhal.

Mr. Revelli presents argument

Mr. Clark presents argument

Mr. Clark says some payments will be made by Wednesday
September 2nd.

Courts asks questions.

Court Cancels hearing set for September 2nd at 10:00 am.

The Court sets this for October 6th 2015 at 8:00 am for 2
hours. As that is the only time the court has.

If Mr. Revelli has an issue come up that needs Immediacy
then the court will hear it on Sept 18th at 2:00 pm in the
afternoon. The Court will hold that spot.

PRELIMINARY INJUNCTION is scheduled.

Date: 10/06/2015

Time: 08:00 a.m.

Location: FOURTH FLOOR-S42

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: PAIGE PETERSEN

08-28-2015 PRELIM INJUNCTION Cancelled
Reason: Court Ordered

08-31-2015 Filed: Certificate of Service of Notices of Entry of Appearance

08-31-2015 Filed: Return of Electronic Notification

09-10-2015 Filed: Declaration of Audie G. Leventhal

09-10-2015 Filed: Exhibits A - G to Opposition and Declaration

09-10-2015 Filed: Exhibits H - M to Opposition and Declaration

09-10-2015 Filed: Opposition to the Motion for Preliminary Injunction

09-10-2015 Filed: Return of Electronic Notification

09-16-2015 Filed return: Acceptance of Service of Audie Leventhal upon TIM
CLARK, ATTORNEY for
Party Served: AUDI G LEVENTHAL
Service Type: Personal
Service Date: September 16, 2015
Garnishee:

09-16-2015 Filed: Stipulation to Vacate Hearing

09-16-2015 Filed: Return of Electronic Notification

09-16-2015 Filed: Return of Electronic Notification

09-21-2015 Filed: Other - Declined to Sign Ex Parte Order Granting Ex
Parte Motion to Withdraw Case from Mediation

09-21-2015 Note: Declined to sign, based on the parties' Stipulation to
Vacate Hearing dated September 16, 2015.

09-21-2015 Filed: Other - Declined to Sign Order (Proposed) Granting
Motion for Preliminary Injunction

09-21-2015 Note: Declined to sign, based on the parties' Stipulation to
Vacate Hearing dated September 16, 2015.

09-21-2015 Filed: Return of Electronic Notification

09-21-2015 Filed: Return of Electronic Notification

09-22-2015 PRELIMINARY INJUNCTION Cancelled
Reason: Stipulation of counsel

10-02-2015 Filed: Answer Counter-Petition and Counterclaim
Answer Party: AUDIE G LEVENTHAL

10-02-2015 Note: Certificate of Readiness for Trial due 09/14/2016

10-02-2015 Filed: NOTICE OF EVENT DUE DATES

10-02-2015 Filed: Return of Electronic Notification

10-05-2015 Filed: Certificate of Service

10-05-2015 Filed: Return of Electronic Notification

10-06-2015 Filed: Notice of Subpoena

10-06-2015 Filed: Return of Electronic Notification

10-06-2015 Filed: Certificate of Service for Leventhals first Set of Interrogatories and Requests for Production

10-06-2015 Filed: Return of Electronic Notification

10-08-2015 Filed return: Return of Service upon ANDERSON INVESTIGATIONS for
Party Served: AUDI G LEVENTHAL
Service Type: Personal
Service Date: October 06, 2015
Garnishee:

10-08-2015 Filed: Return of Electronic Notification

10-23-2015 Filed: Reply to Counterclaim

10-23-2015 Filed: Return of Electronic Notification

10-26-2015 Filed: Certificate of Service for Petitioner June Vandersteens Rule 26 Disclosures

10-26-2015 Filed: Return of Electronic Notification

11-11-2015 Filed: Certificate of Service for Petitioner June Vandersteens Discovery Requests

11-11-2015 Filed: Return of Electronic Notification

11-13-2015 Filed: Certificate of Service for Leventhals Rule 26 Initial Disclosures

11-13-2015 Filed: Return of Electronic Notification

11-17-2015 Filed: COS of June Vandersteens First Supplemental Initial Disclosures

11-17-2015 Filed: June Vandersteens Updated Accounting

11-17-2015 Filed: Return of Electronic Notification

11-17-2015 Filed: Return of Electronic Notification

11-20-2015 Filed: Notice of Withdrawal as Counsel for Leventhal

11-20-2015 Filed: Return of Electronic Notification

11-20-2015 Filed: Notice to Appear or Appoint Counsel to Petitioner

11-20-2015 Filed: Notice of Withdrawal of Motion for Preliminary Injunction

11-20-2015 Filed: Return of Electronic Notification

11-20-2015 Filed: Return of Electronic Notification

11-20-2015 Filed: Notice of Withdrawal as Counsel for Leventhal

11-20-2015 Filed: Return of Electronic Notification

11-20-2015 Filed: Notice to Appear or Appoint Counsel to Petitioner

11-20-2015 Filed: Return of Electronic Notification

11-20-2015 Filed: Certificate of Service for Notice of Withdrawal as Counsel for Leventhal

11-20-2015 Filed: Return of Electronic Notification

12-01-2015 Filed: Notice of Appearance

12-01-2015 Filed: Return of Electronic Notification

12-04-2015 Filed: Letter from Petitioner

12-04-2015 Filed: Notice of Appearance of Counsel (Petitioner for himself)

12-04-2015 Filed: Audie G. Leventhal's Opposition to Petitioner June

Vandersteen's First Set of Requests for Admission
12-04-2015 Filed: Audie G. Leventhal's Opposition to Petitioner June Vandersteen's First Set of Interrogatories and Requests for Production
12-04-2015 Filed: Audie G. Leventhal's Opposition to Petitioner June Vandersteen's First Set of Requests for Inspection
12-04-2015 Filed: Audie G. Leventhal's Opposition to Petitioner June Vandersteen's Second Set of Requests for Inspection
12-07-2015 Filed: Notice of Deposition of Audie Leventhal
12-07-2015 Filed: Return of Electronic Notification
12-29-2015 Filed: Certificate of Service of June Vandersteens Discovery Responses
12-29-2015 Filed: Return of Electronic Notification
01-15-2016 Filed: Notice of Deposition of Audie Leventhal
01-15-2016 Filed: Notice of Issuance of Subpoenas
01-15-2016 Filed: Return of Electronic Notification
01-26-2016 Filed: Notice of Attorneys Lien
01-26-2016 Filed: Return of Electronic Notification
02-19-2016 Filed: Affidavit of Service (Jacqueline Leventhal)
02-19-2016 Filed: Affidavit of Service Jodi Vecchio
02-19-2016 Filed: Return of Electronic Notification
03-09-2016 Filed: Notice of Issuance of Subpoenas
03-09-2016 Filed: Return of Electronic Notification
03-15-2016 Filed: Notice of Deposition of Subpoena - June Vandersteen for March 28, 2016, 1 pm
04-29-2016 Filed: Ex A to Motion for Leave to File Amended Petition for Removal of Trustee Audie G. Leventhal and Complaint
04-29-2016 Filed: Ex B to Motion for Leave to File Amended Petition for Removal of Trustee Audie G. Leventhal and Complaint
04-29-2016 Filed: Ex C-1 to Motion for Leave to File Amended Petition for Removal of Trustee Audie G. Leventhal and Complaint
04-29-2016 Filed: Ex C-2 to Motion for Leave to File Amended Petition for Removal of Trustee Audie G. Leventhal and Complaint
04-29-2016 Filed: Motion for Leave to File Amended Petition for Removal of Trustee Audie G. Leventhal and Complaint
Filed by: JUNE VANDERSTEEN
04-29-2016 Filed: Return of Electronic Notification
05-11-2016 Filed: Appearance of Counsel/Notice of Limited Appearance for Audie G. Leventhal
05-11-2016 Filed: Return of Electronic Notification
05-11-2016 Filed: Motion Stipulated to Extend Case Deadlines
Filed by: AUDIE G LEVENTHAL
05-11-2016 Filed: Order (Proposed) Granting Stipulated Motion to Extend Case Deadlines
05-11-2016 Filed: Request/Notice to Submit for Decision (Stipulated Motion to Extend Case Deadlines)
05-11-2016 Filed: Return of Electronic Notification
05-14-2016 Filed order: Order Granting Stipulated Motion to Extend Case Deadlines
Judge PAIGE PETERSEN
Signed May 14, 2016
05-14-2016 Filed: Return of Electronic Notification
05-16-2016 Filed: Notice of Withdrawal of Christopher J. Cheney as Counsel
05-16-2016 Filed: Return of Electronic Notification
05-16-2016 Filed: Order (Proposed) Granting Rule 37 Statement of Discovery Issues

05-16-2016 Filed: Rule 37 Statement of Discovery Issues
05-16-2016 Filed: Return of Electronic Notification
05-17-2016 Filed: Request/Notice to Submit Motion for Leave to Amend
Petition to Remove Audie Leventhal and Complaint
05-17-2016 Filed: Return of Electronic Notification
05-20-2016 Note: Request to Submit given to Judge Petersen in regards to
Motion for Leave to File Amended Petition.
05-20-2016 Filed: Other - Not Signed Order (Proposed) Granting Rule 37
Statement of Discovery Issues
05-20-2016 Note: Please file a Notice to Submit when the time has lapsed
for the other side to respond. You will need to resubmit the
Order. Thank you.
05-20-2016 Filed: Return of Electronic Notification
05-23-2016 Filed: Motion Joint Motion for Order
Filed by: JUNE VANDERSTEEN
05-23-2016 Filed: Order (Proposed) Stipulated Order
05-23-2016 Filed: Return of Electronic Notification
05-23-2016 Filed order: Order Stipulated Order
Judge PAIGE PETERSEN
Signed May 23, 2016
05-23-2016 Filed: Return of Electronic Notification
05-27-2016 Filed: Order (Proposed) ORDER GRANTING MOTION FOR LEAVE TO FILE
AMENDED PETITION TO REMOVE TRUSTEE AUDIE G. LEVENTHAL AND
COMPLAINT
05-27-2016 Filed: Return of Electronic Notification
06-08-2016 Filed order: ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED
PETITION TO REMOVE TRUSTEE AUDIE G. LEVENTHAL AND COMPLAINT
Judge PAIGE PETERSEN
Signed June 08, 2016
06-08-2016 Filed: Return of Electronic Notification
06-08-2016 Filed: Amended Petition for Removal of Trustee Audie G.
Leventhal and Complaint
06-08-2016 Filed: Ex 1 to Amended Petition for Removal of Trustee Audie G.
Leventhal and Complaint
06-08-2016 Filed: Exs 17-20 to Amended Petition for Removal of Trustee
Audie G. Leventhal and Complaint
06-08-2016 Filed: Exs 2-16 to Amended Petition for Removal of Trustee
Audie G. Leventhal and Complaint
06-08-2016 Filed: Exs 21-25 to Amended Petition for Removal of Trustee
Audie G. Leventhal and Complaint
06-08-2016 Filed: Return of Electronic Notification
06-13-2016 Filed: Motion /Petition to Instruct Trustees and Declare Terms
of Trust
Filed by: AUDIE G LEVENTHAL
06-13-2016 Filed: Return of Electronic Notification
06-21-2016 Filed: Certificate of Service (Audie G. Leventhals First
Supplemental Responses to Vandersteens First Set of
Interrogatories and Requests for Production)
06-21-2016 Filed: Return of Electronic Notification
06-22-2016 Filed: Answer to Plaintiffs Amended Petition for Removal of
Trustee Audie G. Leventhal and Complaint
Answer Party: BRIAN SHAPIRO
06-22-2016 Filed: Return of Electronic Notification
07-06-2016 Filed: Certificate of Service for Petitioner June Vandersteens
Third Set of Requests for Inspection
07-06-2016 Filed: Return of Electronic Notification
07-07-2016 Filed: Certificate of Service for Petitioner June Vandersteens

Third Supplemental Rule 26 Initial Disclosures

- 07-07-2016 Filed: Return of Electronic Notification
- 07-12-2016 Filed: Certificate of Service for Petitioner June Vandersteens Fourth Supplemental Rule 26 Initial Disclosures
- 07-12-2016 Filed: Return of Electronic Notification
- 07-27-2016 Filed: Motion Stipulated to Extend Case Deadlines
Filed by: AUDIE G LEVENTHAL
- 07-27-2016 Filed: Order (Proposed) Granting Stipulated Motion to Extend Case Deadlines
- 07-27-2016 Filed: Request/Notice to Submit for Decision (Stipulated Motion to Extend Case Deadlines)
- 07-27-2016 Filed: Return of Electronic Notification
- 07-29-2016 Filed order: Order Granting Stipulated Motion to Extend Case Deadlines
Judge PAIGE PETERSEN
Signed July 29, 2016
- 07-29-2016 Filed: Return of Electronic Notification
- 07-29-2016 Filed: Certificate of Service (Audie Leventhals Second Set of Discovery Requests to June Vandersteen)
- 07-29-2016 Filed: Return of Electronic Notification
- 07-29-2016 Filed: Motion to Release All Notices of Lis Pendens Filed by June Vandersteen against Trust Properties
Filed by: AUDIE G LEVENTHAL
- 07-29-2016 Filed: Return of Electronic Notification
- 08-03-2016 Filed: Certificate of Service (Leventhals Responses to Vandersteens Third Set of Requests for Inspection)
- 08-03-2016 Filed: Return of Electronic Notification
- 08-09-2016 Filed: Notice of Issuance of Subpoena
- 08-09-2016 Filed: Return of Electronic Notification
- 08-17-2016 Filed: Ex A to Petitioner/Plaintiff June Vandersteens Memorandum Opposing Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Ex B to Petitioner/Plaintiff June Vandersteens Memorandum Opposing Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Ex C to Petitioner/Plaintiff June Vandersteens Memorandum Opposing Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Ex D to Petitioner/Plaintiff June Vandersteens Memorandum Opposing Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Ex E to Petitioner/Plaintiff June Vandersteens Memorandum Opposing Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Ex F to Petitioner/Plaintiff June Vandersteens Memorandum Opposing Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Opposition to Motion to Release All Notices of Lis Pendens Filed by June Vandersteen Against Trust Properties
- 08-17-2016 Filed: Return of Electronic Notification
- 08-18-2016 Filed: Motion for Leave to Amend Counter-Petition and Amended Counterclaim
Filed by: AUDIE G LEVENTHAL
- 08-18-2016 Filed: Return of Electronic Notification
- 08-23-2016 Filed: Reply Memorandum in Support of Motion to Release All Notices of Lis Pendens filed by June Vandersteen against Trust Properties
- 08-23-2016 Filed: Return of Electronic Notification

08-26-2016 Filed: Request/Notice to Submit for Decision (Motion to Release all Notices of Lis Pendens filed by June Vandersteen against Trust Properties)

08-26-2016 Filed: Return of Electronic Notification

08-26-2016 Filed: Certificate of Service

08-26-2016 Filed: Return of Electronic Notification

08-31-2016 Filed: Certificate of Service (Supplemental Initial Disclosures)

08-31-2016 Filed: Return of Electronic Notification

08-31-2016 Filed: Certificate of Service for Petitioner June Vandersteens Fifth Supplemental Initial Disclosures

08-31-2016 Filed: Certificate of Service of Petitioner June Vandersteens Responses to Audie Leventhals Second Set of Discovery Requests

08-31-2016 Filed: Return of Electronic Notification

09-08-2016 Filed: Order (Proposed) (Motion for Leave to File Amended Counter-Petition and Amended Counterclaim)

09-08-2016 Filed: Request/Notice to Submit (Motion for Leave to File Amended Counter-Petition and Amended Counterclaim)

09-08-2016 Filed: Return of Electronic Notification

09-12-2016 MOTION TO RELEASE scheduled on October 28, 2016 at 10:00 AM in FOURTH FLOOR-N44 with Judge PAIGE PETERSEN

09-12-2016 NOTICE for Case 153900945 ID 17708232
Judge: PAIGE PETERSEN
MOTION TO RELEASE is scheduled.
Date: 10/28/2016
Time: 10:00 a.m.
Location: FOURTH FLOOR-N44
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: PAIGE PETERSEN

09-12-2016 Filed: Notice for Case 153900945 ID 17708232

09-13-2016 Filed: Notice of Attorneys Lien

09-13-2016 Filed: Return of Electronic Notification

09-15-2016 Filed order: Order (Motion for Leave to File Amended Counter-Petition and Amended Counterclaim)
Judge PAIGE PETERSEN
Signed September 15, 2016

09-15-2016 Filed: Return of Electronic Notification

09-16-2016 Filed: Amended Petition and Amended Counterclaim

09-16-2016 Filed: Return of Electronic Notification

09-16-2016 Note: Counter claim for Audie Leventhal as originally submitted 10/02/15 and amended 09/16/16.

09-16-2016 Fee Account created Total Due: 155.00

09-16-2016 Fee Account created

09-16-2016 Note: OLSEN SKOUBYE AND NIELSON LLC (Shantell) has been notified of the unpaid \$155 Counter claim. She will pay online.

09-16-2016 COUNTER 10K-MORE 155.00

09-29-2016 Filed: Affidavit/Declaration of Audie G. Leventhal

09-29-2016 Filed: Exhibits A - C to Motion to Declare Authority

09-29-2016 Filed: Exhibits D - F to Motion to Declare Authority

09-29-2016 Filed: Exhibits G - K to Motion to Declare Authority

09-29-2016 Filed: Motion for Leave to File Over-length Motion and Memorandum
Filed by: AUDIE G LEVENTHAL

09-29-2016 Filed: Motion for Order Declaring Authority of Investment Trustee to Sell Real Property and to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, and for Order Compelling Delivery of Trust Properties
Filed by: AUDIE G LEVENTHAL

09-29-2016 Filed: Order (Proposed) Granting Leave to File Over-length Motion and Memorandum

09-29-2016 Filed: Request/Notice to Submit for Decision (Audie G. Leventhals Motion for Leave to File Over-length Motion and Memorandum

09-29-2016 Filed: Return of Electronic Notification

09-30-2016 Note: Proposed Order given to Judge Petersen. SR

09-30-2016 Filed: Motion to Dismiss
Filed by: JUNE VANDERSTEEN

09-30-2016 Filed: Return of Electronic Notification

10-03-2016 Filed order: Order Granting Leave to File Over-length Motion and Memorandum
Judge PAIGE PETERSEN
Signed October 03, 2016

10-03-2016 Filed: Return of Electronic Notification

10-05-2016 Filed: Certificate of Service (Expert Witness Disclosure)

10-05-2016 Filed: Return of Electronic Notification

10-05-2016 Filed: Certificate of Service (Petitioners/Plaintiffs Designation of Expert Witness)

10-05-2016 Filed: Return of Electronic Notification

10-12-2016 Filed: Certificate of Service (Leventhals Notice of Election to Depose Vandersteens Retained Expert)

10-12-2016 Filed: Return of Electronic Notification

10-12-2016 Filed: Certificate of Service

10-12-2016 Filed: Return of Electronic Notification

10-13-2016 Filed: Ex Parte Order (Proposed) Granting Leave to File Overlength Opposition Memorandum

10-13-2016 Filed: Motion Petitioner/Plaintiff June Vandersteens Ex Parte Motion for Leave to File Overlength Opposition Memorandum
Filed by: JUNE VANDERSTEEN

10-13-2016 Filed: Request/Notice to Submit Ex Parte Motion for Leave to File Overlength Opposition Memorandum

10-13-2016 Filed: Return of Electronic Notification

10-13-2016 Filed: Affidavit/Declaration of June Vandersteen

10-13-2016 Filed: Ex. A to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. B to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. C to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. D to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. E to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. F to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. G to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. H to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. I to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. J to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. K to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. L to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. M to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. N to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. O to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. P to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Ex. Q to Mot. for Order Decl. Authority of Invest. Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Prop

10-13-2016 Filed: Opposition to Mot. for Order Decl. Authority of Investment Trustee to Sell Real Property to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, Order Compelling Delivery of Trust Properties

10-13-2016 Filed: Return of Electronic Notification

10-14-2016 Note: Order given to Judge Petersen. SR

10-14-2016 Filed: Memorandum in Opposition to Vandersteens Motion to Dismiss

10-14-2016 Filed: Return of Electronic Notification

10-17-2016 Filed order: Ex Parte Order Granting Leave to File Overlength Opposition Memorandum
Judge PAIGE PETERSEN
Signed October 17, 2016

10-20-2016 Filed: Affidavit/Declaration (Second) of Audie G. Leventhal

10-20-2016 Filed: Memorandum - Overlength (Proposed) Reply Memorandum in Support of Motion for Order Declaring Authority of Investment

Trustee to Sell Real Property and to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, and for Order Compelling Del

- 10-20-2016 Filed: Motion for Leave to File Over-length Reply Memorandum
Filed by: AUDIE G LEVENTHAL
- 10-20-2016 Filed: Order (Proposed) Granting Leave to File Over-length Reply Memorandum
- 10-20-2016 Filed: Request/Notice to Submit for Decision (Audie G. Leventhals Motion for Leave to File Over-length Reply Memorandum)
- 10-20-2016 Filed: Request/Notice to Submit for Decision (Motion for Order Declaring Authority of Investment Trustee to Sell Real Property and to Receive Net Proceeds, for Order Removing or Suspending Benefits Trustee, and for Order Compelling Delivery of Trust Properties)
- 10-20-2016 Filed: Return of Electronic Notification
- 10-20-2016 Filed: Reply Memorandum Supporting Motion to Dismiss Amended Counter Petition and Amended Counterclaim
- 10-20-2016 Filed: Return of Electronic Notification
- 10-21-2016 Filed: Request/Notice to Submit Motion to Dismiss Audie Leventhals Amended Counter-Petition and Amended Counterclaim
- 10-21-2016 Filed: Return of Electronic Notification
- 10-21-2016 NOTICE for Case 153900945 ID 17798536
Judge: PAIGE PETERSEN
MOTIONS HEARING.
Date: 10/28/2016
Time: 10:00 a.m.
Location: FOURTH FLOOR-N44
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: PAIGE PETERSEN
The reason for the change is Court Ordered
- 10-21-2016 PRELIMINARY INJUNCTION Modified
Reason: Court Ordered
- 10-21-2016 Filed: Notice for Case 153900945 ID 17798536
- 10-21-2016 MOTIONS HEARING scheduled on October 28, 2016 at 10:00 AM in FOURTH FLOOR-N44 with Judge PAIGE PETERSEN
- 10-21-2016 Filed: Exhibits A-E to Opposition to Motion for Order Declaring Authority of Investment Trustee to Sell Real Properties and other orders
- 10-21-2016 Filed: Exhibits F-L to Opposition to Motion for Order Declaring Authority of Investment Trustee to Sell Real Properties and other orders
- 10-21-2016 Filed: Exhibits M-Q to Opposition to Motion for Order Declaring Authority of Investment Trustee to Sell Real Properties and other orders
- 10-21-2016 Filed: Return of Electronic Notification
- 10-21-2016 Filed: Appearance of Counsel/Notice of Limited Appearance For Audie G. Leventhal
- 10-21-2016 Note: Requests to Submit on Motion to Dismiss and Motion for Order Declaring Authority given to Judge Petersen. SR
- 10-21-2016 Filed: Return of Electronic Notification
- 10-21-2016 Filed order: Order Granting Leave to File Over-length Reply Memorandum
Judge PAIGE PETERSEN
Signed October 21, 2016
- 10-21-2016 Filed: Return of Electronic Notification

10-27-2016 Filed: Objection to Evidence in Reply Memorandum Supporting Motion for Order Declaring Authority of Investment Trustee to Sell Real Property and to Receive the Net Proceeds For Order Removing or Suspending Benefits...

10-27-2016 Filed: Return of Electronic Notification

10-28-2016 Minute Entry - MOTIONS HEARING

Judge: PAIGE PETERSEN

Clerk: tonib

PRESENT

Petitioner's Attorney: NATHAN D ANDERSON

Petitioner's Attorney: DANIEL V GOODSSELL

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: STEVEN A REVELLI

Audio

Tape Number: N44 Tape Count: 10:19-12:43

HEARING

10:19

The above entitled case comes before the Court for a Motions Hearing.

Counsel present as listed.

Mr. Revelli addresses the Court in regards to status of the case.

Mr. Goodsell with response.

The Court has conversation with counsel in regards to how to proceed with today's different motions.

The Court proceeds with hearing the Motion to Release Lis Pendens.

10:32 Mr. Goodsell with arguments in favor of his Motion to Release Lis Pendens.

10:40 Mr. Grimmer with response to arguments.

10:52 Mr. Goodsell with final arguments.

11:04 Mr. Grimmer with final response.

11:24 Mr. Revelli presents arguments in regards to his Motion to Dismiss

11:58 Mr. Goodsell with response to arguments and arguments in regards to the 3rd and final Motion.

12:22 Mr. Grimmer with response to the 3rd and final Motion.

The Court DENIES the Motion to Release Lis Pendens.

The Court GRANTS the Motion to Dismiss in regards to Quiet Title Claim. In terms of Declaratory Judgment motion is DENIED.

Motion for Order Declaring Authority is DENIED.

Mr. Grimmer to prepare Proposed Order from today's hearing.

Court in recess.

12:43

11-03-2016 Filed: Certificate of Service of Vandersteens Supplemental Responses to Leventhals Second Set of Discovery Requests

11-03-2016 Filed: Order (Proposed) on Pending Motions
11-03-2016 Filed: Notice of Withdrawal of Leventhals Motion/Petition to Instruct Trustees and Declare Terms of Trust
11-03-2016 Filed: Return of Electronic Notification
11-03-2016 Filed: Return of Electronic Notification
11-03-2016 Filed: Return of Electronic Notification
11-07-2016 Filed order: Order on Pending Motions
Judge PAIGE PETERSEN
Signed November 07, 2016
11-07-2016 Filed: Return of Electronic Notification
11-10-2016 Filed: Reply PETITIONER/PLAINTIFF JUNE VANDERSTEENS REPLY TO AUDIE LEVENTHALS AMENDED COUNTER-PETITION AND AMENDED COUNTERCLAIM
11-10-2016 Filed: Return of Electronic Notification
01-04-2017 Filed: Notice of Deposition of Expert Witness Jeff Neese
01-04-2017 Filed: Return of Electronic Notification
01-10-2017 Filed: Notice of Deposition of Expert Witness Charles M. Bennett
01-10-2017 Filed: Return of Electronic Notification
01-10-2017 Filed: Notice of Withdrawal of Expert Witness Jeff Neese
01-10-2017 Filed: Return of Electronic Notification
01-11-2017 Filed: Notice of Intent to Issue Subpoena to Charles M. Bennett to Appear at Deposition
01-11-2017 Filed: Return of Electronic Notification
01-16-2017 Filed: Notice of Cancellation of Deposition of Jeff Neese
01-16-2017 Filed: Return of Electronic Notification
01-17-2017 Filed: Motion for Leave to File Second Amendment Counterpetition
Filed by: BRIAN SHAPIRO
01-17-2017 Filed: Return of Electronic Notification
01-24-2017 Filed: Certificate of Service Leventhals Designation of Rebuttal Expert Witness
01-24-2017 Filed: Return of Electronic Notification
02-03-2017 Filed: Opposition to Motion for Leave to file Second Amended Counter-Petition
02-03-2017 Filed: Exhibits to Opposition to Motion for Leave to File Second Amended Counter-Petition
02-03-2017 Filed: Return of Electronic Notification
02-10-2017 Filed: Reply Memorandum Supporting Motion for Leave to File Second Amended Counter-Petition
02-10-2017 Filed: Return of Electronic Notification
02-14-2017 Filed: Request/Notice to Submit
02-14-2017 Filed: Return of Electronic Notification
02-15-2017 Note: RTS given to Judge Petersen for review. -TB
02-17-2017 MT FOR LEAVE TO FILE 2ND AMEND scheduled on April 14, 2017 at 10:30 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
02-17-2017 NOTICE for Case 153900945 ID 18057339
Judge: PAIGE PETERSEN
MT FOR LEAVE TO FILE 2ND AMEND is scheduled.
Date: 04/14/2017
Time: 10:30 a.m.
Location: FOURTH FLOOR-N42
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860

Before Judge: PAIGE PETERSEN

02-17-2017 Filed: Notice for Case 153900945 ID 18057339
02-27-2017 Filed: Exhibits A-F to Objection to Rebuttal Expert Designation
02-27-2017 Filed: Objection to Rebuttal Expert Designation
02-27-2017 Filed: Return of Electronic Notification
03-06-2017 Filed: Certificate of Service Leventhals Rebuttal Expert
Opinion Report
03-06-2017 Filed: Return of Electronic Notification
03-13-2017 Filed: Exhibits 1-4 to Motion to Exclude Non-Rebutall Opinions
and For Attorneys Fees
03-13-2017 Filed: Memorandum in Opposition to Motion to Exclude Non-
Rebuttal Opinions and For Attorneys Fees
03-13-2017 Filed: Return of Electronic Notification
03-17-2017 Filed: Amended Certificate of Mailing
03-17-2017 Filed: Return of Electronic Notification
03-27-2017 Filed: Reply Plaintiff June Vandersteens Reply Memorandum
Supporting (1) Objection to Audie G. Leventhals Rule
26(a)(4)(C)(iii) Rebuttal Expert Witness Designation and (2)
Motion to Exclude Non-Rebuttal Opinions
03-27-2017 Filed: Return of Electronic Notification
03-29-2017 Filed: Certificate of Service
03-29-2017 Filed: Return of Electronic Notification
03-29-2017 Filed: Request/Notice to Submit Objection to Audie G.
Leventhals Rule 26(A)(4)(C)(Iii) Rebuttal Expert Witness
Designation and Motion To Exclude Non-Rebuttal Opinions and for
Attorneys Fee
03-29-2017 Filed: Return of Electronic Notification
03-31-2017 Note: Request to Submit given to Judge Petersen for review. -TB
04-03-2017 OBJECTION TO RULE 26 scheduled on June 15, 2017 at 02:00 PM in
THIRD FLOOR - W35 with Judge PAIGE PETERSEN
04-03-2017 NOTICE for Case 153900945 ID 18157254
Judge: PAIGE PETERSEN
OBJECTION TO RULE 26 is scheduled.
Date: 06/15/2017
Time: 02:00 p.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: PAIGE PETERSEN
04-03-2017 Filed: Notice for Case 153900945 ID 18157254
04-10-2017 Filed: Motion for Leave to File Third Amended Counter-Petition
and Counterclaim
Filed by: AUDIE G LEVENTHAL
04-10-2017 Filed: Exhibit 4 to Motion for Leave to File Third Amended
Counter-Petition and Counterclaim
04-10-2017 Filed: Exhibit 5 to Motion for Leave to File Third Amended
Counter-Petition and Counterclaim
04-10-2017 Filed: Exhibits 1-3 to Motion for Leave to File Third Amended
Counter-Petition and Counterclaim
04-10-2017 Filed: Exhibit 1 to Petition for Order Releasing Lis Pendens
and Authorizing Sale of Trust Properties, Repayment of Loans
and Reinvestment of Remaining Trust Funds
04-10-2017 Filed: Exhibits 2-5 to Petition for Order Releasing Lis Pendens
and Authorizing Sale of Trust Properties, Repayment of Loans
and Reinvestment of Remaining Trust Funds
04-10-2017 Filed: Petition for Order Releasing Lis Pendens and Authorizing

Sale of Trust Properties, Repayment of Loans and Reinvestment of Remaining Trust Funds

04-10-2017 Filed: Exhibits 6-12 to Petition for Order Releasing Lis Pendens and Authorizing Sale of Trust Properties, Repayment of Loans and Reinvestment of Remaining Trust Funds

04-10-2017 Filed: Return of Electronic Notification

04-11-2017 Filed: Request for Expedited Hearing

04-11-2017 Filed: Return of Electronic Notification

04-12-2017 Filed: Objection to Request for Expedited Hearing

04-12-2017 Note: Request for hearing and objection given to Judge Petersen. SR

04-12-2017 Filed: Return of Electronic Notification

04-13-2017 Filed: Motion for Leave to File Overlength Motion and Memorandum

Filed by: BRIAN SHAPIRO

04-13-2017 Filed: Order (Proposed) Granting Leave to File Overlength Motion and Memorandum

04-13-2017 Filed: Request/Notice to Submit to Submit for Decision

04-13-2017 Filed: Return of Electronic Notification

04-13-2017 Filed: Return of Electronic Notification

04-13-2017 Filed: Return of Electronic Notification

04-13-2017 Filed order: Order Granting Leave to File Overlength Motion and Memorandum

Judge PAIGE PETERSEN

Signed April 13, 2017

04-13-2017 Filed: Memorandum - Overlength (Proposed) - Motion for Partial Summary Judgment and Memorandum in Support Thereof

04-13-2017 Filed: Memorandum - Overlength (Proposed) - Exhibit 1 to Motion for Partial Summary Judgment and Memorandum in Support Thereof

04-13-2017 Filed: Memorandum - Overlength (Proposed) - Exhibits 2-19 to Motion for Partial Summary Judgment and Memorandum in Support Thereof

04-13-2017 Filed: Return of Electronic Notification

04-13-2017 Filed: Return of Electronic Notification

04-14-2017 MOTION TO REMOVE LIS PENDENS scheduled on May 04, 2017 at 03:30 PM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN

04-14-2017 Minute Entry - MOTION FOR LEAVE

Judge: PAIGE PETERSEN

Clerk: samanthr

PRESENT

Petitioner's Attorney: DANIEL V GOODSSELL

Petitioner(s): AUDI G LEVENTHAL

Attorney for the Trustee: STEVEN A REVELLI

Audio

Tape Number: W35 Tape Count: 10:38-12:29

HEARING

10:38 The above entitled matter comes before the Court for a hearing regarding the Motion for Leave to File 2nd Amended Counterpetition.

10:39 Mr. Goodsell addresses the Court regarding the status of the case and the appointment of a special master.

10:45 Mr. Revelli responds.

10:47 Mr. Goodsell responds.

10:48 Mr. Revelli responds.

The Court has discussion with counsel regarding a trial date.

10:58 The Court addresses counsel.

11:01 Mr. Goodsell addresses the Court regarding the Motion of Leave to File 2nd Amended Counterpetition.

11:22 Mr. Revelli responds.

11:45 Mr. Goodsell responds.

12:02 Mr. Revelli with final remarks.

12:04 Mr. Goodsell with final remarks.

12:07 The Court takes brief moment to prepare ruling.

12:17 The Court reads ruling on the record including but not limited to; in regards to the 16th claim the Court dismisses without prejudice. In regards to the 17th claim, the Court dismisses with prejudice. The Court grants motion for leave in regards to the 18th claim.

Mr. Goodsell questions the Court on ruling.

The Court schedules hearing for Petition to Remove Lis Pendens.

Mr. Revelli to prepare proposed Order from today's hearing.

Court in recess

12:29

MOTION TO REMOVE LIS PENDENS is scheduled.

Date: 05/04/2017

Time: 03:30 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: PAIGE PETERSEN

04-21-2017 Filed: Order (Proposed) Motion for Leave to File Second Amended Counter Petition

04-21-2017 Filed: Return of Electronic Notification

04-21-2017 Note: Order given to Judge Petersen. SR

04-21-2017 Filed order: Order Motion for Leave to File Second Amended Counter Petition

Judge PAIGE PETERSEN

Signed April 21, 2017

04-21-2017 Filed: Return of Electronic Notification

04-24-2017 Filed: Opposition to Motion (Petition) for Order Releasing Lis Pendens and Authorizing Sale of Trust Properties, Repayment of

Loans and Reinvestment of Remaining Trust Funds

- 04-24-2017 Filed: Affidavit/Declaration Declaration of Adam Revelli
- 04-24-2017 Filed: Opposition to Motion for Leave to File Third Amended Counter Petition
- 04-24-2017 Filed: Return of Electronic Notification
- 04-24-2017 Filed: Return of Electronic Notification
- 04-26-2017 Filed: Notice of Withdrawal Notice of Partial Withdrawal of Motion for Partial Summary Judgment
- 04-26-2017 Filed: Return of Electronic Notification
- 05-02-2017 Filed: Motion For Leave to File Overlength Opposition Memorandum
Filed by: JUNE VANDERSTEEN
- 05-02-2017 Filed: Ex Parte Order (Proposed) Granting Motion for Leave to File Overlength Opposition Memorandum
- 05-02-2017 Filed: Return of Electronic Notification
- 05-02-2017 Filed: Exhibits to Memorandum in Support of Petition for Order Releasing Lis Pendens and Authorizing Sale of Trust Properties, Repayment of Loans and Reinvestment of Remaining Trust Funds
- 05-02-2017 Filed: Reply Memorandum in Support of Petition for Order Releasing Lis Pendens and Authorizing Sale of Trust Properties, Repayment of Loans and Reinvestment of Remaining Trust Funds
- 05-02-2017 Filed: Return of Electronic Notification
- 05-02-2017 Filed: Reply Memorandum in Support of Motion for Leave to File Third Amended Counter-Petition
- 05-02-2017 Filed: Return of Electronic Notification
- 05-02-2017 Filed: Affidavit/Declaration Declaration of Adam Revelli
- 05-02-2017 Filed: Affidavit/Declaration Declaration of June Vandersteen
- 05-02-2017 Filed: Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibit A to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibit G-H to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibit I to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibits B-F to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibits J-L to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibit M to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibit N to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibit O to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Exhibits P-S to Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Return of Electronic Notification
- 05-03-2017 Filed: Return of Electronic Notification
- 05-03-2017 Filed: Return of Electronic Notification
- 05-03-2017 Filed: Notice of Correction of Memorandum Opposing Motion for Partial Summary Judgment
- 05-03-2017 Filed: Opposition to Motion for Partial Summary Judgment
- 05-03-2017 Filed: Return of Electronic Notification
- 05-03-2017 Filed order: Ex Parte Order Granting Motion for Leave to File Overlength Opposition Memorandum
Judge PAIGE PETERSEN
Signed May 03, 2017
- 05-04-2017 Minute Entry - MOTION TO REMOVE LIS PENDENS

Judge: PAIGE PETERSEN

Clerk: samanthr

PRESENT

Petitioner's Attorney: DANIEL V GOODSSELL

Petitioner's Attorney: STEVEN A REVELLI

Petitioner(s): AUDI G LEVENTHAL

Audio

Tape Number: W35 Tape Count: 3:55-5:06

HEARING

3:55 The above entitled matter comes before the Court for a hearing on the Motion to Remove Lis Pendens.

Counsel is present as listed.

3:56 Mr. Goodsell addresses the Court regarding the current counter proposal from Mr. Levinthal.

4:01 Mr. Levinthal addresses the Court.

4:04 Mr. Goodsell addresses the Court.

4:05 Mr. Levinthal and Mr. Goodsell have a discussion with the Court.

4:10 Mr. Revelli addresses the Court.

4:35 Mr. Goodsell responds.

4:50 Mr. Revelli addresses the Court regarding pending motions. Mr. Goodsell continues with remarks.

4:52 Mr. Revelli responds.

4:57 The Court takes brief moment to prepare ruling.

4:59 Court again on the record. The Court finds it is still appropriate for a lis pendens to be on the property in question. The Court approves the proposal of Ms. Vandersteen. The Court Orders parties act in good faith.

All pending motions to be fully briefed and argued at the next scheduled hearing on June 15th.

Mr. Revelli to prepare proposed Order from today's hearing and circulate it to counsel.

Court in recess.

5:06

05-10-2017 Filed: Motion to Withdraw as Counsel

Filed by: AUDIE G LEVENTHAL

05-10-2017 Filed: Return of Electronic Notification

05-10-2017 Filed: Ex Parte Order (Proposed) Granting Leave to File Overlength Reply

05-10-2017 Filed: Memorandum - Overlength (Proposed) Reply Memorandum in Support of Motion for Partial Summary Judgment

05-10-2017 Filed: Memorandum - Overlength (Proposed) Exhibits to Reply Memorandum in Support of Motion for Partial Summary Judgment

05-10-2017 Filed: Motion Audie Leventhals Ex Parte Motion For Leave to File Overlength Reply Memorandum

Filed by: AUDIE G LEVENTHAL

05-10-2017 Filed: Request/Notice to Submit for Decision (Audie Leventhals Ex Parte Motion for Leave to File Overlength Reply Memorandum)

05-10-2017 Filed: Return of Electronic Notification

05-10-2017 Filed: Return of Electronic Notification
05-12-2017 Filed order: Ex Parte Order Granting Leave to File Overlength Reply
Judge PAIGE PETERSEN
Signed May 12, 2017
05-12-2017 Filed: Exhibit 1 to Motion for Order Requiring Security for Lis Pendens
05-12-2017 Filed: Exhibits 2-3 to Motion for Order Requiring Security for Lis Pendens
05-12-2017 Filed: Motion for Order Requiring Security for Lis Pendens and Memorandum in Support Thereof
Filed by: AUDIE G LEVENTHAL
05-12-2017 Filed: Exhibit 4 to Motion for Order Requiring Security for Lis Pendens
05-12-2017 Filed: Corrected Motion for Order Requiring Security for Lis Pendens and Memorandum in Support Thereof
05-12-2017 Filed: Notice of Correction of Motion for Order Requiring Security for Lis Pendens and Memorandum in Support Thereof
05-12-2017 Filed: Return of Electronic Notification
05-12-2017 Filed: Return of Electronic Notification
05-12-2017 Filed: Return of Electronic Notification
05-12-2017 Filed: Notice of Errata to Memorandum Opposing Motion for Partial Summary Judgment
05-12-2017 Filed: Return of Electronic Notification
05-15-2017 Filed: Motion for Leave to Designate Expert Witness
Filed by: AUDIE G LEVENTHAL
05-15-2017 Filed: Exhibits 1-9 to Motion for Leave to Designate Expert Witness
05-15-2017 Filed: Return of Electronic Notification
05-17-2017 Filed: Order (Proposed) on May 4, 2017 Hearing
05-17-2017 Filed: Return of Electronic Notification
05-17-2017 Filed: Request/Notice to Submit Proposed Order Re May 4, 2017 Hearing
05-17-2017 Filed: Return of Electronic Notification
05-18-2017 Filed: Other - Not Signed Order (Proposed) on May 4, 2017 Hearing
05-18-2017 Note: Proposed Order has formatting issues in the title; please fix spacing so the title appears on the first page only.
05-18-2017 Filed: Return of Electronic Notification
05-18-2017 Filed: Order (Proposed) re May 4, 2017 Hearing
05-18-2017 Filed: Request/Notice to Submit (Second) For Decision Order on May 4, 2017 Hearing
05-18-2017 Note: Order given to Judge Petersen. SR
05-18-2017 Filed: Return of Electronic Notification
05-19-2017 Filed: Exhibits 1-2 to Motion for Order Authorizing Sale of Additional Trust Properties
05-19-2017 Filed: Exhibits 3-4 to Motion for Order Authorizing Sale of Additional Trust Properties
05-19-2017 Filed: Motion (Hearing Requested) Motion for Order Authorizing Sale of Additional Trust Properties
Filed by: AUDIE G LEVENTHAL
05-19-2017 Filed: Return of Electronic Notification
05-19-2017 Filed: Motion (Hearing Requested) Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorney Fees from Trust Funds
Filed by: AUDIE G LEVENTHAL
05-19-2017 Filed: Return of Electronic Notification

05-22-2017 Filed: Amended Certificate of Service
05-22-2017 Filed: Amended Certificate of Service
05-22-2017 Filed: Request for Expedited Hearings
05-22-2017 Filed: Return of Electronic Notification
05-22-2017 Filed: Return of Electronic Notification
05-22-2017 Filed: Return of Electronic Notification
05-23-2017 Filed order: Order re May 4, 2017 Hearing
Judge PAIGE PETERSEN
Signed May 23, 2017
05-23-2017 Filed: Return of Electronic Notification
05-24-2017 Filed: Request for Expedited Hearing
05-24-2017 Filed: Notice of Errata to Motion to Withdraw as Counsel of
Record and for Order Instructing Trustees to Pay Attorney Fees
from Trust Funds
05-24-2017 Filed: Return of Electronic Notification
05-24-2017 Filed: Return of Electronic Notification
05-24-2017 Note: Request for expedited hearing given to Judge Petersen for
review. -TB
05-25-2017 Filed: Order (Proposed) Granting Motion to Withdraw as Counsel
05-25-2017 Filed: Request/Notice to Submit for Decision (Motion to
Withdraw as Counsel)
05-25-2017 Filed: Return of Electronic Notification
05-26-2017 Ruling Entry - ORDER REGARDING REQUEST FOR EXPEDITED HE

Judge: PAIGE PETERSEN

Before the Court is Mr. Goodsell's Request for Expedited Hearing, which seeks to include his Motion to Withdraw with the motions to be heard on June 15, 2017 at 2:00 p.m. The Court GRANTS his request, and will hear the Motion to Withdraw on June 15, 2017. However, Mr. Goodsell should be prepared to argue the other motions to be heard on that date unless other counsel enters an appearance and intends handle the hearing on Mr. Leventhal's behalf.

It is so Ordered.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

EMAIL: NATHAN D ANDERSON nathan@osnlaw.com

EMAIL: DANIEL V GOODSSELL dan@goodsellolsen.com

EMAIL: MATTHEW G GRIMMER mgrimmer@grimmerandassociates.com

EMAIL: S ADAM REVELLI arevelli@grimmerandassociates.com

05/26/2017

/s/

PAIGE PETERSEN

Date: _____

Signature

05-26-2017 Filed order: ORDER REGARDING REQUEST FOR EXPEDITED HEARING
Judge PAIGE PETERSEN
Signed May 26, 2017
05-26-2017 Filed: Opposition to Motion for Order Requiring Security for
Lis Pendens
05-26-2017 Filed: Return of Electronic Notification
06-02-2017 Filed: Reply Memorandum in Support of Motion for Order

Requiring Security for Lis Pendens

- 06-02-2017 Filed: Return of Electronic Notification
- 06-02-2017 Filed: Opposition to Response to Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorney Fees from Trust Funds
- 06-02-2017 Filed: Affidavit/Declaration Declaration of Adam Revelli
- 06-02-2017 Filed: Opposition to Response to Motion for Order Authorizing Sale of Additional Trust Properties
- 06-02-2017 Filed: Opposition to Motion for Leave to Designate Expert Witness
- 06-02-2017 Filed: Return of Electronic Notification
- 06-02-2017 Filed: Return of Electronic Notification
- 06-02-2017 Filed: Return of Electronic Notification
- 06-10-2017 Filed: Reply Memorandum in Support of Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorney Fees from Trust Funds
- 06-10-2017 Filed: Return of Electronic Notification
- 06-10-2017 Filed: Reply Memorandum in Support of Motion for Order Authorizing Sale of Additional Trust Properties
- 06-10-2017 Filed: Reply Memorandum in Support of Motion for Leave to Designate Expert Witness
- 06-10-2017 Filed: Return of Electronic Notification
- 06-10-2017 Filed: Return of Electronic Notification
- 06-13-2017 Filed: Amended Certificate of Service
- 06-13-2017 Filed: Return of Electronic Notification
- 06-15-2017 RULING scheduled on July 20, 2017 at 04:00 PM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
- 06-15-2017 RULING scheduled on July 20, 2017 at 04:00 PM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
- 06-15-2017 NOTICE for Case 153900945 ID 18335658

Judge: PAIGE PETERSEN

RULING.

Date:

The reason for the change is Correct Calendar

Date: 07/20/2017

Time: 04:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge PAIGE PETERSEN

Counsel and/or parties are responsible for calling in at the number identified below and waiting for the conference call to start. THE COURT WILL NOT CALL YOU. If you do not call in on time, the court may proceed in your absence.

You will be placed on hold until the court joins the call. We will make every effort to begin the call on time, but if other matters before the court delay the start of the call, please wait on the line.

If you call in and another matter is being heard, please wait until that matter concludes before making an appearance.

If you experience issues or problems calling in, please feel free to contact a judicial assistant at 801-238-7144
CONFERENCE CALL NUMBER: (720) 279-0026 ATTORNEY
PASSCODE: 755906

- 06-15-2017 PRELIMINARY INJUNCTION Modified

Reason:

06-15-2017 Filed: Notice for Case 153900945 TR: Judge PAIGE PETERSEN

06-15-2017 Minute Entry - MOTIONS HEARING

Judge: PAIGE PETERSEN

Clerk: tonib

PRESENT

Petitioner's Attorney: NATHAN D ANDERSON

Petitioner's Attorney: DANIEL V GOODSSELL

Attorney for the Trustee: MATTHEW G GRIMMER

Attorney for the Trustee: S ADAM REVELLI

Audio

Tape Number: W35 Tape Count: 2:09-5:09

HEARING

2:09

The above entitled case comes before the Court for a Motions Hearing.

Counsel present as listed.

The Court notes there is no objections to Mr. Anderson's Motion to Withdraw and GRANTS his motion. Mr. Anderson excused.

2:12 Mr. Revelli presents arguments to the Court in regards to Ms. Vandersteen's Objection to Rule 26 Expert Designation and Motion to Exclude Expert Witness.

2:25 Mr. Goodsell presents opposition to Motions.

2:43 Mr. Revelli with reply.

2:48 Mr. Goodsell with additional response and begins arguments on Mr. Leventhal's Motion for Leave to Designate Expert Witness.

2:52 Mr. Revelli presents opposition argument on motion.

2:59 Mr. Goodsell with final argument.

3:03 The Court takes brief recess.

3:13 Court again in session. Mr. Goodsell presents arguments on Motion for Leave to File Third Amended Counter-petition and counterclaim.

3:18 Mr. Revelli with opposition to motion.

3:24 Mr. Goodsell with reply.

3:35 Mr. Revelli with final remarks.

3:38 Mr. Goodsell presents arguments on Motion for Partial Summary Judgment.

3:59 Mr. Revelli with opposition to Motion.

4:14 Mr. Goodsell with final arguments.

4:32 Mr. Goodsell presents argument on Motion for Order Requiring Security for Lis Pendens.

4:33 Mr. Revelli with opposition to Motion.

4:38 Mr. Goodsell with final argument.

4:41 Mr. Revelli with final argument.

4:42 Mr. Revelli with argument on Order Authorizing Sale of Additional Trust Properties.

4:44 Mr. Goodsell with response.

Mr. Revelli with final response.

The Court will stay Mr. Goodsell's Motion to withdraw as counsel.

The Court schedules Ruling Hearing.

The Court schedules Bench Trial

5:07 In regards to the Motion for Order Authorizing Sale of Additional Trust Properties is GRANTED subject to process that is outlined in the Order.

The Court DENIES the Motion for Order Requiring Security for Lis Pendens.

Mr. Revelli to prepare proposed Order from today's hearing.

The Court will take under advisement the remaining motions including Objection To Expert Witness, Motion For Leave to Designate Expert Witness, Motion for Leave to File Third Amended Counterclaim and, Motioin for Partial Summary Judgment under advisement and will give ruling on scheduled date.

Court in recess.

5:09

RULING is scheduled.

Date: 07/20/2017
Time: 04:00 p.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: PAIGE PETERSEN

RULING.

Date: 07/20/2017
Time: 04:00 p.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
before Judge PAIGE PETERSEN

- 06-15-2017 BENCH TRIAL scheduled on December 04, 2017 at 09:30 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
06-15-2017 BENCH TRIAL scheduled on December 05, 2017 at 07:30 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
06-15-2017 BENCH TRIAL scheduled on December 06, 2017 at 09:30 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
06-15-2017 BENCH TRIAL scheduled on December 07, 2017 at 09:30 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
06-15-2017 BENCH TRIAL scheduled on December 08, 2017 at 09:30 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
06-16-2017 Filed order: Order Granting Motion to Withdraw as Counsel Judge PAIGE PETERSEN Signed June 16, 2017
06-16-2017 Filed: Return of Electronic Notification
06-29-2017 Filed: Order (Proposed) on (1) Motion for Order Authorizing Sale of Additional Trust Properties; and (2) Motion for Order Requiring Security for Lis Pendens
06-29-2017 Filed: Return of Electronic Notification
07-05-2017 Note: Order given to Judge Petersen. SR
07-05-2017 Filed order: Order on (1) Motion for Order Authorizing Sale of Additional Trust Properties; and (2) Motion for Order Requiring Security for Lis Pendens Judge PAIGE PETERSEN Signed July 05, 2017
07-05-2017 Filed: Return of Electronic Notification
07-05-2017 Filed: Objection to Form of Order
07-05-2017 Filed: Return of Electronic Notification

07-10-2017 Filed: Motion to Strike Objection to Form of Order
Filed by: JUNE VANDERSTEEN

07-10-2017 Filed: Return of Electronic Notification

07-10-2017 Filed: Affidavit of Attorney Fees and Costs Declaration of
Matthew Grimmer

07-10-2017 Filed: Order (Proposed) Awarding Attorneys Fees Pursuant to
Utah Code 78B-6-1304(8)

07-10-2017 Filed: Return of Electronic Notification

07-14-2017 Filed: Opposition to Motion to Strike Objection to Form of
Proposed Order

07-14-2017 Filed: Return of Electronic Notification

07-20-2017 Minute Entry - RULING HEARING
Judge: PAIGE PETERSEN
Clerk: tonib

PRESENT

Petitioner's Attorney: DANIEL V GOODSSELL
Petitioner's Attorney: MATTHEW G GRIMMER
Petitioner's Attorney: S ADAM REVELLI
Petitioner(s): AUDI G LEVENTHAL

Audio

Tape Number: W35 Tape Count: 4:22-5:00

HEARING

4:22

The above entitled case is before the Court for a Ruling Hearing.

Counsel present as listed all by phone.

Mr. Leventhal present by phone.

The Court notes for the record there are 4 outstanding Motions that will be addressed during today's hearing; Objection to Designation of Witness, Motion to Designate Expert, Motion for Leave to file 3rd Amended Complaint and Motion for Partial Summary Judgment.

The Court reads ruling on the recording including but not limited to- the Objection to Designation of Witness is DENIED- Expert will be an opposing expert not a rebuttal witness.

The Court GRANTS the Motion for Leave to Designate Expert.

The Court GRANTS Mr. Leventhal's Motion for Leave to File 3rd Amended Counterclaim.

The Court questions Mr. Goodsell in regards to the pending Motion for Summary Judgment.

The Court gives Mr. Goodsell 1 week to notify the Court if he will remain as counsel of record for Mr. Leventhal and to file appropriate documentation with the Court by 5 PM on August 28th.

Mr. Grimmer addresses the Court and indicates since Motion to Amend was granted- he requests further depositions of Mr. Leventhal be conducted. The Court will allow additional deposition of Mr. Leventhal.

Mr. Reveli with response.

The Court will STAY Motion for Summary Judgment and will not issue ruling on that matter at today's hearing. Mr. Leventhal is to advise the Court if additional items will be reconsidered that were previously withdrawn.

Mr. Reveli addresses the Court.

The Court Orders Mr. Leventhal to file Amended Complaint by August 20, 2017 at 5 PM.

Court in recess.

5:00

07-20-2017 Ruling Entry - JULY 20, 2017 ORDER ON PENDING MOTIONS
Judge: PETERSEN, PAIGE

The Court held a telephone conference on July 20, 2017 to rule on several pending motions. For the reasons stated in detail on the record:

- 1) Vandersteen's Objection to Leventhal's Designation of a Rebuttal Expert Witness is DENIED. The Court clarifies, however, that the expert witness, Mr. Clauss, should have been designated as an opposition witness, not a rebuttal witness.
- 2) Leventhal's Motion for Leave to File Third Amended Counterclaim is GRANTED. This is the last amendment the Court will permit.
- 3) Leventhal's Motion for Leave to Designate Mr. Clauss as An Expert Witness is GRANTED.

Mr. Goodsell must notify the Court and opposing counsel on or before Friday July 28, 2017 whether he will continue to serve as Mr. Leventhal's counsel.

Mr. Leventhal must file the Third Amended Counterclaim by August 20, 2017.

Discovery is re-opened on a limited basis to permit Ms. Vandersteen's counsel to depose Mr. Clauss and Mr. Leventhal regarding the new claims in the Third Amended Counterclaim.

The pending Motion for Partial Summary Judgment is stayed. The Court will not revisit it unless or until Mr. Leventhal notifies the Court whether he wishes to move forward with the arguments he withdrew from this Motion, which are now contained in the Third Amended Counterclaim. If he chooses to move forward with these arguments, the Court will give counsel for Ms. Vandersteen time to oppose the new arguments after they have had the opportunity to depose Mr. Clauss and Mr. Leventhal.

This confirms the orders of the Court made on the record at today's telephone conference. The specific reasoning given by the Court on the record is incorporated herein.

It is so Ordered.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

- MAIL: DANIEL V GOODSSELL 10155 W TWAIN AVE STE 100 LAS VEGAS, NV 89147
- MAIL: MATTHEW G GRIMMER 3333 N DIGITAL DR STE 460 LEHI, UT 84043
- MAIL: S ADAM REVELLI 3333 N DIGITAL DR STE 460 LEHI, UT 84043

07/20/2017 /s/

PAIGE PETERSEN
Date: _____

Signature

- 07-20-2017 Filed order: JULY 20, 2017 ORDER ON PENDING MOTIONS
Judge PAIGE PETERSEN
Signed July 20, 2017
- 07-21-2017 Filed: Certificate of Notification for Ruling

07-28-2017 Filed: Notice of Withdrawal as Counsel of Record
07-28-2017 Filed: Notice to Appear or Appoint Counsel
07-28-2017 Filed: Return of Electronic Notification
07-28-2017 Filed: Return of Electronic Notification
08-03-2017 Filed: Other - Not Signed Order (Proposed) Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)
08-03-2017 Note: The Court requests that counsel serve this proposed Order for attorney fees on August 21, 2017 to either new counsel for Audie Leventhal, or Mr. Leventhal himself if he has not retained counsel before that time. If there is no objection after 7
08-03-2017 Note: days, the Court will sign the proposed order. The Court makes this request to err on the side of caution, as prior counsel has withdrawn and counsel for Ms. Vandersteen served Mr. Leventhal with a notice to appear or appoint on July 28, 2017.
08-03-2017 Filed: Return of Electronic Notification
08-21-2017 Filed: Order (Proposed) Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)
08-21-2017 Filed: Return of Electronic Notification
08-22-2017 Filed: Request/Notice to Submit Defendants Motion for Partial Summary Judgment
08-22-2017 Filed: Return of Electronic Notification
08-22-2017 Filed: Second Amended Counter- Petition and Counterclaim
08-22-2017 Filed: Third Amended Counter-Petition and Counterclaim
08-22-2017 Filed: Request for Sanctions, Punitive Damages and Opposition to Order Rewarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)
08-22-2017 Filed: Exhibits 1-6
08-23-2017 Filed: Motion for Order Imposing Constructive Trust and for Order to Disgorge Trust Funds
Filed by: AUDIE G LEVENTHAL
08-23-2017 Filed: Leventhal's Rule 26(a)(4)(A) Expert Witness Designation
08-23-2017 Filed: Motion to Bifurcate Trial
Filed by: AUDIE G LEVENTHAL
08-23-2017 Filed: Renewed Motion for Partial Summary Judgement and Memorandum in Support Thereof
08-24-2017 Filed: Opposition to Request to Submit for Decision [Defendant's Motion for Partial Summary Judgement]
08-29-2017 Filed: Objection to Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorney Fees From Trust Funds
08-29-2017 Filed: Return of Electronic Notification
08-29-2017 Filed: Response to Audie Leventhals Opposition to Order Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)
08-29-2017 Filed: Return of Electronic Notification
08-30-2017 Filed: Motion to Extend Deadline, or, Alternatively, Motion for Relief from Order
Filed by: BRIAN SHAPIRO
08-31-2017 Filed: Order (Proposed) Granting in Part Goodsell and Olsen Motion to Withdraw
08-31-2017 Filed: Return of Electronic Notification
09-05-2017 Filed: Motion Stipulated Joint Motion re Third Amended Counter-Petition and Counterclaim
Filed by: JUNE VANDERSTEEN
09-05-2017 Filed: Order (Proposed) Granting Stipulation Joint Motion re Filings Related to Third Amended Counter-Petition and Counterclaim
09-05-2017 Filed: Return of Electronic Notification

09-06-2017 Filed order: Order Granting Stipulation Joint Motion re Filings Related to Third Amended Counter-Petition and Counterclaim
Judge PAIGE PETERSEN
Signed September 06, 2017

09-06-2017 Filed: Return of Electronic Notification

09-06-2017 Filed: Opposition to Motion to Bifurcate Trial

09-06-2017 Filed: Return of Electronic Notification

09-06-2017 Filed: Opposition to Motion for Order Imposing Constructive Trust and For Order to Disgorge Trust Funds

09-06-2017 Filed: Return of Electronic Notification

09-07-2017 Filed: Other - Not Signed Order (Proposed) Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)

09-07-2017 Note: Please file a request to submit on order awarding attorneys fees. SR

09-07-2017 Filed: Return of Electronic Notification

09-07-2017 Filed: Request/Notice to Submit Request to Submit for Decision Order Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)

09-07-2017 Filed: Return of Electronic Notification

09-07-2017 Filed: Order (Proposed) Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)

09-07-2017 Filed: Return of Electronic Notification

09-07-2017 Note: Request to Submit and proposed Order on Attorneys Fees given to Judge Petersen. SR

09-07-2017 Filed: Response to Objection to Audie Leventhals Proposed Order Granting Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorney Fees From Trust Funds

09-08-2017 Filed: Return of Electronic Notification

09-08-2017 Filed: Notice of Deposition of Expert Witness C. David Clauss

09-08-2017 Filed: Notice of Supplemental Deposition of Audie G. Leventhal

09-08-2017 Filed: Return of Electronic Notification

09-11-2017 Filed order: Order Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)
Judge PAIGE PETERSEN
Signed September 11, 2017

09-11-2017 Filed: Return of Electronic Notification

09-11-2017 Note: The Court has modified the proposed order. Edits are underlined.

09-11-2017 Filed order: Order Granting in Part Goodsell and Olsen Motion to Withdraw
Judge PAIGE PETERSEN
Signed September 11, 2017

09-11-2017 Filed: Return of Electronic Notification

09-12-2017 Filed: Notice of Entry of Order Awarding Attorney Fees Pursuant to Utah Code 78B -6-1304(8)

09-12-2017 Filed: Return of Electronic Notification

09-13-2017 Filed: Other - Not Signed Order (Proposed) Granting Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorneys Fees From Trust Funds

09-13-2017 Note: Document has formatting issues. Please contact Lee Ann at 801-238-7154 for additional assistance. SR

09-13-2017 Filed: Return of Electronic Notification

09-13-2017 Filed: Order (Proposed) Granting Motion to Withdraw as Counsel of Record and for Order Instructing Trustees to Pay Attorneys Fees from Trust Funds

09-13-2017 Filed: Return of Electronic Notification

09-13-2017 Filed: Other - Not Signed Order (Proposed) Granting Motion to Withdraw as Counsel of Record and for Order Instructing

Trustees to Pay Attorneys Fees from Trust Funds

09-13-2017 Note: Items in this order were addressed in 9/11 order. SR

09-13-2017 Filed: Return of Electronic Notification

09-13-2017 Filed: Reply to Audie Leventhals Second Amended Counter-Petition and Counterclaim

09-13-2017 Filed: Return of Electronic Notification

09-13-2017 Filed: Reply to Audie Leventhals Third Amended Counter-Petition and Counterclaim

09-13-2017 Filed: Return of Electronic Notification

09-14-2017 Filed: Notice of Attorneys Lien

09-14-2017 Filed: Return of Electronic Notification

09-15-2017 Filed: Notice of Appearance and Request for Special Notice

09-15-2017 Filed: Return of Electronic Notification

09-18-2017 Filed: Request/Notice to Submit Request to Submit for Decision Motion to Bifurcate Trial

09-18-2017 Filed: Request/Notice to Submit Motion for Order Imposing Constructive Trust and for Order to Disgorge Trust Funds

09-18-2017 Filed: Return of Electronic Notification

09-18-2017 Filed: Return of Electronic Notification

09-19-2017 Note: Requests to Submit given to Judge Petersen. SR

10-03-2017 BENCH TRIAL rescheduled on December 05, 2017 at 09:30 AM

10-04-2017 Filed: Docketing Statement

10-04-2017 Filed: Notice of Appeal

10-04-2017 Note: Notice of Appeal and Docketing Statement filed 10-4-2017 emailed to Court of Appeals, ca

10-09-2017 Filed: Exhibit 1 to Motion to Amend Order

10-09-2017 Filed: Exhibits 2-6 to Motion to Amend Order

10-09-2017 Filed: Exhibits 7-12 to Motion to Amend Order

10-09-2017 Filed: Motion to Amend Order

Filed by: GOODSSELL & OLSEN LLP

10-09-2017 Filed: Return of Electronic Notification

10-12-2017 Filed: Supreme Court of Utah Letter dated 10-12-2017 to Audie G. Leventhal - (Appeal filed - Case #20170804 should be idnciated on future filings - rules/info etal AND \$225.00 filing fee and \$300.00 cost bond is due within 10 days)

10-12-2017 Filed: Supreme Court of Utah Order - (Pursuant to rule 42(a) AND Checklist for Appellate Jurisdiction)

10-12-2017 Filed: Supreme Court of Utah Copy of Standing Order No. 11

10-12-2017 Filed: Utah Supreme Court Checklist for Briefs

10-12-2017 Filed: Utah Supreme Court Guide to Appealing a Case

10-12-2017 Filed: Utah Supreme Court Copy of Standing Order No. 8

10-23-2017 Filed: Notice of Appeal

10-23-2017 Fee Account created Total Due: 225.00

10-23-2017 Fee Account created

10-23-2017 Bond Account created Total Due: 300.00

10-23-2017 Bond Account created

10-23-2017 Bond Posted 300.00

10-23-2017 APPEAL 225.00

Note: Code Description: APPEAL, Mail Payment;

10-23-2017 Filed: Opposition to Motion to Amend Order

10-23-2017 Filed: Return of Electronic Notification

10-27-2017 Filed: Utah Court of Appeals Letter dated 10-27-2017 to Audie G. Leventhal - (Case assigned to Court of Appeals - Case # remain the same)

10-30-2017 Filed: Reply Memorandum in Support of Motion to Amend Order

10-30-2017 Filed: Return of Electronic Notification
10-31-2017 Filed order: Ruling and Order
Judge PAIGE PETERSEN
Signed October 31, 2017
10-31-2017 Filed: Notice of Attorneys Lien
10-31-2017 Filed: Return of Electronic Notification
11-02-2017 Filed: Appearance of Counsel/Notice of Limited Appearance
Notice of Conditional and Limited Appearance and Motion to
Continue Trial
11-02-2017 Filed: Return of Electronic Notification
11-03-2017 NOTICE for Case 153900945 ID 18667716
Judge: KARA PETTIT
TELEPHONE CONFERENCE is scheduled.
Date: 11/03/2017
Time: 02:30 p.m.
Before Judge: KARA PETTIT
Counsel and/or parties are responsible for calling in at
the number below. THE COURT WILL NOT CALL YOU. If you do
not call in on time, the Court may proceed in your absence.
You will be placed on hold until the Court joins the call.
We will make every effort to begin the call on time, but if
other matters before the Court delay the start on the phone
call, please wait on the line. CONFERENCE CALL NUMBER:
(877) 820-7831 ATTORNEY PASSCODE: 175713
If you experience any problems calling in, please feel free
to contact the judicial assistants at (801) 238-7144
11-03-2017 TELEPHONE CONFERENCE scheduled on November 03, 2017 at 02:30 PM
with Judge KARA PETTIT
11-03-2017 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
11-03-2017 FINAL PRETRIAL CONFERENCE scheduled on February 01, 2018 at
09:00 AM in THIRD FLOOR - W35 with Judge PAIGE PETERSEN
11-03-2017 DAY 1 BENCH TRIAL scheduled on February 12, 2018 at 09:00 AM in
THIRD FLOOR - W35 with Judge KARA PETTIT
11-03-2017 BENCH TRIAL scheduled on February 13, 2018 at 09:00 AM in THIRD
FLOOR - W35 with Judge KARA PETTIT
11-03-2017 BENCH TRIAL scheduled on February 14, 2018 at 09:00 AM in THIRD
FLOOR - W35 with Judge KARA PETTIT
11-03-2017 BENCH TRIAL scheduled on February 15, 2018 at 09:00 AM in THIRD
FLOOR - W35 with Judge KARA PETTIT
11-03-2017 BENCH TRIAL scheduled on February 16, 2018 at 09:00 AM in THIRD
FLOOR - W35 with Judge KARA PETTIT
11-03-2017 BENCH TRIAL Cancelled
Reason: Court Ordered
11-03-2017 BENCH TRIAL Cancelled
Reason: Court Ordered
11-03-2017 FINAL PRETRIAL CONFERENCE scheduled on February 01, 2018 at
09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT
11-03-2017 BENCH TRIAL Cancelled
Reason: Court Ordered
11-03-2017 BENCH TRIAL Cancelled
Reason: Court Ordered
11-03-2017 BENCH TRIAL Cancelled
Reason: Court Ordered
11-03-2017 Minute Entry - TELEPHONE CONFERENCE
Judge: PAIGE PETERSEN
Clerk: tonib
PRESENT

Other Parties: MATTHEW G GRIMMER

Other Parties: ALAN R HOUSTON

Other Parties: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 2:34-2:56

HEARING

2:34

The above entitled case is before the Court for a telephone conference with Judge Pettit on motion to continue trial.

Mr. Grimmer addresses the Court.

Mr. Ingram presents argument to his motion for continuance

Mr. Grimmer with response.

Mr. Ingram with reply.

The Court finds good cause to continue the trial. Trial will be continued to 2-12, 2-13, 2-14, 2-15, and 2-16.

The Court has discussion with counsel in regards to disclosure deadlines.

Mr. Grimmer indicates they have requested a jury, the court notes jury demand fee has not been paid.

The Court sets the following deadlines: Rule 26 pretrial disclosures are due 12-18-17, any objections and motions in limine are due 1-8-18, any oppositions to motion in limine are due 1-22-18, any reply is due 1-29-18. The court will conduct a final pretrial conference on 2-1-18 at 9 AM.

If Mr. Grimmer chooses to request a jury trial, he is to file appropriate pleadings by Wednesday, November 8th.

If jury is demanded, Counsel are to submit stipulated jury instructions and voir dire and non stipulated instructions and voir dire by 1-29-18.

The court will have clerk email standard voir dire when the trial gets closer.

Mr. Grimmer to prepare order from today's hearing.

Court in recess.

2:56

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 02/01/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: PAIGE PETERSEN

The reason for the change is Correct Calendar
DAY 1 BENCH TRIAL is scheduled.

Date: 02/12/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

BENCH TRIAL is scheduled.

Date: 02/13/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

BENCH TRIAL.

Date: 02/14/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

BENCH TRIAL.

Date: 02/15/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

BENCH TRIAL.

Date: 02/16/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

FINAL PRETRIAL CONFERENCE.

Date: 02/01/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

11-09-2017 FINAL PRETRIAL CONFERENCE scheduled on February 05, 2018 at 09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT

11-09-2017 NOTICE for Case 153900945 ID 18681333

Judge: KARA PETTIT

FINAL PRETRIAL CONFERENCE.

Date: 02/05/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

The reason for the change is Conflict in Judge Schedule

- 11-09-2017 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
- 11-10-2017 Filed: Order (Proposed) Continuing Trial and Amended Pretrial Scheduling Order
- 11-10-2017 Filed: Return of Electronic Notification
- 11-13-2017 Filed order: Order Continuing Trial and Amended Pretrial Scheduling Order

Judge KARA PETTIT
Signed November 13, 2017

- 11-13-2017 Filed: Return of Electronic Notification
- 11-15-2017 Filed: Request/Notice to Submit: Defendants Motions for Partial Summary Judgment
- 11-15-2017 Filed: Return of Electronic Notification
- 11-15-2017 Filed: Objection to Request to Submit for Decision Defendants Motions for Partial Summary Judgment
- 11-15-2017 Filed: Return of Electronic Notification
- 11-16-2017 NOTICE for Case 153900945 ID 18697834

Judge: KARA PETTIT
MOTIONS FOR PARTIAL SJ X2 is scheduled.

Date: 12/19/2017
Time: 10:30 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT

This hearing will address the MPSJs filed on 4/13/17 and 8/23/17.

- 11-16-2017 MOTIONS FOR PARTIAL SJ X2 scheduled on December 19, 2017 at 10:30 AM in THIRD FLOOR - W35 with Judge KARA PETTIT
- 11-16-2017 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
- 11-24-2017 Judge KARA PETTIT assigned.
- 11-24-2017 Filed: Utah Court of Appeals Order of Summary Dismissal dated 11/24/17
- 12-04-2017 Filed: Opposition to Opposition to Renewed Motion for Partial Summary Judgment
- 12-04-2017 Filed: Exhibit A-D to Opposition to Renewed Motion for Partial Summary Judgment
- 12-04-2017 Filed: Exhibit E-H to Opposition to Renewed Motion for Partial Summary Judgment
- 12-04-2017 Filed: Exhibit I-J to Opposition to Renewed Motion for Partial Summary Judgment
- 12-05-2017 Filed: Return of Electronic Notification
- 12-15-2017 Filed: Request/Notice to Submit Renewed Motion for Partial Summary Judgment and Memorandum in Support Thereof
- 12-15-2017 Filed: Return of Electronic Notification
- 12-18-2017 Filed: Notice of Stipulation re: Pretrial Disclosures
- 12-18-2017 Filed: Return of Electronic Notification
- 12-18-2017 Filed: Certificate of Service of June Vandersteens Sixth Supplemental Initial Disclosures
- 12-18-2017 Filed: Return of Electronic Notification

12-19-2017 Minute Entry - MOTIONS FOR PARTIAL SUMMARY JUDGMENT X2

Judge: KARA PETTIT

Clerk: tonib

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: S ADAM REVELLI

Petitioner(s): AUDI G LEVENTHAL

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 10:28-1:01

HEARING

10:28

The above entitled case is before the Court for 2 Motions for Partial Summary Judgment.

Counsel present as listed.

Mr. Ingram presents argument.

11:19 Mr. Houston presents argument to supplement Mr. Ingram's argument.

11:36 Mr. Grimmer with response.

12:18 Mr. Ingram with reply.

12:34 Mr. Houston with supplemental reply.

12:39 The Court GRANTS in part and DENIES in part Mr. Leventhal's Motion for Partial Summary Judgment for reasons read onto the record.

Mr. Ingram to prepare proposed order from today's hearing and ruling.

12:53 Mr. Grimmer addresses the Court for clarification on previously entered order.

Mr. Ingram with response.

Mr. Revelli with reply.

The Court orders parties to meet and confer on issue from previous order.

Mr. Ingram addresses the Court in regards to pretrial disclosures. Mr. Grimmer with response. Counsel stipulate to an extension of time on pretrial disclosures.

Court in recess.

1:01

12-19-2017 Filed: Application for Writ of Execution

12-19-2017 Filed: Writ of Execution (Proposed)

12-20-2017 Filed: Other - Not Signed Writ of Execution (Proposed)

12-20-2017 Note: No judgment has been entered in this case.

12-20-2017 Filed: Return of Electronic Notification

12-20-2017 Filed: Notice of Stipulation re: Pretrial Deadlines

12-20-2017 Filed: Return of Electronic Notification

12-21-2017 Filed: Certificate of Service of Defendants Second Supplemental Initial Disclosures

12-21-2017 Filed: Return of Electronic Notification

12-26-2017 Filed: Certificate of Service of Defendants Pretrial Disclosures

12-26-2017 Filed: Return of Electronic Notification

12-26-2017 Filed: Certificate of Service of June Vandersteens Seventh Supplemental Initial Disclosures

12-26-2017 Filed: Return of Electronic Notification

12-26-2017 Filed: Certificate of Service of June Vandersteens Rule 26 Pretrial Disclosures

12-26-2017 Filed: Return of Electronic Notification

01-04-2018 Filed: Motion to Clarify/Enforce Order re: May 4, 2017 Hearing
Filed by: BRIAN SHAPIRO

01-04-2018 Filed: Return of Electronic Notification

01-09-2018 Filed: Substitution of Counsel

01-09-2018 Filed: Return of Electronic Notification

01-09-2018 Filed: Motion to Exclude Plaintiffs Evidence of Damages
Filed by: BRIAN SHAPIRO

01-09-2018 Filed: Objection to Deposition Designations, and Counter Designations

01-09-2018 Filed: Objection to Plaintiffs Pretrial Disclosures

01-09-2018 Filed: Exhibit A

01-09-2018 Filed: Exhibit B

01-09-2018 Filed: Motion in Limine to Exclude Testimony of Charles Bennett
Filed by: BRIAN SHAPIRO

01-09-2018 Filed: Motion in Limine to Exclude Evidence of Defendant Character
Filed by: BRIAN SHAPIRO

01-09-2018 Filed: Return of Electronic Notification

01-09-2018 Filed: Affidavit/Declaration Declaration of Adam Revelli

01-09-2018 Filed: Motion in Limine
Filed by: JUNE VANDERSTEEN

01-09-2018 Filed: Objection to Defendant Audie Leventhals Proposed Trial Exhibits

01-09-2018 Filed: June Vandersteens Counter Designations of Deposition Testimony

01-09-2018 Filed: Return of Electronic Notification

01-11-2018 Filed: Application for Writ of Garnishment

01-11-2018 Filed: Other - Not Signed Writ of Garnishment - Non Wage (Proposed)

01-11-2018 Filed: Writ of Garnishment - Non Wage (Proposed)

01-11-2018 Note: You need to fix your formatting and spacing on your documents and Regarding Signature Block please Refer to Rule 10-e

01-11-2018 Filed: Return of Electronic Notification

01-11-2018 Filed: Objection to Proposed Order re: Defendants Motions for Partial Summary Judgment

01-11-2018 Filed: Return of Electronic Notification

01-11-2018 Filed: Application for Writ of Garnishment (Wells Fargo Bank)

01-11-2018 Filed: Writ of Garnishment - Non Wage (Proposed) (Wells Fargo Bank)

01-12-2018 Issued: Writ of Garnishment - Non Wage (Wells Fargo Bank)
Judge KARA PETTIT

01-12-2018 Fee Account created Total Due: 50.00

01-12-2018 Fee Account created

01-12-2018 GARNISHMENT 50.00

01-12-2018 Filed: Return of Electronic Notification

01-16-2018 Filed: Order (Proposed) re: Defendants Motions for Partial
Summary Judgment

01-16-2018 Filed: Return of Electronic Notification

01-16-2018 Filed: Response to Plaintiffs Objection to Proposed Order re
Defendants Motions for Partial Summary Judgment

01-16-2018 Filed: Return of Electronic Notification

01-18-2018 Filed: Opposition to Motion to Clarify/Enforce Order re: May 4,
2017 Hearing

01-18-2018 Filed: Return of Electronic Notification

01-19-2018 Filed: Request/Notice to Submit for Decision: Motion to
Clarify/Enforce Order re: May 4, 2017 Hearing

01-19-2018 Filed: Return of Electronic Notification

01-23-2018 MOTION TO CLARIFY scheduled on January 30, 2018 at 09:00 AM in
THIRD FLOOR - W35 with Judge KARA PETTIT

01-23-2018 NOTICE for Case 153900945 ID 18847216
Judge: KARA PETTIT
MOTION TO CLARIFY is scheduled.
Date: 01/30/2018
Time: 09:00 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT

01-23-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

01-23-2018 Filed: Exhibit A in Support of Opposition

01-23-2018 Filed: Opposition to Plaintiffs Motion in Limine for Adverse
Inference for Failure to Produce Documents or, in the
alternative, Rule 37 Motion for Sanctions

01-23-2018 Filed: Opposition to Defendants Motion in Limine to Exclude
Testimony of Charles Bennett

01-23-2018 Filed: Opposition to Motion in Limine to Exclude Evidence of
Defendants Character

01-23-2018 Filed: Opposition to Motion to Exclude Plaintiffs Evidence of
Damages

01-29-2018 Filed order: Order re: Defendants Motions for Partial Summary
Judgment
Judge KARA PETTIT
Signed January 29, 2018

01-29-2018 Filed: Return of Electronic Notification

01-30-2018 Minute Entry - MOTION TO CLARIFY
Judge: KARA PETTIT
Clerk: tonib
PRESENT
Petitioner's Attorney: MATTHEW G GRIMMER
Petitioner's Attorney: S ADAM REVELLI
Attorney for the Respondent: ALAN R HOUSTON
Attorney for the Respondent: WILLIAM B INGRAM
Audio

Tape Number: W35 Tape Count: 9:03-9:15

HEARING

9:03

The above entitled case is before the Court for argument on Motion to Clarify.

Mr. Houston presents argument to the Court.

Mr. Grimmer with response to argument.

Mr. Houston with reply.

The Court DENIES the motion for clarification for reasons set forth on the record.

9:15

01-30-2018 Filed order: MOTION TO CLARIFY
Judge KARA PETTIT
Signed January 30, 2018

01-30-2018 Filed: Return of Electronic Notification

01-30-2018 Filed: Affidavit/Declaration of Adam Revelli

01-30-2018 Filed: Reply Memorandum Supporting Motion in Limine for Adverse Inference for Failure to Produce Documents or, in the Alternative, Rule 37 Motion for Sanctions

01-30-2018 Filed: Return of Electronic Notification

01-31-2018 Filed: Request/Notice to Submit for Decision: Motion to Exclude Plaintiffs Evidence of Damages

01-31-2018 Filed: Request/Notice to Submit for Decision: Motion in Limine to Exclude Testimony of Charles Bennett

01-31-2018 Filed: Request/Notice to Submit for Decision: Motion in Limine to Exclude Evidence of Defendants Character

01-31-2018 Filed: Return of Electronic Notification

02-02-2018 Filed: Request/Notice to Submit Plaintiff June Vandersteens Motion in Limine for Adverse Inference for Failure to Produce Documents or, in the Alternative, Rule 37 Motion for Sanctions

02-02-2018 Filed: Certificate of Service of June Vandersteens Eighth Supplemental Initial Disclosures and Amended Trial Exhibit List

02-02-2018 Filed: Return of Electronic Notification

02-02-2018 Filed: Return of Electronic Notification

02-05-2018 Minute Entry - FINAL PRETRIAL CONF
Judge: KARA PETTIT
Clerk: samanthr

PRESENT

Petitioner's Attorney: S ADAM REVELLI

Petitioner's Attorney: MATTHEW G GRIMMER

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 9:01-10:39

HEARING

9:01 AM This matter is before the Court for a final pretrial conference.

9:02 AM Mr. Revelli addresses the Court regarding Plaintiff's Motion in Limine for Adverse Inference for Failure to Produce Documents or, in the Alternative, Rule 37 Motion for Sanctions.

9:12 AM Mr. Ingram in response.

9:23 AM Mr. Revelli with reply.

9:32 AM The Court makes findings on the record and DENIES Plaintiff's Motion in Limine for Adverse Inference for Failure to Produce Documents or, in the Alternative, Rule 37 Motion for Sanctions.

9:36 AM Mr. Ingram addresses the Court regarding Defendant's Motion to Exclude Plaintiff's Evidence of Damages.

9:49 AM Mr. Revelli in response.

10:00 AM Mr. Ingram with reply.

10:07 AM Counsel has discussion with the Court.

10:08 AM The Court DENIES Defendant's Motion to Exclude Plaintiff's Evidence of Damages.

10:11 AM Mr. Houston addresses the Court regarding Defendant's Motion in Limine to Exclude Testimony of Charles Bennett.

10:20 AM Mr. Revelli in response.

10:25 AM Mr. Houston with reply.

10:27 AM The Court finds Mr. Bennett is qualified to testify as an expert at trial.

10:30 AM Mr. Houston addresses the Court regarding Defendant's Motion in Limine to Exclude Evidence of Defendant's Character.

10:32 AM The Court rules the Motion in Limine to Exclude Evidence of Defendant's Character, objections to pretrial disclosures, and deposition designations are all reserved to be addressed at trial.

10:35 AM The Court has discussion with counsel regarding housekeeping matters. Mr. Revelli and Mr. Grimmer to prepare a proposed order from today's hearing.

10:39 AM Court is in recess.

02-09-2018 Filed: Certificate of Service of Defendants Third Supplemental Initial Disclosures

02-09-2018 Filed: Return of Electronic Notification

02-09-2018 Filed: Plaintiffs Second Amended Trial Exhibit List

02-09-2018 Filed: Stipulated Trial Exhibits

02-09-2018 Filed: Return of Electronic Notification

02-12-2018 Filed: Utah Court of Appeals Remittitur dated 2-12-2018 - (Decision Issued: 11-24-2017)

02-12-2018 Minute Entry - DAY 1 BENCH TRIAL

Judge: KARA PETTIT

Clerk: samanthr

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Trustee: JUNE VANDERSTEEN

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Respondent(s): AUDIE G LEVENTHAL

Audio

Tape Number: W35 Tape Count: 9:04-5:12

TRIAL

9:04 AM The above entitled case is before the Court for day 1 of the 5 day Bench Trial.

Counsel present as listed, along with their clients.

The Court has conversation with counsel regarding house keeping matters and exhibits.

Mr. Grimmer offers Stipulated Exhibits 1-20, received.

Mr. Grimmer presents opening arguments.

9:28 AM Mr. Ingram presents opening arguments.

9:37 AM Mr. Grimmer has Mr. Ballif, his law partner, read deposition of Mr. Ray Beck.

9:45 AM Mr. Grimmer offers Plaintiff's exhibits 21, 22, 23, 24, 25, 26, 27 no objections, received.

9:57 AM Mr. Grimmer offers Plaintiff's exhibit 28, Mr. Ingram objects, received.

9:58 AM Mr. Grimmer offers Plaintiff's exhibit 29, no objections, received.

10:05 AM Mr. Grimmer offers Plaintiff's exhibit 30, no objections, received.

10:06 AM Mr. Grimmer offers Plaintiff's exhibit 31, Mr. Ingram objects, Mr. Grimmer with response, Mr. Ingram with reply. The Court receives the exhibit not for the truth of the matter asserted.

10:11 AM Mr. Grimmer offers Plaintiff's exhibit 32, Mr. Ingram objects, Mr. Grimmer with response. The Court receives the exhibit into evidence.

10:16 AM Mr. Grimmer offers Plaintiff's exhibit 33, Mr. Ingram objects, Mr. Grimmer with response. The Court receives exhibit into evidence.

10:19 AM Mr. Grimmer offers Plaintiff's exhibit 34, no objections, received.

10:20 AM Mr. Grimmer offers Plaintiff's exhibit 35, Mr. Ingram objects, Mr. Grimmer with response, Mr. Ingram with reply. The Court receives exhibit not for the truth of the matter asserted.

10:33 AM The Court takes brief recess.

10:46 AM Mr. Grimmer calls June Vandersteen to the stand, who is sworn in and examined.

11:34 AM Mr. Grimmer offers Plaintiff's exhibit 39 (JV 1127), 38, no objections, received.

11:48 AM Mr. Grimmer offers Plaintiff's exhibit 40 (JV 1131), 42, 43, 49, 37, no objections, received.

12:07 PM The Court takes lunch break.

1:20 PM Court again in session. Ms. Vandersteen retakes the witness stand, and is still under oath.

1:22 PM Mr. Grimmer offers Plaintiff's exhibit 39 in its entirety, no objections, received.

1:35 PM Plaintiff's exhibit 40 - JV 1134 offered and received, no objection.

1:42 PM Plaintiff's exhibit 40 - JV 1135 offered and received, no objection.

1:45 PM Plaintiff's exhibit 41 offered and received, no objection.

2:21 PM Plaintiff's exhibit 50 offered and received, no objection.

2:24 PM Plaintiff's exhibit 44 offered and received, no objection.

2:27 PM Plaintiff's exhibit 45 offered and received, no objection.

2:28 PM Plaintiff's exhibits 46 and 55 offered and received, no objection.

2:31 PM Plaintiff's exhibit 51 offered, Mr. Ingram objects, received.

2:36 PM Plaintiff's exhibit 59 offered and received, no objection.

2:43 PM Plaintiff's exhibits 60 and 61 offered and received, no objection.

2:48 PM Plaintiff's exhibit 62 offered and received, no objection.

2:52 PM Plaintiff's exhibit 63 offered, Mr. Ingram objects, objection sustained.

3:00 PM Plaintiff's exhibit 64 offered and received, no objection.

3:03 PM Plaintiff's exhibits 65 and 66 offered and received, no objection.

3:06 PM Plaintiff's exhibit 67 offered and received, no objection.

3:11 PM Plaintiff's exhibit 69 offered, Mr. Ingram objects, received.

3:14 PM Plaintiff's exhibit 70 offered and received, no objection.

3:15 PM The Court takes a brief recess.

3:33 PM Court is back in session. Ms. Vandersteen retakes the witness stand, and is still under oath. Plaintiff's exhibit 71 offered and received, no objection.

3:37 PM Plaintiff's exhibit 72 offered and received, no objection.

3:39 PM Plaintiff's exhibit 78 offered and received, no objection.

3:41 PM Plaintiff's exhibit 79 offered and received, no objection.

3:45 PM Plaintiff's exhibit 80 offered, Mr. Ingram objects, exhibit not received.

3:47 PM Plaintiff's exhibit 81 offered and received, no objection.

3:50 PM Plaintiff's exhibit 82 offered and received, no objection.

3:53 PM Plaintiff's exhibit 83 offered, Mr. Ingram objects, exhibit received.

3:54 PM Plaintiff's exhibit 84 offered and received, no objection.

3:55 PM Plaintiff's exhibit 85 offered and received, no objection.

3:56 PM Plaintiff's exhibit 86 offered and received, no objection.

3:57 PM Plaintiff's exhibit 87 offered and received, no objection.

3:58 PM Plaintiff's exhibit 88 offered and received, no objection.

3:59 PM Plaintiff's exhibit 91 offered and received, no objection.

4:03 PM Plaintiff's exhibit 92 offered and received, no objection.

4:13 PM Plaintiff's exhibit 94 offered, Mr. Ingram objects, page 2 only received.

4:17 PM Plaintiff's exhibit 95 offered and received, no objection.

4:22 PM Plaintiff's exhibits 97 and 98 offered and received, no objection.

4:26 PM Plaintiff's exhibit 89 offered and received, no objection.

4:31 PM Plaintiff's exhibit 53 offered and received, no objection.

4:43 PM Mr. Ingram with cross examination of Ms. Vandersteen.

5:12 PM Court is in recess for the remainder of the day.

02-13-2018 Minute Entry - DAY 2 BENCH TRIAL

Judge: KARA PETTIT

Clerk: samanthr

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: S ADAM REVELLI

Trustee: JUNE VANDERSTEEN

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Respondent(s): AUDIE G LEVENTHAL

Audio

Tape Number: W35 Tape Count: 9:02-5:04

TRIAL

9:02 AM The above entitled case is before the Court for the 2nd day of the Bench Trial.

Counsel present as listed along with their clients.

Mr. Ingram calls Ms. Vandersteen to the stand to continue cross examination.

The Court reminds Ms. Vandersteen she is still under oath.

10:39 AM Mr. Ingram offers Defendant's exhibit K, no objections, received.

10:47 AM The Court takes brief recess.

11:03 AM Court again in session. Ms. Vandersteen retakes the witness stand and cross examination continues.

11:56 AM Mr. Ingram offers Defendant's exhibits A, B, C and D, Mr. Grimmer objects to B and C. The Court admits the lower portion of A only, B, C and the top portion of D only.

12:00 PM Mr. Ingram offers Defendant's exhibit F, no objections, received.

12:01 PM Mr. Ingram offers Defendant's exhibit G, no objections, received.

12:22 PM The Court takes lunch recess.

1:34 PM Court is back in session. Mr. Revelli calls Billie Crocker to the witness stand, who is sworn in and examined.

1:42 PM Mr. Revelli offers the last page of Plaintiff's exhibit 107 into evidence, Mr. Ingram objects. The Court overrules the objection and receives the last page of the exhibit.

1:49 PM Mr. Ingram with cross examination.

2:24 PM Mr. Revelli with redirect.

2:25 PM Mr. Ingram with reply.

2:26 PM Ms. Crocker is excused. Mr. Ingram continues with cross examination of Ms. Vandersteen.

3:20 PM Defendant's exhibits H and I offered and received, no objection.

3:34 PM Defendant's exhibit L offered and received, no objection.

3:39 PM Defendant's exhibit M offered and received, no objection.

3:50 PM Defendant's exhibit R offered and received, no objection.

4:07 PM The Court takes a brief recess.

4:24 PM Court is back in session. Mr. Ingram continues with cross examination of Ms. Vandersteen.

4:26 PM Defendant's exhibit T offered and received, no objection.

4:27 PM Mr. Grimmer with redirect.

5:04 PM Court is in recess for the remainder of the day.

Judge: KARA PETTIT

Clerk: samanthr

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: S ADAM REVELLI

Petitioner(s): JUNE VANDERSTEEN

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Respondent(s): AUDIE G LEVENTHAL

Audio

Tape Number: W35 Tape Count: 9:01-4:53

TRIAL

9:01 AM This matter is before the Court for day 3 of the Bench Trial.

9:02 AM Mr. Grimmer continues with redirect of Ms. Vandersteen, still under oath.

9:20 AM Plaintiff's exhibit 204 offered and received, no objection.

9:23 AM Mr. Ingram with recross.

9:43 AM Mr. Grimmer with redirect.

9:46 AM Mr. Ingram calls William Sponenburgh to the witness stand, who is sworn in and examined.

10:06 AM Mr. Ingram offers Defendant's exhibit U, Mr. Revelli objects, Mr. Ingram continues to lay foundation.

10:18 AM Mr. Revelli with cross examination.

10:59 AM The Court takes a brief recess.

11:11 AM Court is back in session. Mr. Revelli continues with cross examination of Mr. Sponenburgh.

11:13 AM Mr. Ingram with redirect.

11:31 AM Mr. Revelli with recross.

11:35 AM Mr. Ingram with redirect.

11:36 AM Mr. Sponenburgh is excused. Mr. Revelli calls Martin Vandersteen to the witness stand, who is sworn in and examined.

11:53 AM Mr. Houston with cross examination.

12:02 PM Mr. Vandersteen is excused. The Court has discussion with counsel regarding scheduling.

12:04 PM The Court takes a lunch recess.

1:40 PM Court is back in session. Mr. Grimmer calls Audie Levinthal to the witness stand, who is sworn in and examined.

3:17 PM The Court takes a brief recess.

3:32 PM Court is back in session. Mr. Grimmer continues with examination of Mr. Levinthal.

4:05 PM Plaintiff's exhibits 129 and 130 offered and received, no objection.

4:18 PM Plaintiff's exhibit 131 offered and received, no objection.

4:23 PM Plaintiff's exhibit 132 offered and received, no objection.

4:27 PM Plaintiff's exhibit 133 offered and received, no objection.

4:53 PM Court is in recess for the remainder of the day.

02-15-2018 Minute Entry - DAY 4 BENCH TRIAL

Judge: KARA PETTIT

Clerk: samanthr

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: S ADAM REVELLI

Petitioner(s): JUNE VANDERSTEEN

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Respondent(s): AUDIE G LEVENTHAL

Audio

Tape Number: W35 Tape Count: 9:02-4:02

TRIAL

9:02 AM This matter is before the Court for day 4 of the Bench Trial.

The Court discusses a preliminary matter with counsel.

9:05 AM Mr. Grimmer continues direct examination of Mr. Leventhal, still under oath.

9:08 AM Plaintiff's exhibits 134-138 offered and received, no objection.

9:12 AM Plaintiff's exhibit 150 offered and received, excluding handwritten notes.

9:15 AM Plaintiff's exhibit 151 offered and received, excluding handwritten notes.

9:19 AM Plaintiff's exhibit 153 offered and received, no objection.

9:23 AM Plaintiff's exhibit 152 offered and received, no objection.

9:25 AM Plaintiff's exhibit 154 offered and received, no objection.

9:29 AM Plaintiff's exhibit 155 offered and received, excluding handwritten notes

9:32 AM Plaintiff's exhibit 156 offered and received, excluding handwritten notes.

9:34 AM Plaintiff's exhibit 157 offered and received, no objection.

10:15 AM Mr. Ingram with cross examination.

10:35 AM The Court takes a brief recess.

10:48 AM Court is back in session. Mr. Ingram continues with cross examination.

11:52 AM The Court takes a lunch recess.

1:22 PM Court is back in session. Counsel addresses the Court regarding a stipulated exhibit 1.

1:26 PM Mr. Ingram withdraws his stipulation to stipulated exhibit 1.

1:30 PM Mr. Ingram recalls Ms. Vandersteen to the witness stand, who is resworn and examined.

1:32 PM Defendant's exhibit V offered and received, no objection.

1:34 PM Defendant's exhibit 1A offered and received, no objection.

1:35 PM Mr. Ingram continues cross examination of Mr. Leventhal, still under oath.

2:29 PM The Court takes a brief recess.

2:36 PM Court is back in session. Mr Grimmer with redirect.

3:08 PM Mr. Ingram with recross.

3:14 PM Plaintiff rests. The Court takes a brief recess.

3:27 PM Court is back in session. Mr. Houston calls C. David Clauss to the witness stand, who is sworn in and

examined.

3:51 PM Mr. Grimmer with cross examination.

3:56 PM Defendant rests. Counsel has discussion with the Court. Counsel to submit closing arguments by briefs and proposed Findings of Fact and Conclusions of Law.

4:02 PM Court is in recess.

02-15-2018 Filed: Exhibit List - Stipulated
02-15-2018 Filed: Exhibit List - Plaintiff
02-15-2018 Filed: Exhibit List - Defendant
02-16-2018 BENCH TRIAL Cancelled
Reason: Trial completed.
02-20-2018 Filed: Exhibit A in Support of Objection
02-20-2018 Filed: Objection to Form of Order from Final Pretrial Conference
02-20-2018 Filed: Order (Proposed) from Final Pretrial Conference
02-20-2018 Filed: Return of Electronic Notification
02-23-2018 Filed: Order (Proposed) from Final Pretrial Conference
02-23-2018 Filed: Response to Objection to Form of Order from Final Pretrial Conference
02-23-2018 Filed: Return of Electronic Notification
02-26-2018 Fee Account created Total Due: 80.00
02-26-2018 Fee Account created
02-26-2018 AUDIO TAPE COPY 80.00
02-26-2018 AUDIO TAPE COPY Payment Reversal: -80.00
Note: Should have been charged \$40, not \$80.
02-27-2018 Fee Account created Total Due: 40.00
02-27-2018 Fee Account created
02-27-2018 AUDIO TAPE COPY 40.00
03-05-2018 Filed: Motion to Recall Nathan Sponenburgh for Limited Testimony (Stipulated)
Filed by: JUNE VANDERSTEEN
03-05-2018 Filed: Order (Proposed) Granting Stipulated Motion to Recall Nathan Sponenburgh for Limited Testimony
03-05-2018 Filed: Motion to Submit Additional Deposition Designations to the Court (Stipulated)
Filed by: JUNE VANDERSTEEN
03-05-2018 Filed: Order (Proposed) Granting Stipulated Motion to Submit Additional Deposition Designations to the Court
03-05-2018 Filed: Return of Electronic Notification
03-05-2018 Filed: Return of Electronic Notification
03-07-2018 Filed order: Order Granting Stipulated Motion to Recall Nathan Sponenburgh for Limited Testimony
Judge KARA PETTIT
Signed March 07, 2018
03-07-2018 Filed order: Order Granting Stipulated Motion to Submit Additional Deposition Designations to the Court
Judge KARA PETTIT
Signed March 07, 2018
03-07-2018 Filed: Return of Electronic Notification
03-07-2018 Filed: Return of Electronic Notification
03-13-2018 Filed: Notice of Stipulation re: Mountain Courtyard 1031 Exchange
03-13-2018 Filed: Return of Electronic Notification
03-14-2018 Filed: Exhibit A in Support of Motion

03-14-2018 Filed: Exhibit B in Support of Motion
03-14-2018 Filed: Exhibit C in Support of Motion
03-14-2018 Filed: Exhibit D in Support of Motion
03-14-2018 Filed: Exhibit E in Support of Motion
03-14-2018 Filed: Exhibit F in Support of Motion
03-14-2018 Filed: Exhibit G in Support of Motion
03-14-2018 Filed: Exhibit H in Support of Motion
03-14-2018 Filed: Exhibit I in Support of Motion
03-14-2018 Filed: Exhibit J in Support of Motion
03-14-2018 Filed: Motion to Admint May 5, 2010 Email and Attachment from Ray Beck
Filed by: BRIAN SHAPIRO
03-14-2018 Filed: Return of Electronic Notification
03-14-2018 Filed: Request for Hearing Stipulated Request for Hearing
03-14-2018 Filed: Return of Electronic Notification
03-20-2018 NOTICE for Case 153900945 ID 18992366
Judge: KARA PETTIT
MT TO RECALL NATHAN SPONENBURG is scheduled.
Date: 04/23/2018
Time: 09:00 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT
03-20-2018 MT TO RECALL NATHAN SPONENBURG scheduled on April 23, 2018 at 09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT
03-20-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
03-21-2018 Filed: Motion for Leave to Re-Call Audie Leventhal for Limited Testimony
Filed by: BRIAN SHAPIRO
03-21-2018 Filed: Exhibit A in Support of Motion for Leave
03-21-2018 Filed: Exhibit B in Support of Motion for Leave
03-21-2018 Filed: Exhibit C in Support of Motion for Leave
03-21-2018 Filed: Return of Electronic Notification
03-30-2018 Fee Account created Total Due: 20.00
03-30-2018 Fee Account created
03-30-2018 AUDIO TAPE COPY 20.00
03-30-2018 Filed: Motion Plaintiffs Rule 54(b) Motion to Reconsider the Courts January 29, 2018 Order Re: Defendants Motions for Partial Summary Judgment
Filed by: JUNE VANDERSTEEN
03-30-2018 Filed: Motion for Relief from Statements in Pleadings, Declaration Deposition as a Result of Mistake
Filed by: JUNE VANDERSTEEN
03-30-2018 Filed: Return of Electronic Notification
03-30-2018 Filed: Motion for Leave to File Overlength Memorandum
Filed by: JUNE VANDERSTEEN
03-30-2018 Filed: Order (Proposed) Granting Motion for Leave to File Overlength Memorandum
03-30-2018 Filed: Opposition to Combined Opposition to (1) Motion to Admit May 5, 2010 Email and Attachment from Ray Beck, and (2) Motion for Leave to Re-Call Audie Leventhal for Limited Testimony
03-30-2018 Filed: Return of Electronic Notification

03-30-2018 Filed: Return of Electronic Notification
04-02-2018 Filed: Notice of Stipulation
04-02-2018 Filed: Return of Electronic Notification
04-02-2018 Filed order: Order Granting Motion for Leave to File Overlength Memorandum
Judge KARA PETTIT
Signed April 02, 2018
04-02-2018 Filed: Return of Electronic Notification
04-13-2018 Filed: Motion for Leave to File Overlength Combined Reply Memorandum in Support of Defendants Motion to Admit May 5, 2010 Email and Attachment from Ray Beck and Motion for Leave to Re-Call Audie Leventhal for Limited Testimony
Filed by: BRIAN SHAPIRO
04-13-2018 Filed: Order (Proposed) Granting Motion for Leave to File Overlength Combined Reply
04-13-2018 Filed: Reply Combined Reply Memorandum Supporting Motion to Admit May 5, 2010 Email and Attachment from Ray Beck and Motion for Leave to Re-Call Audie Leventhal for Limited Testimony
04-13-2018 Filed: Return of Electronic Notification
04-13-2018 Filed: Opposition to Plaintiffs Rule 54(B) Motion to Reconsider the Courts January 29, 2018 Order re: Defendants Motions for Partial Summary Judgment
04-13-2018 Filed: Opposition to Plaintiffs Motion for Relief from Statements in Pleadings, Declaration Deposition as a Result of Mistake
04-13-2018 Filed: Return of Electronic Notification
04-13-2018 Filed: Return of Electronic Notification
04-16-2018 Filed order: Order Granting Motion for Leave to File Overlength Combined Reply
Judge KARA PETTIT
Signed April 16, 2018
04-16-2018 Filed: Return of Electronic Notification
04-16-2018 Filed: Request/Notice to Submit Motions for Decision
04-16-2018 Filed: Return of Electronic Notification
04-16-2018 Note: RTS given to Judge Pettit for review. -TB
04-16-2018 Filed order: Order from Final Pretrial Conference
Judge KARA PETTIT
Signed April 16, 2018
04-16-2018 Filed: Other - Not Signed Order (Proposed) from Final Pretrial Conference
04-16-2018 Filed: Return of Electronic Notification
04-16-2018 Filed: Return of Electronic Notification
04-17-2018 NOTICE for Case 153900945 ID 19061046
Judge: KARA PETTIT
MOTIONS HEARING.
Date: 04/23/2018
Time: 09:00 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT
The reason for the change is Court Ordered

This hearing will cover the Motion to Admit 5-5-10 Email and Attachment from Ray Beck, the Motion for Leave to Re-Call Audie Leventhal for Limited Testimony and Motion to Recall Nathan Sponenburgh.

04-17-2018 PRELIMINARY INJUNCTION Modified
Reason: Court Ordered

04-17-2018 MOTIONS HEARING scheduled on April 23, 2018 at 09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT

04-17-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

04-20-2018 Filed: Reply In Support of Plaintiffs Motion for Relief From Statements in Pleadings, Declaration Deposition as a Result of Mistake

04-20-2018 Filed: Reply In Support of Rule 54(b) Motion to Reconsider the Courts January 29, 2018 Order Re: Defendants Motions for Partial Summary Judgment

04-20-2018 Filed: Request/Notice to Submit

04-20-2018 Filed: Return of Electronic Notification

04-20-2018 Note: Request to Submit given to Judge Pettit. SR

04-23-2018 Fee Account created Total Due: 20.00

04-23-2018 Fee Account created

04-23-2018 AUDIO TAPE COPY 20.00

04-23-2018 Minute Entry - MOTIONS HEARING
Judge: KARA PETTIT
Clerk: tonib

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER
Petitioner's Attorney: S ADAM REVELLI
Petitioner(s): JUNE VANDERSTEEN
Attorney for the Respondent: ALAN R HOUSTON
Attorney for the Respondent: WILLIAM B INGRAM
Respondent(s): AUDIE G LEVENTHAL
Audio

Tape Number: W35 Tape Count: 9:03-12:48

HEARING

9:03

The above entitled case is before the Court for a Motions hearing.

Counsel present as listed along with their clients.

The Court has conversation with counsel in regards to housekeeping matters.

9:10 AM Mr. Ingram calls Mr. Nathan Sponenburgh to the stand, who is sworn in and examined.

9:13 AM Mr. Revelli objects to line of questioning, Mr. Ingram with reply. The Court gives ruling on the record.

9:16 AM Mr. Ingram continues questioning of Mr. Sponenburgh.

9:21 AM Mr. Ingram offers Respondent's exhibit W. Mr. Revelli requests to voir dire the witness, the Court allows voir dire.

9:23 AM Mr. Ingram continues direct.

9:26 AM Mr. Revelli with additional voir dire and argument on objection.

9:27 AM. Mr. Lingam with response to argument.

9:28 AM The Court questions witness.

9:28 AM Mr. Lingam with follow up question.

9:29 AM Mr. Reveling with additional coir dire.

9:29 AM Mr. Lingam continues direct examination.

9:30 AM The Court takes a break from questioning Mr. Sponenburgh to hear argument on Respondent's Motion to Admit 5-5-10 email. Mr. Houston presents argument.

9:39 AM Mr. Grimmer with response to argument on Motion to Admit.

9:43 AM Mr. Houston with reply.

9:48 AM Mr. Lingam with additional reply.

9:49 AM The Court GRANTS Motion to Admit 5-5-10 email and will receive exhibit W into evidence.

9:51 AM Mr. Lingam resumes questioning of Mr. Sponenburgh.

9:55 AM Mr. Reveling with cross examination.

9:59 AM Mr. Reveling offers Plaintiff's exhibit 205, no objections, received.

10:06 The Court requests counsel approach the bench for a bench conference.

10:09 AM The Court takes brief recess.

10:16 AM Court again in session. Mr. Reveling continues cross examination.

10:20 AM Mr. Reveling offers Plaintiff's exhibit 206, no objections, received.

10:29 AM Mr. Lingam with redirect.

10:31 AM Mr. Lingam requests a bench conference. Counsel approach the bench.

10:33 AM The Court takes brief recess to allow counsel to work out logistics.

10:35 AM Court again in session, Mr. Lingam continues redirect.

10:36 - 10:49 AM Counsel back and forth of questioning of witness continues.

10:49 AM Mr. Sponenburg excused from the witness stand.

10:50 AM Mr Houston presents argument on Motion to Recall Mr. Leventhal.

11:00 AM Mr. Grimmer with response to argument.

11:09 AM Mr. Houston with reply.

11:12 AM The Court GRANTS Motion to Recall Mr. Leventhal.

11:14 AM Mr. Lingam calls Mr. Audi Leventhal to the stand, who is sworn in and examined.

11:23 AM Mr. Grimmer with cross examination.

11:25 AM Mr. Lingam interjects and offers Respondent's exhibit X, Mr. Grimmer objects and coir dices the witness.

12:00 PM Mr. Grimmer with argument on exhibit X.

12:03 PM Mr. Ingram with response.

12:06 PM The Court will receive exhibit X and gives ruling on the record.

12:14 PM Mr. Grimmer continues cross examination of Mr. Leventhal.

12:20 PM Mr. Ingram with redirect.

12:29 PM Mr. Grimmer recross.

12:31 PM Mr. Ingram re-redirect. Short recess

12:35 PM Court resumes, parties to to have search terms by 4-27-18, parties will meet and confer by 5-1-18, search and downloads to be completed by 5-4-18, determination to recall Mr. Leventhal will be determined by 05-11-18. Parties to file a request for hearing as appropriate. Closing trial briefs to the court by 05-18-18.

Mr. Grimmer to submit recap of today's hearing.

Court in recess.

12:48

04-23-2018 Filed: Exhibit List

04-26-2018 Fee Account created Total Due: 10.00

04-26-2018 Fee Account created

04-27-2018 Note: Exhibits given to exhibit clerk. -TB

04-27-2018 Fee Account created Total Due: 10.00

04-27-2018 Fee Account created

04-27-2018 AUDIO TAPE COPY 10.00

04-27-2018 Filed: Order (Proposed) from April 23, 2018 Hearing

04-27-2018 Filed: Return of Electronic Notification

04-27-2018 AUDIO TAPE COPY 10.00
04-27-2018 Filed order: Order from April 23, 2018 Hearing
Judge KARA PETTIT
Signed April 27, 2018
04-27-2018 Filed: Return of Electronic Notification
05-11-2018 Filed: Request for Hearing
05-11-2018 Filed: Return of Electronic Notification
05-14-2018 Note: Request for hearing given to Judge Pettit for review. -TB
05-14-2018 Filed: Exhibit A in Support of Objection
05-14-2018 Filed: Objection to Plaintiffs Request for Hearing and Request
for Telephone Conference
05-14-2018 Filed: Return of Electronic Notification
05-15-2018 ADDITIONAL TESTIMONY OF LEVENT scheduled on August 21, 2018 at
09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT
05-15-2018 NOTICE for Case 153900945 ID 19132623
Judge: KARA PETTIT
ADDITIONAL TESTIMONY OF LEVENT is scheduled.
Date: 08/21/2018
Time: 09:00 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT
05-15-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
05-17-2018 PHONE CONFERENCE scheduled on May 25, 2018 at 01:30 PM in THIRD
FLOOR - W35 with Judge KARA PETTIT
05-17-2018 NOTICE for Case 153900945 ID 19138873
Judge: KARA PETTIT
PHONE CONFERENCE is scheduled.
Date: 05/25/2018
Time: 01:30 p.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT
Counsel and/or parties are responsible for calling in at
the number below. THE COURT WILL NOT CALL YOU. If you do
not call in on time, the Court may proceed in your absence.
You will be placed on hold until the Court joins the call.
We will make every effort to begin the call on time, but if
other matters before the Court delay the start on the phone
call, please wait on the line. CONFERENCE CALL NUMBER:
(877) 820-7831 ATTORNEY PASSCODE: 175713
If you experience any problems calling in, please feel free
to contact the judicial assistants at (801) 238-7144.
05-17-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
05-21-2018 Note: SHIRLEY BRINK picked up CD. - hc
05-23-2018 Filed: Response to Objection to Request for Hearing
05-23-2018 Filed: Return of Electronic Notification
05-25-2018 NOTICE for Case 153900945 ID 19159496
Judge: KARA PETTIT
ADDITIONAL TESTIMONY OF LEVENT.
Date: 06/26/2018

Time: 11:00 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
before Judge KARA PETTIT

The reason for the change is Court Ordered
Counsel and/or parties are responsible for calling in at
the number below. THE COURT WILL NOT CALL YOU. If you do
not call in on time, the Court may proceed in your absence.
You will be placed on hold until the Court joins the call.
We will make every effort to begin the call on time, but if
other matters before the Court delay the start on the phone
call, please wait on the line. CONFERENCE CALL NUMBER:
(877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free
to contact the judicial assistants at (801) 238-7144.

05-25-2018 ADDITIONAL TESTIMONY OF LEVENT scheduled on June 26, 2018 at
11:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT

05-25-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

05-25-2018 Filed order: PHONE CONFERENCE

Judge KARA PETTIT
Signed May 25, 2018

05-25-2018 Minute Entry - PHONE CONFERENCE

Judge: KARA PETTIT
Clerk: samanthr
TELEPHONE CONFERENCE

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER
Petitioner's Attorney: S ADAM REVELLI
Attorney for the Respondent: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 1:37-1:57

HEARING

1:37 PM This matter is before the Court for a phone
conference on Mr. Ingram's objection to the request to
recall Mr. Levinthal.

1:40 PM Mr. Grimmer presents argument to the Court.

1:42 PM Mr. Ingram responds

1:47 PM Mr. Grimmer replies.

1:50 PM Mr. Ingram responds.

1:51 PM Mr. Grimmer replies.

1:53 PM The Court rules that the scope of re-examination of
Mr. Levinthal is limited to paragraphs 1 and 2 of Mr.
Grimmer's Response to Objection to Request for Hearing.

The Court reschedules the August 21, 2018 hearing to June
26, 2018 at 11:00 AM by phone. Counsel is to call the
conference dial-in line and submit the exhibits to the
Court prior to the hearing.

1:57 PM Court is in recess.

ADDITIONAL TESTIMONY OF LEVENT.

Date: 06/26/2018

Time: 11:00 a.m.

Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
before Judge KARA PETTIT

06-26-2018 Minute Entry - ADDITIONAL TESTIMONY OF MR. LEVENTHAL BY
Judge: KARA PETTIT
Clerk: tonib

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER
Petitioner's Attorney: S ADAM REVELLI
Petitioner(s): AUDI G LEVENTHAL
Attorney for the Respondent: ALAN R HOUSTON
Attorney for the Respondent: WILLIAM B INGRAM
Audio

Tape Number: W35 Tape Count: 11:02-11:50

HEARING

11:02 AM The above entitled case is before the court for additional testimony of Mr. Leventhal by phone.

Mr. Grimmer calls Mr. Leventhal, Mr. Leventhal sworn in and examined.

11:15 Mr. Grimmer offers exhibit 207-212, no objections, admitted.

11:46 Mr. Ingram with cross examination.

11:48 Mr. Grimmer does not have additional redirect.

The court reminds parties they are to have closing arguments submitted to the court by July 3rd. Parties may also file proposed findings of fact if they choose to do so. Counsel to submit request to submit along with proposed documents.

11:50 Court in recess.

- 07-03-2018 Filed: Findings of Fact/Conclusions of Law (Proposed)
- 07-03-2018 Filed: Request/Notice to Submit Closing Trial Brief and Proposed Findings of Fact and Conclusions of Law
- 07-03-2018 Filed: Supplemental Hearing Transcript (Apr. 23)
- 07-03-2018 Filed: Trial Brief Audie Leventhal Closing Trial Brief
- 07-03-2018 Filed: Trial Transcript - Day Four (Feb. 15)
- 07-03-2018 Filed: Trial Transcript - Day One (Feb. 12)
- 07-03-2018 Filed: Trial Transcript - Day Three (Feb. 14)
- 07-03-2018 Filed: Trial Transcript - Day Two (Feb. 13)
- 07-03-2018 Filed: Return of Electronic Notification
- 07-03-2018 Filed: Plaintiff/Petitioners Closing Argument Brief
- 07-03-2018 Filed: Return of Electronic Notification
- 07-03-2018 Filed: Findings of Fact/Conclusions of Law (Proposed)
- 07-03-2018 Filed: Return of Electronic Notification
- 07-05-2018 Note: Findings and RTS given to Judge Pettit. SR
- 07-06-2018 Filed: Request/Notice to Submit Plaintiff/Petitioners Closing Argument Brief and Proposed Findings of Fact and Conclusions of Law
- 07-06-2018 Filed: Return of Electronic Notification
- 08-27-2018 TELEPHONIC CONFERENCE scheduled on August 28, 2018 at 04:00 PM in THIRD FLOOR - W35 with Judge KARA PETTIT

08-27-2018 NOTICE for Case 153900945 ID 19383353

Judge: KARA PETTIT

TELEPHONIC CONFERENCE is scheduled.

Date: 08/28/2018

Time: 04:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.

We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

08-27-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

08-28-2018 Minute Entry - TELEPHONIC REVIEW HEARING

Judge: KARA PETTIT

Clerk: tonib

PRESENT

Petitioner's Attorney: S ADAM REVELLI

Petitioner's Attorney: MATTHEW G GRIMMER

Attorney for the Respondent: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 4:03-4:22

HEARING

The above entitled case is before the court for a telephonic review hearing.

Counsel requested this matter to be heard on an expedited basis.

Mr. Ingram addresses the court and presents arguments.

Mr. Revelli with response.

Mr. Ingram with reply.

The court questions counsel.

The court orders Mr. Leventhal shall not encumber transfer of property after release of lis pendens and attorneys lien. Mr. Leventhal is to notify counsel immediately, within 24 hours, if the sale falls through. If the closing date has been extended, Mr. Leventhal is to notify counsel within 24 hours.

Mr. Ingram requests clarification.

Mr. Revelli to file proposed order from today's hearing and ruling.

08-31-2018 Filed: Objection to Proposed Order

08-31-2018 Filed: Order (Proposed) from August 28, 2018 Telephone Conference

08-31-2018 Filed: Return of Electronic Notification

09-03-2018 Filed: Findings of Fact/Conclusions of Law Courts Findings and

Conclusions

Judge KARA PETTIT

Signed September 03, 2018

- 09-03-2018 Note: These are the Court's Findings and Conclusions of Law from trial.
- 09-03-2018 Filed: Other - Not Signed Findings of Fact/Conclusions of Law (Proposed)
- 09-03-2018 Note: The Court issued its own Findings and Conclusions on 9/3/18.
- 09-03-2018 Filed: Return of Electronic Notification
- 09-03-2018 Filed: Return of Electronic Notification
- 09-11-2018 Filed order: Order from August 28, 2018 Telephone Conference
Judge KARA PETTIT
Signed September 11, 2018
- 09-11-2018 Note: Court has reviewed 8/31/18 Objection and Vandersteen's proposed order and finds this order as executed accurately reflects the Court's ruling. KLP
- 09-11-2018 Filed: Return of Electronic Notification
- 09-13-2018 Filed: Judgment (Proposed)
- 09-13-2018 Filed: Objection to Defendant Audie Leventhals Proposed Judgment
- 09-13-2018 Filed: Return of Electronic Notification
- 09-14-2018 Filed: Order (Proposed) Judgment
- 09-14-2018 Filed: Proposed Judgment and Response to Objection
- 09-14-2018 Filed: Return of Electronic Notification
- 09-15-2018 Filed: Motion to Intervene/Join
- 09-15-2018 Filed: Return of Electronic Notification
- 09-26-2018 Filed: Affidavit of Attorney Fees and Costs Matthew Grimmer (GDRB)
- 09-26-2018 Filed: Affidavit of Attorney Fees and Costs Matthew Grimmer (GA)
- 09-26-2018 Filed: Request for Attorney Fees and Costs
- 09-26-2018 Filed: Return of Electronic Notification
- 09-27-2018 Fee Account created Total Due: 20.00
- 09-27-2018 Fee Account created
- 09-27-2018 AUDIO TAPE COPY 20.00
- 09-27-2018 Note: 2 recordings of 5-4-17 and 6-15-17 hearings emailed to Mr. Ingram's office. -TB
- 10-01-2018 Filed: Objection to Motion to Intervene
- 10-01-2018 Filed: Return of Electronic Notification
- 10-03-2018 Filed: Objection to Plaintiffs Request for Attorney Fees and Costs
- 10-03-2018 Filed: Return of Electronic Notification
- 10-03-2018 Filed: Affidavit/Declaration of Attorney Fees and Costs
- 10-03-2018 Filed: Motion for Attorney Fees and Costs
Filed by: BRIAN SHAPIRO
- 10-03-2018 Filed: Return of Electronic Notification
- 10-04-2018 Filed: Amended Notice of Attorneys Lien
- 10-04-2018 Filed: Motion to Intervene/Join
- 10-04-2018 Filed: Return of Electronic Notification
- 10-08-2018 Filed: Objection to Motion to Intervene
- 10-08-2018 Filed: Return of Electronic Notification
- 10-08-2018 Filed: Reply Memorandum in Support of Motion to Intervene
- 10-08-2018 Filed: Return of Electronic Notification
- 10-08-2018 Filed: Stipulated Request for Telephonic Hearing

10-08-2018 Filed: Order (Proposed) Granting Stipulated Request for Telephonic Hearing

10-08-2018 Filed: Return of Electronic Notification

10-10-2018 TELEPHONIC HEARING scheduled on October 30, 2018 at 09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT

10-10-2018 NOTICE for Case 153900945 ID 19491990
Judge: KARA PETTIT
TELEPHONIC HEARING is scheduled.
Date: 10/30/2018
Time: 09:00 a.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT
Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.
We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713
If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

10-10-2018 Filed order: Order Granting Stipulated Request for Telephonic Hearing
Judge KARA PETTIT
Signed October 10, 2018

10-10-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

10-10-2018 Filed: Return of Electronic Notification

10-10-2018 Filed: Response to Audie Leventhals Objection to June Vandersteens Request for Attorney Fees and Costs

10-10-2018 Filed: Return of Electronic Notification

10-11-2018 Filed: Request/Notice to Submit for Decision (Motion to Intervene)

10-11-2018 Filed: Return of Electronic Notification

10-15-2018 Filed: Reply Memorandum in Support of SNJs Motion to Intervene

10-15-2018 Filed: Request/Notice to Submit for Decision (SNJs Motion to Intervene)

10-15-2018 Filed: Return of Electronic Notification

10-16-2018 Note: RTS given to Judge Pettit for review. -TB

10-17-2018 Filed: Order (Proposed) Granting Motion to Intervene

10-17-2018 Filed: Return of Electronic Notification

10-17-2018 Filed: Exhibits A - G to Memorandum Opposing Audie Leventhals Motion for Attorney Fees and Cost

10-17-2018 Filed: Memorandum Opposing Audie Leventhals Motion for Attorney Fees and Cost

10-17-2018 Filed: Return of Electronic Notification

10-18-2018 Filed: Request/Notice to Submit Plaintiffs Request for Attorney Fees and Costs

10-18-2018 Filed: Return of Electronic Notification

10-24-2018 Filed: Reply Memorandum in Support of Motion for Attorney Fees and Costs

10-24-2018 Filed: Return of Electronic Notification

10-26-2018 Filed: Errata to Defendant Audie Leventhals Reply Memorandum in Support of Motion for Attorney Fees and Costs

10-26-2018 Filed: Request/Notice to Submit for Decision: Motions for Attorney Fees

10-26-2018 Filed: Return of Electronic Notification

10-30-2018 Minute Entry - TELEPHONIC HEARING

Judge: KARA PETTIT

Clerk: tonib

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: S ADAM REVELLI

Petitioner(s): AUDI G LEVENTHAL

Trustee: NATHAN SPONENBURGH

Attorney for the Respondent: ALAN R HOUSTON

Attorney for the Respondent: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 9:01-9:34

HEARING

9:01 AM The above-entitled case is before the court for argument on appointment of trust protector and benefits trustee.

Counsel makes appearances.

Mr. Ingram presents argument.

Mr. Revelli with response to argument.

Mr. Ingram with reply.

Mr. Grimmer with additional response.

Mr. Leventhal addresses the court.

The court appoints David Klauss as trust protector, and Mr. Sponenburgh as benefits trustee.

Mr. Ingram to prepare proposed order from today's hearing and ruling.

9:34 AM Court in recess.

10-31-2018 Filed: Order (Proposed) Order of Appointment

10-31-2018 Filed: Return of Electronic Notification

10-31-2018 Filed order: Order of Appointment

Judge KARA PETTIT

Signed October 31, 2018

10-31-2018 Filed: Return of Electronic Notification

11-12-2018 Filed order: Order Granting Motions to Intervene

Judge KARA PETTIT

Signed November 12, 2018

11-12-2018 Filed: Return of Electronic Notification

11-12-2018 Filed order: Order Judgment

Judge KARA PETTIT

Signed November 12, 2018

11-12-2018 Filed: Other - Not Signed Judgment (Proposed)

11-12-2018 Filed: Return of Electronic Notification

11-12-2018 Filed: Return of Electronic Notification

11-13-2018 Case Disposition is Granted

Disposition Judge is KARA PETTIT

11-13-2018 TELEPHONE CONFERENCE scheduled on November 16, 2018 at 02:00 PM in THIRD FLOOR - W35 with Judge KARA PETTIT

11-13-2018 NOTICE for Case 153900945 ID 19571936

Judge: KARA PETTIT

TELEPHONE CONFERENCE is scheduled.

Date: 11/16/2018

Time: 02:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.

We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

11-13-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

11-16-2018 TELE PRETRIAL CONF/REVIEW HRG scheduled on February 19, 2019 at 03:00 PM in THIRD FLOOR - W35 with Judge KARA PETTIT

11-16-2018 NOTICE for Case 153900945 ID 19586625

Judge: KARA PETTIT

TELE PRETRIAL CONF/REVIEW HRG is scheduled.

Date: 02/19/2019

Time: 03:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge KARA PETTIT

Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.

We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

11-16-2018 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

11-16-2018 Minute Entry - TELEPHONIC CONFERENCE

Judge: KARA PETTIT

Clerk: katherf

TELEPHONE CONFERENCE

PRESENT

Petitioner's Attorney: S ADAM REVELLI

Petitioner(s): AUDI G LEVENTHAL

Attorney for the Intervenor: JOSEPH G BALLSTAEDT

Other Parties: DANIEL V GOODSELL

Attorney for the Respondent: WILLIAM B INGRAM

Audio

Tape Number: W35 Tape Count: 2:00-2:30

HEARING

2:00 PM The above-entitled case comes before the Court for a Telephonic Conference.

Counsel makes appearances.

The Court has discussion with Counsel regarding Complaints in Intervention.

The Court will require Counsel to file Complaints in Intervention by 11/26/2018.

Mr. Leventhal is required to Respond to the Complaints by 1/28/2019. He may file a motion to ask for an extension.

Initial Disclosures deadlines shall follow Rule 26 of URCP.

The Court sets a Telephonic Pretrial Conference/Review on 2/19/2019 @ 3:00 PM.

The Motions for Attorney Fees & Costs will remain pending until Complaints in Intervention are addressed.

2:30 PM Court is in recess.

TELE PRETRIAL CONF/REVIEW HRG is scheduled.

Date: 02/19/2019

Time: 03:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge KARA PETTIT

- 11-16-2018 Filed order: TELEPHONIC CONFERENCE
Judge KARA PETTIT
Signed November 16, 2018
- 11-26-2018 Filed: Complaint in Intervention
- 11-26-2018 Fee Account created Total Due: 155.00
- 11-26-2018 Fee Account created
- 11-26-2018 INTERVENTION 10K + 155.00
- 11-26-2018 Filed: Return of Electronic Notification
- 11-26-2018 Filed: Complaint in Intervention Petition to Adjudicate Attorney Lien and For Order Instructing Trustees
- 11-26-2018 Filed: Exhibit List Exhibit 4
- 11-26-2018 Filed: Exhibit List Exhibits 1 - 3
- 11-26-2018 Filed: Exhibit List Exhibits 5 - 6
- 11-26-2018 Fee Account created Total Due: 155.00
- 11-26-2018 Fee Account created
- 11-26-2018 INTERVENTION 10K + 155.00
- 11-26-2018 Filed: Return of Electronic Notification
- 12-19-2018 Filed: Motion to Intervene/Join
- 12-19-2018 Filed: Return of Electronic Notification
- 01-02-2019 Filed: Objection to Motion to Intervene and Motion for Extension of Time
- 01-02-2019 Filed: Return of Electronic Notification
- 01-03-2019 Filed: Opposition to Audie G. Leventhals Motion for Extension of Time
- 01-03-2019 Filed: Return of Electronic Notification
- 01-08-2019 Filed: Reply Memorandum in Support of Motion to Intervene
- 01-08-2019 Filed: Request/Notice to Submit (BTJDs Motion to Intervene)

01-08-2019 Filed: Return of Electronic Notification

01-09-2019 Ruling Entry - ORDER GRANTING BJTD INTERVENTION AND EXT

Judge: KARA PETTIT

Before the Court is Bennett Tueller Johnson & Deere LLC (BTJD)'s motion to intervene, filed 12/19/18. The matter is fully briefed and was submitted to the Court for decision on 1/8/19.

For the same reasons set forth in the Court's 11/12/18 order, the Court also GRANTS BJTD's motion to intervene under rule 24(b).

Specifically, BJTD is authorized to move to intervene in these proceedings pursuant to Utah Code Ann 38-2-7 because they provided legal services in this legal action to Leventhal.

Pursuant to Utah Code Ann 38-2-7(5), an attorney may bring a motion to intervene when 30 days has expired after a demand for payment has been made and not been complied with. Generally, an attorney's motion to intervene pursuant to Utah Code Ann 38-2-7 is considered timely when it is filed before the final settlement of all issues by all parties, and before entry of judgment or dismissal. *Berg v. Nelson*, 2016 UT App 16, P4, 366 P.3d 860, 861 (2016) (internal quotations omitted).

BJTD's Motion to Intervene is timely under URCP 24 and Utah Code Ann 38-2-7.

Whether to grant a motion to intervene under URCP 24(b) is within the sound discretion of the [district] court. See, e.g., *Jenner v. Real Estate Servs.*, 659 P.2d 1072, 1074 (1983). While URCP 24(b) requires the court to consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, there is no established rule, formula, or controlling factor with respect to the court's decision. See, e.g., *Bishop v. Quintana*, 2005 UT App 509.

The Court finds BJTD's intervention in these proceedings will not cause any undue delay or prejudice the adjudication of the rights of Vandersteen or Leventhal.

These proceedings are the most efficient and appropriate way to resolve the issue of BJTD's attorney's lien. The issues of whether fees were actually incurred by Leventhal, and the reasonableness of those fees is already at issue in this case, and would also be at issue in separate proceedings regarding the attorneys' lien.

BJTD is authorized to intervene in these proceedings for the purpose of enforcing their attorneys' lien.

Additionally, the Court GRANTS Leventhal's request for an extension of time to respond to the complaints in intervention. The Court finds good cause to grant the extension in light of this new intervention order and to allow Leventhal additional time to obtain counsel.

Leventhal's responses to all of the complaints in intervention are due February 15, 2019, or 21 days after service of BTJD's Complaint in Intervention, whichever is later.

This is the Order of the Court.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

EMAIL: JOSEPH G BALLSTAEDT joe@snjlegal.com
EMAIL: DANIEL V GOODSSELL dan@goodsellolsen.com
EMAIL: MATTHEW G GRIMMER mgrimmer@grimmerdavis.com
EMAIL: ALAN R HOUSTON ahouston@strongandhanni.com
EMAIL: WILLIAM B INGRAM wingram@strongandhanni.com
EMAIL: S ADAM REVELLI arevelli@grimmerdavis.com
EMAIL: JEFF B SKOUBYE jeff@snjlegal.com
EMAIL: RYAN MERRIMAN rmerriman@btjd.com

01/09/2019

/s/ KARA

PETTIT

Date: _____

Signature

01-09-2019 Filed order: ORDER GRANTING BJTD INTERVENTION AND EXTENSION
Judge KARA PETTIT
Signed January 09, 2019

01-15-2019 Filed return: Return of Service - Summons and Complaint in
Intervention to Nate Sponenburgh upon NATE SPONENBURGH for
Party Served: NATHAN SPONENBURGH
Service Type: Personal
Service Date: January 08, 2019
Garnishee:

01-15-2019 Filed: Return of Electronic Notification

02-01-2019 Filed: Appearance of Counsel/Notice of Limited Appearance

02-01-2019 Filed: Return of Electronic Notification

02-19-2019 NOTICE for Case 153900945 ID 19808537

Judge: KARA PETTIT

PRETRIAL CONFERENCE is scheduled.

Date: 04/22/2019

Time: 08:30 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge KARA PETTIT

Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.

We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

02-19-2019 PRETRIAL CONFERENCE scheduled on April 22, 2019 at 08:30 AM in
THIRD FLOOR - W35 with Judge KARA PETTIT

02-19-2019 Minute Entry - TELEPHONE REVIEW HEARING

Judge: KARA PETTIT

Clerk: nicoleo

TELEPHONE CONFERENCE

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER
Petitioner's Attorney: S ADAM REVELLI
Attorney for the Intervenor: JOSEPH G BALLSTAEDT
Other Parties: DANIEL V GOODSSELL
Other Parties: RYAN M MERRIMAN
Other Parties: RYAN M MERRIMAN
Attorney for the Respondent: WILLIAM B INGRAM
Attorney for the Respondent: JOHN E WOOTTON
Audio

Tape Number: CourtRm W35 Tape Count: 3.00-3.15

HEARING

This matter is before the court for a telephone review hearing.

Mr. Merriman updates the court on the status of the Bennett Tuller complaint.

The Court orders Bennett Tuller to file their complaint by Friday February 22, 2019.

Mr. Wootton is authorized to accept service via efilng.

All responses are to be filed by March 15, 2019.

The court will hold a Telephonic Rule 16 Pretrial Conference April 22, 2019 at 8:30 a.m. to discuss the status of the case, and to set discovery deadlines

PRETRIAL CONFERENCE is scheduled.

Date: 04/22/2019

Time: 08:30 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge KARA PETTIT

02-19-2019 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

02-19-2019 Filed order: TELEPHONE REVIEW HEARING

Judge KARA PETTIT

Signed February 19, 2019

02-22-2019 Filed: Notice of Withdrawal of BTJDs Motion to Intervene

02-22-2019 Filed: Return of Electronic Notification

03-05-2019 Filed: Complaint in Intervention First Amended Complaint in Intervention

03-05-2019 Fee Account created Total Due: 155.00

03-05-2019 Fee Account created

03-05-2019 INTERVENTION 10K + 155.00

03-05-2019 Filed: Return of Electronic Notification

03-13-2019 Filed return: Acceptance of Service upon ATTORNEY ACCEPTED SERVICE ON BEHALF OF C for

Party Served: AUDIE G LEVENTHAL

Service Type: Personal

Service Date: March 13, 2019

Garnishee:

03-13-2019 Filed: Return of Electronic Notification

03-14-2019 Filed: Appearance of Counsel/Notice of Limited Appearance

03-14-2019 Filed: Return of Electronic Notification

03-15-2019 Filed: Answer of Audie G. Leventhal

Answer Party: BRIAN SHAPIRO

03-15-2019 Filed: Motion to Dismiss Complaint in Intervention - Goodsell
Filed by: NATHAN SPONENBURGH

03-15-2019 Filed: Motion to Dismiss Complaint in Intervention - Skoubye
Filed by: NATHAN SPONENBURGH

03-15-2019 Filed: Return of Electronic Notification

03-29-2019 Filed: Certificate of Service of Skoubye, Nielson Johansens
Initial Disclosure

03-29-2019 Filed: Return of Electronic Notification

03-29-2019 Filed: Opposition to Motion to Dismiss Goodsell Olsen, LLPs
First Amended Complaint in Intervention and Countermotion to
Declare Validity and Enforceability of Contracts and to
Bifurcate the Trial

03-29-2019 Filed: Return of Electronic Notification

04-05-2019 Filed: Amended Petition First Amended Complaint in Intervention

04-05-2019 Filed: Return of Electronic Notification

04-09-2019 Note: Reason: Court Ordered Conflict in the Court's schedule.
Court motion.

04-09-2019 TELEPHONIC PRETRIAL CONFERENCE scheduled on April 29, 2019 at
01:30 PM in THIRD FLOOR - W35 with Judge KARA PETTIT

04-09-2019 NOTICE for Case 153900945 ID 19933587
Judge: KARA PETTIT
TELEPHONIC PRETRIAL CONFERENCE is scheduled.
Date: 04/29/2019
Time: 01:30 p.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT
Counsel and/or parties are responsible for calling in at
the number below. THE COURT WILL NOT CALL YOU. If you do
not call in on time, the Court may proceed in your absence.
You will be placed on hold until the Court joins the call.
We will make every effort to begin the call on time, but if
other matters before the Court delay the start on the phone
call, please wait on the line. CONFERENCE CALL NUMBER:
(877) 820-7831 ATTORNEY PASSCODE: 175713
If you experience any problems calling in, please feel free
to contact the judicial assistants at (801) 238-7144.

04-09-2019 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

04-12-2019 Filed: Reply Memorandum Motion to Dismiss and Memorandum in
Opposition to Bifurcate

04-12-2019 Filed: Request for Hearing on Motion to Dismiss Goodsell

04-12-2019 Filed: Return of Electronic Notification

04-12-2019 Filed: Return of Electronic Notification

04-16-2019 NOTICE for Case 153900945 ID 19949845
Judge: KARA PETTIT
MOTIONS HEARING is scheduled.
Date: 05/13/2019
Time: 01:30 p.m.
Location: THIRD FLOOR - W35
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: KARA PETTIT

MOTION TO DISMISS GOODSSELL & OLSEN, LLP'S FIRST AMENDED COMPLAINT IN INTERVENTION

COUNTERMOTION TO DECLARE VALIDITY AND ENFORCEABILITY OF CONTRACTS AND TO BIFURCATE THE TRIAL

04-16-2019 MOTIONS HEARING scheduled on May 13, 2019 at 01:30 PM in THIRD FLOOR - W35 with Judge KARA PETTIT

04-16-2019 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

04-19-2019 Filed: Reply Memorandum in Support of Countermotion to Declare Validity and Enforceability of Contracts and to Bifurcate the Trial

04-19-2019 Filed: Return of Electronic Notification

04-22-2019 NOTICE for Case 153900945 ID 19963972

Judge: KARA PETTIT

MOTIONS HEARING.

Date: 05/13/2019

Time: 01:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

The reason for the change is Conflict in Judge Schedule

04-22-2019 MOTIONS HEARING rescheduled on May 13, 2019 at 01:00 PM

Reason: Conflict in Judge Schedule

04-22-2019 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

04-26-2019 Filed: Answer to First Amended Complaint in Intervention (Skoubye)

Answer Party: NATHAN SPONENBURGH

Answer Party: AUDIE G LEVENTHAL

Answer Party: BRIAN SHAPIRO

04-26-2019 Filed: Return of Electronic Notification

04-29-2019 Minute Entry - TELEPHONIC RULE 16 CONF

Judge: KARA PETTIT

Clerk: tonib

PRESENT

Petitioner's Attorney: MATTHEW G GRIMMER

Petitioner's Attorney: S ADAM REVELLI

Petitioner's Attorney: JOHN E WOOTTON

Attorney for the Intervenor: JOSEPH G BALLSTAEDT

Other Parties: DANIEL V GOODSSELL

Attorney for the Respondent: ALAN R HOUSTON

Audio

Tape Number: W35 Tape Count: 1:31-1:41

HEARING

1:31 PM The above-entitled case is before the court for a telephonic rule 16 conference.

Counsel present as listed.

The court has conversation with counsel regarding status of case.

The court defers discussion of deadlines until the next scheduled hearing on May 13th.

1:41 PM Court in recess.

05-13-2019 Minute Entry - MOTION HEARING

Judge: KARA PETTIT
Clerk: tonib

PRESENT

Petitioner's Attorney: S ADAM REVELLI
Petitioner's Attorney: JOHN E WOOTTON
Attorney for the Intervenor: JOSEPH G BALLSTAEDT
Other Parties: DANIEL V GOODSSELL
Attorney for the Respondent: ALAN R HOUSTON

Audio

Tape Number: W35 Tape Count: 1:27-1:56

HEARING

1:27 PM The above-entitled case is before the court for oral argument on pending motions; Motion to Dismiss Goodsell, Countermotion to Declare Validity and Enforceability of Contracts and to Bifurcate the Trial.

Mr. Wootton presents arguments.

Mr. Goodsell with response.

Mr. Wootton with reply.

The court GRANTS the Motion to Dismiss without prejudice on all the claims, GRANTS portion of countermotion to declare validity, and DENIES portion regarding bifurcating the trial for reasons read onto the record.

Mr. Wootton motions for attorneys fees on this motion.

Mr. Goodsell with response.

The court DENIES the request for fees on this motion at this time.

Mr. Wootton to prepare proposed order from today's hearing.

The court has conversation with counsel in regards to deadlines.

Mr. Wootton to submit Leventhal's initial disclosures by May 28th, 2019. Counsel to follow tier 2, except fact discovery deadline is July 29th, 2019. Expert deadlines to run per the rule, unless parties agree otherwise.
1:56 PM Court in recess.

05-13-2019 Filed order: MOTION HEARING

Judge KARA PETTIT
Signed May 13, 2019

05-15-2019 Fee Account created Total Due: 10.00

05-15-2019 Fee Account created

05-15-2019 AUDIO TAPE COPY 10.00

05-15-2019 Note: Emailed audio to mike@woottonlaw.com. -KF

05-24-2019 Filed: Order (Proposed) on Leventhals Motion to Dismiss Goodsells First Amended Complaint in Intervention and Goodsells Counter Motions to Declare Enforceability of Contracts and to Bifurcate the Trial

05-24-2019 Filed: Return of Electronic Notification

05-28-2019 Filed: Certificate of Service of Skoubye Nielson Johansen LLCs First Set of Requests for Admission, Interrogatories and Requests for Production of Documents to Defendants in Intervention

05-28-2019 Filed: Return of Electronic Notification

05-28-2019 Filed: Amended Certificate of Service of Skoubye Nielson Johansens First Set of Requests for Admission, Interrogatories

and Requests for Production of Documents to Defendants in Intervention

05-28-2019 Filed: Return of Electronic Notification
05-28-2019 Filed: Certificate of Service - Leventhal Initial Disclosures
05-28-2019 Filed: Return of Electronic Notification
06-05-2019 Filed order: Order on Leventhals Motion to Dismiss Goodsells First Amended Complaint in Intervention and Goodsells Counter Motions to Declare Enforceability of Contracts and to Bifurcate the Trial
Judge KARA PETTIT
Signed June 05, 2019
06-05-2019 Filed: Return of Electronic Notification
06-21-2019 Filed: Motion for Order Declaring Priority of Attorneys Lien
Filed by: GOODSSELL & OLSEN LLP
06-21-2019 Filed: Return of Electronic Notification
06-25-2019 Filed: Certificate of Service - Leventhal Response to Requests for Admission
06-25-2019 Filed: Return of Electronic Notification
06-26-2019 Filed: Memorandum Skoubye Nielson Johansen, LLCs Response to Motion for Order Declaring Priority of Attorneys Lien
06-26-2019 Filed: Return of Electronic Notification
06-27-2019 Filed: Certificate of Service - Leventhal Response to Requests for Admission
06-27-2019 Filed: Return of Electronic Notification
07-01-2019 Filed: Certificate of Service - Leventhal Response to Interrogatories and Request for Production
07-01-2019 Filed: Return of Electronic Notification
07-03-2019 Filed: Memorandum Opposing Motion for Order Declaring Priority of Attorney Lien
07-03-2019 Filed: Return of Electronic Notification
07-09-2019 Filed: Certificate of Service - Leventhal First Discovery Requests
07-09-2019 Filed: Return of Electronic Notification
07-26-2019 Filed: Appearance of Counsel/Notice of Limited Appearance
07-26-2019 Filed: Certificate of Service (Skoubye Nielson Johansen, LLCs First Supplemental Disclosure)
07-26-2019 Filed: Return of Electronic Notification
07-31-2019 Filed: Request/Notice to Submit Motion for Order Declaring Priority of Attorneys Lien
07-31-2019 Filed: Return of Electronic Notification
08-06-2019 Filed: Certificate of Service (Skoubye Nielson Johansen, LLCs Objection to Defendants in Intervention First Set of Discovery Requests)
08-06-2019 Filed: Return of Electronic Notification
08-14-2019 Filed: Certificate of Readiness for Trial and Request for Pretrial Conference
08-14-2019 Filed: Return of Electronic Notification
08-15-2019 NOTICE for Case 153900945 ID 20258124

Judge: KARA PETTIT
PRETRIAL CONFERENCE is scheduled.

Date: 09/03/2019

Time: 10:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

08-15-2019 PRETRIAL CONFERENCE scheduled on September 03, 2019 at 10:00 AM
in THIRD FLOOR - W35 with Judge KARA PETTIT

08-15-2019 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

08-20-2019 Filed: Statement of Discovery Issues

08-20-2019 Filed: Return of Electronic Notification

08-27-2019 Filed: Objection to Statement of Discovery Issues

08-27-2019 Filed: Order (Proposed) Denying Statement of Discovery Issues

08-27-2019 Filed: Return of Electronic Notification

09-03-2019 1 DAY BENCH TRIAL/ MT FOR FEES scheduled on December 05, 2019
at 09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT

09-03-2019 Minute Entry - PRETRIAL CONFERENCE
Judge: KARA PETTIT
Clerk: tonib

PRESENT

Petitioner's Attorney: S ADAM REVELLI
Petitioner's Attorney: JOHN E WOOTTON
Attorney for the Counterclaimant: JOSEPH BALLSTAEDT
Attorney for the Respondent: ALAN HOUSTON
Audio
Tape Number: W35 Tape Count: 10:12-10:30

HEARING

10:12 AM The above-entitled case is before the court for a pretrial conference.

Mr. Wooten present by phone for he did not have today's hearing calendared.

Other parties make apperances for the record.

Mr. Ballstaedt addresses the court and presents status update to the court.

Mr. Revelli with response.

Mr. Houston with response.

Mr. Wooten with response.

The court schedules a 1 day Bench Trial/ argument on pending Motion for Fees.

Court in recess.

10:30 AM

1 DAY BENCH TRIAL/ MT FOR FEES is scheduled.

Date: 12/05/2019

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

09-03-2019 Filed: Order (Proposed) Granting Leventhals Statement of
Discovery Issues

09-03-2019 Filed: Request/Notice to Submit

09-03-2019 Filed: Return of Electronic Notification

09-03-2019 Filed order: Order Denying Statement of Discovery Issues
Judge KARA PETTIT

Signed September 03, 2019

09-03-2019 Filed: Other - Not Signed Order (Proposed) Granting Leventhals
Statement of Discovery Issues

09-03-2019 Note: Court revised proposed order. KLP

09-03-2019 Filed: Return of Electronic Notification

09-03-2019 Filed: Return of Electronic Notification

09-09-2019 Filed: Affidavit of Attorney Fees and Costs

09-09-2019 Filed: Return of Electronic Notification

09-25-2019 Filed: Order (Proposed) Awarding Skoubye Nielson Johansen, LLC
Attorney Fees and Costs

09-25-2019 Filed: Request/Notice to Submit for Decision (Skoubye Nielson
Johansen, LLC Award of Attorney Fees and Costs on Defendants in
Intervention Statement of Discovery Issues)

09-25-2019 Filed: Return of Electronic Notification

09-29-2019 Ruling Entry - ORDER ON MOTION TO ESTABLISH LIEN PRIORI
Judge: PETTIT, KARA

Before the Court is Goodsell and Olsen's (G&O) June 21, 2019 Motion for Order Declaring Priority of Attorney's Lien (Motion), to which Skoubye Nielson & Johansen (SNJ) filed a Response on June 26, 2019, and Vandersteen filed an opposition memorandum on July 3, 2019. G&O did not file a reply memorandum, and on July 31, 2019, Vandersteen filed a request to submit to bring the motion to the Court's attention. No party requested oral argument and the Court finds oral argument to be unnecessary.

BACKGROUND AND FACTS

G&O seeks an order from the Court declaring that G&O's claimed attorney's lien against the real and personal property of the Audie G. Leventhal Irrevocable Trust (Trust) has priority over other alleged attorney's liens, except for SNJ's asserted lien against the Trust's personal property. SNJ does not oppose G&O's motion, but asks the Court to make clear, as G&O acknowledges, that SNJ's alleged lien on the Trust's personal property has priority over G&O's alleged lien.

Vandersteen asserts the firm representing her at the outset of this litigation, Grimmer & Associates (G&A), has a lien with priority on both the Trust's real and personal property.

The pending Motion does not ask the Court to render determinations on the validity or amount of the various attorney's liens. Accordingly, the Court is not making any such determinations in this Ruling. The Court is simply determining the priority of asserted attorney liens, without making any findings on whether the liens are valid or properly asserted or enforceable against property owned by the Trust.

On May 8, 2015 Audie G. Leventhal, as grantor of the Trust, represented by Bennett Tueller Johnson & Deere (BTJD), initiated this action by filing a petition to compel an accounting from June Vandersteen to account for the assets of the Trust under her control and administration as Benefits Trustee. On June 19, 2015 BTJD filed a notice of withdrawal.

On June 30, 2015, G&A entered an appearance in this case on behalf of Vandersteen as Benefits Trustee. On August 25, 2015, Vandersteen, as Benefits Trustee and beneficiary of the Trust, filed a petition for removal of Leventhal as Investment Trustee.

On August 28, 2015, Fabian & Clendenin filed a notice of appearance for Leventhal. On October 2, 2015, Leventhal filed an answer, counterpetition and counterclaim against Vandersteen. On November 20, 2015, Fabian withdrew as counsel for Leventhal.

On January 26, 2016, BTJD filed a Notice of Attorney's Lien in this case, asserting a lien on any cash or property (the Proceeds) Audie Gene Leventhal may recover in this lawsuit. The BTJD Notice asserted that Leventhal and the Trust were BTJD clients with an interest in the Proceeds, and stated the funds subject to the lien included Proceeds Leventhal or the Trust recovered in this lawsuit and the assets of the Leventhal Trust. G&A was served electronically with the Notice on January 26, 2016.

On April 5, 2016, Leventhal and G&O entered into a retainer agreement by which Leventhal hired G&O to advise client and in his capacity Trustor, beneficiary, and investment trustee of [the Trust]. See Retainer Agreement attached as Exhibit 1 to Motion to Dismiss G&O First Amended Complaint

in Intervention.

On May 11, 2016, Olsen, Skoubye & Nielson, LLC entered an appearance on behalf of Leventhal in this case.

On September 13, 2016, Fabian filed a Notice of Attorney's Lien in this case, asserting a lien against all assets of the trust estate. SNJ and G&A were served electronically with Fabian's Notice on September 13, 2016.

On September 29, 2016, G&O appeared on behalf of Leventhal with SNJ as co-counsel on a Motion For Order Declaring Authority Of Investment Trustee To Sell Real Property And To Receive Net Proceeds, For Order Removing Or Suspending Benefits Trustee, And For Order Compelling Delivery Of Trust Properties. On October 21, 2016, G&O formally entered an appearance as counsel of record.

On May 10, 2017, SNJ filed a Motion to Withdraw as counsel for Leventhal.

On May 19, 2017 G&O filed a Motion to Withdraw as Counsel of Record and for Order Instructing Trust to Pay Attorney Fees from Trust Funds.

On June 15, 2017, the Court held a hearing on various motions, including SNJ's and G&O's motions to withdraw. The Court granted SNJ's motion to withdraw and stayed G&O's motion until it ruled on the pending motions at a hearing on July 20, 2017. At the July 20 hearing, the Court authorized G&O's withdrawal if it chose to do so. On July 28, 2017, pursuant to the Court's prior rulings, G&O withdrew as counsel.

On September 6, 2017, G&A recorded a Notice of Attorney Lien on real property owned by the Trust in Salt Lake County, Utah.

On September 14, 2017 SNJ filed a Notice of Attorney's Lien in this case claiming a lien against all assets of the trust estate. G&A was served electronically with the Notice on September 14, 2017.

On September 15, 2017, G&O reappeared as counsel of record for Leventhal in this matter.

On October 31, 2017, G&O filed a Notice of Attorney's Lien in this case against all assets of the Trust and against any judgment awarded in favor of Leventhal as an individual or as Investment Trustee in this case. G&A was served electronically with the Notice on October 31, 2017.

On November 2, 2017, Strong & Hanni entered a conditional appearance for Leventhal in this case.

On December 18, 2017, G&O recorded a Notice of Attorney's Lien on real property owned by the Trust in Salt Lake County.

On January 9, 2018, Vandersteen's attorneys from G&A, through a new firm Grimmer, Davis, Revelli Ballif, PC (GDRB) substituted as Vandersteen's counsel.

On February 2, 2018, GDRB recorded a Notice of Attorney's Lien on real property owned by the Trust in Salt Lake County.

DISCUSSION

The priority of an attorney's lien differs depending on what type of property is involved. See Fadel v. Deseret

First Credit Union, 2017 UT App 165, 24, 405 P.3d 807. With respect to real property, 'an attorney's lien on real property has as its priority the date and time when a notice of lien is filed with the county recorder of the county in which [the] real property that is subject to a lien ... is located.' Id. 38-2-7(9). In other words, to perfect an attorney's lien against a client's real property and hold priority over others who later take an interest in that property, the attorney must record the notice of lien with the county recorder. See id. With respect to property other than real property, '[a]ny person who takes an interest in any property ... that is subject to an attorney's lien with actual or constructive knowledge of the attorney's lien, takes the interest subject to the attorney's lien.' Id. 38-2-7(8). Therefore, to have a perfected lien in personal property, and hold priority over others who later take an interest in that property, those others must have actual or constructive knowledge of the attorney's lien as to the personal property. The statute sets forth where a notice of lien as to either personal or real property may be filed, and the contents of such notices See Utah Code 38-2-7(5) and (6).

Priority for Attorney Liens Against the Trust s Real Property:

G&O and G&A both assert that their lien on the Trust s real property should have priority. However, G&O's assertion is based on its misunderstanding that no other notice of attorney's lien had been recorded against the real properties before G&O recorded its notice of lien. As both G&O and G&A acknowledge: An attorney's lien on real property has as its priority the date and time when a notice of lien is filed with the county recorder of the county in which real property that is subject to a lien under this section is located. Utah Code 38-2-7(9). G&A filed its lien notice with the Salt Lake County recorder on September 6, 2017. Thereafter, G&O filed its lien notice with the Salt Lake County recorder on December 18, 2017. Thus, G&A's alleged lien has priority over G&O's alleged lien on the Trust s real property.

Priority for Liens Against the Trust s Personal Property: Similarly, G&O and G&A both assert that their lien on the Trust's personal property should have priority. G&A argues that its lien has priority, even though it provided no one, including Vandersteen, with any notice of a lien, because of Utah Code 38-2-7(3) which states '[a]n attorney's lien commences at the time of employment of the attorney by the client.' G&A argues that the only prerequisite to perfect an attorney's lien on personal property is to be employed by the client. This interpretation ignores Subsection 8 of the statute that states: 'Any person who takes an interest in any property, other than real property, that is subject to an attorney's lien with actual or constructive knowledge of the attorney's lien, takes the interest subject to the attorney's lien.' Thus, pursuant to the statute, if a person who has actual or constructive knowledge of an attorney's lien takes an interest in personal property, the person does so subject to that lien. Conversely, pursuant to the statute, if a person does not have actual or constructive knowledge of an attorney's lien takes an interest in personal property, the person is not subject to the lien. Although the statute sets forth when a lien commences, it does not say--as argued by G&A--that notice is waived and not required in order for the lien to be perfected as to other lien holders or persons.

To be enforceable, and before another person can be liable to an attorney with an alleged lien, that person must have either actual or constructive notice of the attorney's lien. See *Eastmond v. Earl*, 912 P.2d 994, 996 (Utah Ct. App. 1996) (citing *Munro v. Munro*, 168 Mich.App. 138, 424

N.W.2d 16, 17 18 (1988) (holding attorney lien is not enforceable against third party unless actual notice of lien or circumstances known to third party are such that third party should have inquired as to attorney's claim)) and Lundy v. Cappuccio, 54 Utah 420, 427 28, 181 P. 165, 167 68 (1919) (holding defendant who settled with plaintiff with knowledge of plaintiff's attorney lien may be liable to attorney for lien amount if attorney is unable to collect from party receiving proceeds).

G&A has not provided any evidence or argument that SNJ or G&O, or others, had constructive or actual knowledge of its alleged attorney's lien on the Trust's personal property. G&A did not file a notice of attorney's lien in this case as BTJD, Fabian, SNJ, and G&O did to put parties and counsel in this case on notice of its claimed lien. Moreover, the Notice of Attorney Lien recorded against the Trust's real property does not purport to assert a lien against the Trust's personal property, so it could not be the basis of constructive notice of a lien on personal property. Consequently, because neither SNJ nor G&O had actual or constructive notice of G&A's alleged attorney lien on the Trust's personal property, SNJ and G&O's liens have priority over G&A's alleged interest. The order of priority in the Trust's personal property based solely upon the notices of attorney's liens filed in this case would be: 1) BTJD, 2) Fabian, 3) SNJ, and 4) G&O.

CONCLUSION

Because G&A recorded its notice of lien on the Trust's real property with the Salt Lake City Recorder's Office before G&O, G&A retains priority over G&O with respect to their liens on the Trust's real property. However, because SNJ and G&O did not have actual or constructive knowledge of a lien by G&A on the Trust's personal property when SNJ and G&O gave notice of their liens on the Trust's personal property, SNJ and G&O's liens are not subject to G&A's lien. In sum, SNJ's lien in the Trust's personal property has priority over G&O's lien, and both firms have priority over any alleged lien in the personal property asserted by G&A.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

- EMAIL: JOSEPH BALLSTAEDT JOE@SNJLEGAL.COM
- EMAIL: KEVIN BISCHOFF KEVIN@SNJLEGAL.COM
- EMAIL: DANIEL GOODSSELL DAN@GOODSELLLAWGROUP.COM
- EMAIL: MATTHEW GRIMMER MGRIMMER@GRIMMERDAVIS.COM
- EMAIL: ALAN HOUSTON AHOUSTON@STRONGANDHANNI.COM
- EMAIL: WILLIAM INGRAM WINGRAM@STRONGANDHANNI.COM
- EMAIL: RYAN MERRIMAN RMERRIMAN@BTJD.COM
- EMAIL: S ADAM REVELLI AREVELLI@GRIMMERDAVIS.COM
- EMAIL: JEFF SKOUBYE JEFF@SNJLEGAL.COM
- EMAIL: JOHN E WOOTTON john@woottonlaw.com

09/29/19

/s/ KARA

PETTIT

Date: _____

Signature

Judge KARA PETTIT

Signed September 29, 2019

09-30-2019 Filed order: Order Awarding Skoubye Nielson Johansen, LLC
Attorney Fees and Costs

Judge KARA PETTIT

Signed September 30, 2019

09-30-2019 Filed: Return of Electronic Notification

09-30-2019 Filed: Motion to Withdraw

Filed by: AUDIE G LEVENTHAL

09-30-2019 Filed: Order (Proposed) On Motion to Withdraw

09-30-2019 Filed: Return of Electronic Notification

10-01-2019 Filed: Notice to Submit for Decision

10-01-2019 Filed: Return of Electronic Notification

10-03-2019 Note: RTS filed incorrectly under quality control queue.
Printed and given to Judge Pettit for review. -TB

10-03-2019 Filed: Memorandum Responding to Motion to Withdraw as Counsel
for the Defendants in Intervention

10-03-2019 Filed: Return of Electronic Notification

10-03-2019 Filed: Other - Not Signed Order (Proposed) On Motion to
Withdraw

10-03-2019 Note: Motion is not one that can be considered by court without
awaiting a response from other parties. Counsel may refile
request to submit after briefing has been completed. If motion
is unopposed or stipulated, proposed agreed upon order may be

10-03-2019 Note: submitted for court's review. Court notes that response
has already been filed to motion as well. KLP

10-03-2019 Filed: Return of Electronic Notification

10-03-2019 Filed: Joinder to Skoubye Nielson Johanson, LLCs Memorandum
Responding to Motion to Withdraw as Counsel for Defendants In
Intervention

10-03-2019 Filed: Return of Electronic Notification

10-14-2019 Filed: Request/Notice to Submit for Decision (Motion to
Withdraw as Counsel for the Defendants in Intervention)

10-14-2019 Filed: Return of Electronic Notification

10-17-2019 Filed: Motion for Judicial Determination of the Damaging
Effects of Mr. John Wootton's past and possible future actions

Filed by: AUDIE G LEVENTHAL

10-28-2019 Filed: Memorandum Opposing Leventhals Motion for Judicial
Determination

10-28-2019 Filed: Return of Electronic Notification

10-28-2019 Filed: Joinder to Skoubye Nelson Johansen, LLCs Memorandum
Opposing Leventhals Motion for Judicial Determination

10-28-2019 Filed: Return of Electronic Notification

11-04-2019 Filed: Request/Notice to Submit for Decision (Leventhals Motion
for Judicial Determination)

11-04-2019 Filed: Return of Electronic Notification

11-06-2019 Ruling Entry - ORDER ON MOT TO WITHDRAW AND MOT FOR JUD

Judge: KARA PETTIT

Before the Court are 2 related motions: 1) Mr. Wooton's Motion to Withdraw as Counsel for Defendants in Intervention, filed 9/30/19, to which SNJ and Vandersteen responded on 10/3/19 and submitted the motion to the Court for decision on 10/14/19; and 2) Leventhal's Motion for Judicial Determination filed 10/17/19, to which SNJ and Grimmer responded on 10/28/19, and submitted the motion to the Court for decision on 11/4/19.

Mr. Wooton provides no factual basis for his motion to withdraw. Instead he generally cites to UPC Rule 1.16 and Rule 74(a) of the URCP, and states 'professional considerations' require termination. SNJ and Vandersteen oppose the withdrawal if it will delay the trial set on 12/5/19. Mr. Leventhal's motion asks the Court to delay the trial until after April 2020 and allow him to conduct the discovery that the Court already ruled was untimely. Mr. Leventhal does not consent to Mr. Wooton's withdrawal. Instead he states he is prejudiced whether or not Mr. Wooton is allowed to withdraw. Specifically, he asserts that if Mr. Wooton is not allowed to withdraw, he is left with an attorney who has told him 'he would be of no use' and has committed malpractice by not timely serving discovery in this case.

The Court finds that Mr. Wooton has not demonstrated sufficient good cause to allow him to withdraw at this late stage of the proceedings, with the trial set 12/5/19. In light the length of time the remaining issues in this case have been pending and the ample time within which the parties had to conduct discovery and prepare for trial, the Court is not going to continue the trial, and is not going to reverse its decision on discovery as requested by Mr. Leventhal. Consequently, the rights of Mr. Leventhal and Mr. Wooton's other clients (the Trust, Leventhal as investment trustee and Mr. Sponenburgh) would be adversely affected if the Court allowed Mr. Wooton to withdraw at this late stage, without the simultaneous substitution of counsel who will be prepared to represent them at the 12/5/19 trial. Under Utah law, the courts 'have long held that '[w]hile a party may discharge his [or her] attorney with or without cause, [an] attorney should not withdraw from a case except for good cause.' *Midvale Motors, Inc. v. Saunders*, 21 Utah 2d 181, 442 P.2d 938, 940 (1968). Accordingly, the legal standard applicable to determining whether an attorney's withdrawal is justified is whether the attorney had good cause. Whether good cause exists is a fact-intensive inquiry based on the reasons for withdrawal and the actions of the parties prior to withdrawal.' *Hartwig v. Johnsen*, 2008 UT 40, para. 8, 190 P.3d 1242, 1244.

Here, the only facts presented to the Court are found in Leventhal's Motion for Judicial Determination, and the timing of the filings in the docket. It appears from that record that Mr. Leventhal was upset with Mr. Wooton for not conducting discovery in a timely manner. The trial in this case has been set since 9/3/19. The Court denied Leventhal's request for extraordinary discovery on that same date, 9/3/19. If the Leventhal parties had wanted to retain new counsel because they are unhappy with Mr. Wooton's services, they have had ample time to do so. They have not retained new counsel. As Leventhal aptly states, whether or not Mr. Wooton is allowed to withdraw will not change the fact that he did not conduct discovery. The Court finds that allowing Mr. Wooton to withdraw now would only exacerbate any alleged prejudice to his clients from his conduct thus far in this case. Mr. Wooton has not demonstrated sufficient good cause to allow him to withdraw at this time. Consequently, his motion to withdraw is

DENIED.

Additionally, for the reasons set forth above, and as stated previously in denying Leventhal's request for extraordinary discovery, Leventhal's Motion for Judicial Determination is also DENIED.

This is the Order of the Court.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

- EMAIL: JOSEPH BALLSTAEDT JOE@SNJLEGAL.COM
- EMAIL: KEVIN BISCHOFF KEVIN@SNJLEGAL.COM
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- EMAIL: RYAN MERRIMAN RMERRIMAN@BTJD.COM
- EMAIL: S ADAM REVELLI AREVELLI@GRIMMERDAVIS.COM
- EMAIL: JEFF SKOUBYE JEFF@SNJLEGAL.COM
- EMAIL: JOHN E WOOTTON john@woottonlaw.com

11/06/19

/s/ KARA

PETTIT

Date: _____

Signature

- 11-06-2019 Filed order: ORDER ON MOT TO WITHDRAW AND MOT FOR JUD DETERM
Judge KARA PETTIT
Signed November 06, 2019
- 11-07-2019 Filed: Request to Submit
- 11-07-2019 Filed: Exhibits A-D to Motion in Limine
- 11-07-2019 Filed: Motion in Limine
Filed by: SKOUBYE NIELSON & JOHANSEN LL
- 11-07-2019 Filed: Skoubye Nielson Johansen, LLCs Pretrial Disclosures
- 11-07-2019 Filed: Return of Electronic Notification
- 11-18-2019 Filed: Certificate of Service Defendants in Intervention
Pretrial Disclosures
- 11-18-2019 Filed: Return of Electronic Notification
- 11-19-2019 Filed: Opposition to SNJs Motion in Limine
- 11-19-2019 Filed: Return of Electronic Notification
- 11-21-2019 Filed: Objection to Defendants in Intervention Pretrial
Disclosures
- 11-21-2019 Filed: Reply Memorandum Supporting Skoubye Nielson Johansen,
LLCs Motion in Limine
- 11-21-2019 Filed: Request/Notice to Submit for Decision (Skoubye Nielson
Johansen, LLCs Motion in Limine)
- 11-21-2019 Filed: Return of Electronic Notification
- 11-26-2019 Ruling Entry - RULING ON SNJ MOTION LIMINE AND OBJ TO P
Judge: PETTIT, KARA

Before the court are Skoubye Nielson Johansen's (SNJ) Motion in Limine, briefed and submitted to the court for decision on 11/21/19, and SNJ's Objections to Defendants in Intervention Pretrial Disclosures, filed 11/21/19. Oral argument has not been requested and based upon the court's review of the filings, is not necessary.

Motion in Limine: SNJ asks the court to preclude the Leventhal parties 'from submitting any evidence regarding any defense as to the undisputed time entries' in the Leventhal parties' response to Interrogatory No. 2. Interrogatory No. 2 asked in relevant part: 'For each individual time entry on each of these identified invoices (SNJ0001-SNJ0079 and SNJ0084-86), state whether you dispute the amount and, if disputed, a detailed explanation and basis for the dispute, including if, when, and how you communicated this explanation and basis for the dispute to SNJ.' The Leventhal parties answered this interrogatory, setting forth their disputes to several invoices and entries. The answer to this interrogatory was 5 pages in length and set forth the requested detailed explanation and basis for the dispute.

Pursuant to Rule 26(d) of the Utah Rules of Civil Procedure:

(4) If a party fails to disclose or to supplement timely a disclosure or response to discovery, that party may not use the undisclosed witness, document or material at any hearing or trial unless the failure is harmless or the party shows good cause for the failure.

(5) If a party learns that a disclosure or response is incomplete or incorrect in some important way, the party must timely serve on the other parties the additional or correct information if it has not been made known to the other parties. The supplemental disclosure or response must state why the additional or correct information was not previously provided.

Utah R. Civ. P. 26(d)(4) & (5).

Pursuant to this Rule, the Leventhal parties were under an obligation to supplement their response to Interrogatory No. 2 if it is incomplete or incorrect; if they thought the response did not set forth all of the invoices with which they had a dispute, they were obligated to supplement their response. The Leventhal parties have not identified any additional invoices that they dispute that were not itemized in their response to Interrogatory No. 2. Thus, the Leventhal parties have not demonstrated any good cause for failing to supplement the response to identify additional disputes, because they have not identified any additional disputes. Moreover, the court finds that it would not be harmless to allow the Leventhal parties to offer previously undisclosed responses to Interrogatory No. 2. SNJ relied upon the Leventhal parties' response for the past 5 months, and we are on the eve of trial. The Leventhal parties may not supplement their response to Interrogatory No. 2 at this late stage. Therefore, the Leventhal parties are precluded from offering evidence of disputes not set forth in their response to Interrogatory No. 2, unless they can demonstrate the proposed evidence previously was disclosed via discovery in another form.

Objections to Pretrial Disclosures: SNJ objects to allowing the Leventhal parties to introduce any of their proposed witnesses or exhibits because their pretrial disclosures were not filed within 28 days of the trial. Although the pretrial disclosures were filed late, the court finds the failure to timely disclose was harmless under Rule 26(d)(4) because the information was already in

SNJ's possession and SNJ is not unfairly surprised or prevented from preparing adequately for the proposed evidence at trial. In fact, most (15 of 25) are exhibits designated by SNJ as well (their invoices). The court denies SNJ's request to preclude the Leventhal parties from presenting any evidence due to the late pretrial disclosures, but reserves SNJ's other objections for trial.

This is the Order of the court.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

- EMAIL: JOSEPH BALLSTAEDT JOE@SNJLEGAL.COM
- EMAIL: KEVIN BISCHOFF KEVIN@SNJLEGAL.COM
- EMAIL: DANIEL GOODSSELL DAN@GOODSELLLAWGROUP.COM
- EMAIL: MATTHEW GRIMMER MGRIMMER@GRIMMERDAVIS.COM
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- EMAIL: RYAN MERRIMAN RMERRIMAN@BTJD.COM
- EMAIL: S ADAM REVELLI AREVELLI@GRIMMERDAVIS.COM
- EMAIL: JEFF SKOUBYE JEFF@SNJLEGAL.COM
- EMAIL: JOHN E WOOTTON john@woottonlaw.com

11/26/19 /s/ KARA

PETTIT

Date: _____

Signature

- 11-26-2019 Filed order: RULING ON SNJ MOTION LIMINE AND OBJ TO PT DISCLOS
Judge KARA PETTIT
Signed November 26, 2019
- 12-04-2019 Filed: Affidavit/Declaration Supplemental Declaration of
Matthew Grimmer (Grimmer Davis Revelli Ballif, PC Attorney
Fees and Costs)
- 12-04-2019 Filed: Return of Electronic Notification
- 12-05-2019 Filed: Exhibit List
- 12-05-2019 Minute Entry - BENCH TRIAL
Judge: KARA PETTIT
Clerk: katherf

PRESENT

Petitioner's Attorney: JOHN E WOOTTON
 Petitioner's Attorney: MATTHEW GRIMMER
 Petitioner(s): AUDI G LEVENTHAL
 Trustee: NATHAN SPONENBURGH
 Attorney for the Intervenor: JOSEPH BALLSTAEDT
 Attorney for the Respondent: WILLIAM INGRAM
 Audio
 Tape Number: W35 Tape Count: 9:03-3:32

HEARING

9:03 AM The above-entitled case comes before the Court for a bench trial on Audi G. Leventhal's Motion for Attorney Fees, filed 10/3/2018.

Counsel make appearances.

The Court has discussion with counsel regarding June Vandersteen's pending request for attorney fees, filed 9/26/2018.

Counsel stipulate to argue.

9:06 AM Mr. Grimmer presents arguments.

9:13 AM Mr. Ingram with response.

9:21 AM Mr. Grimmer with reply.

9:23 AM The Court will take the matter under advisement. Mr. Grimmer and Mr. Ingram's appearance is excused for the remainder of the trial.

9:24 AM The Court has discussion with counsel regarding preliminary matters for today's trial.

9:28 AM Mr. Ballstaedt offers Exhibits 1-58 to the Court.

Mr. Wootton objects to Exhibits 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, & 50 and does not object to the remaining exhibits.

9:30 AM Mr. Ballstaedt with response to objection.

9:32 AM Mr. Wootton with reply.

9:33 AM The Court will not receive Exhibits 37 & 40-50 at this time, but will receive the remainder of the exhibits.

9:36 AM Counsel will not present opening arguments.

9:37 AM Mr. Ballstaedt calls Mr. Nathan Anderson, who is sworn and examined.

9:50 AM Mr. Wootton with objection. Sustained.

9:58 AM Mr. Wootton with objection. Mr. Ballstaedt with response. Overruled.

10:44 AM The Court will take a brief recess.

10:59 AM Court again in session. Mr. Wootton with cross examination.

11:31 AM Mr. Ballstaedt with redirect.

11:40 AM Mr. Ballstaedt offers Exhibit 37 to the Court. No objection. Received.

11:42 AM Mr. Wootton with recross.

11:44 AM Mr. Ballstaedt with redirect.

11:45 AM Mr. Wootton with further recross.

11:47 AM Mr. Anderson is excused from the witness stand.

11:49 AM Mr. Wootton calls Mr. William N. Sponenburgh, who is sworn and examined.

11:51 AM Mr. Ballstaedt with cross examination.

11:54 AM Mr. Wootton with redirect.

11:55 AM Mr. Sponenburgh is excused from the witness stand.

11:56 AM Court will be in recess for the lunch hour.

1:21 PM Court is again in session.

Mr. Wootton calls Mr. Audi Leventhal, who is sworn and examined.

1:32 PM Mr. Ballstaedt with objection. Mr. Wootton with response. Overruled.

1:33 PM Mr. Ballstaedt with objection. Sustained.

1:45 PM Mr. Ballstaedt with objection. Sustained.

2:06 PM Mr. Ballstaedt with cross examination.

2:45 PM Mr. Wootton with redirect.

2:49 PM Mr. Leventhal is excused from the witness stand.

2:50 PM The Court will take a brief recess.

2:57 PM Court again in session.

Mr. Ballstaedt presents closing arguments.

3:11 PM Mr. Wootton with response.

3:25 PM Mr. Ballstaedt with rebuttal.

3:28 PM Mr. Ballstaedt requests separate briefing on recovery of fees. Mr. Wootton stipulates.

Motion for fees and affidavit due January 16, 2020.

Opposition due by January 30, 2020.

Reply due February 6, 2020.

Counsel to file a request to submit when briefing is complete.

The Court will take the matter under advisement.

3:32 PM Court in recess.

12-05-2019 Note: Exhibits taken to storage. KF
01-16-2020 Filed: Affidavit/Declaration of Joseph G. Ballstaedt
01-16-2020 Filed: Exhibits 1 - 10 to Declaration
01-16-2020 Filed: Exhibits 11 - 22 to Declaration
01-16-2020 Filed: Motion - Skoubye Nielson Johansen, LLCs Motion for Attorney Fees
Filed by: SKOUBYE NIELSON & JOHANSEN LL
01-16-2020 Filed: Return of Electronic Notification
01-30-2020 Filed: Opposition to Plaintiffs Motion for Attorney Fees
01-30-2020 Filed: Return of Electronic Notification
02-05-2020 Filed order: Findings of Fact and Conclusions of Law
Judge KARA PETTIT
Signed February 05, 2020
02-05-2020 Filed: Return of Electronic Notification
02-06-2020 Filed: Reply Memorandum Supporting Skoubye Nielson Johansen, LLCs Motion for Attorney Fees
02-06-2020 Filed: Request/Notice to Submit for Decision (Skoubye Nielson Johansen, LLCs Motion for Attorney Fees) Hearing Requested

02-06-2020 Filed: Return of Electronic Notification
02-07-2020 Filed: Notice of Partial Satisfaction of Order Awarding Attorneys Fees Pursuant to Utah Code 78B-6-1304(8)
02-07-2020 Filed: Return of Electronic Notification
02-17-2020 Filed: Objection to Proposed Amended Final Judgment
02-17-2020 Filed: Return of Electronic Notification
02-21-2020 Filed: Judgment (Proposed) Amended Final Judgment
02-21-2020 Filed: Request/Notice to Submit for Decision Proposed Amended Final Judgment
02-21-2020 Filed: Response to Objection to Proposed Amended Final Judgment
02-21-2020 Filed: Return of Electronic Notification
02-25-2020 Filed: Exhibit List A and B to Goodsells Opposition to Proposed Amended Final Judgment
02-25-2020 Filed: Opposition to Proposed Amended Final Judgment
02-25-2020 Filed: Return of Electronic Notification
02-26-2020 Filed: Reply - Skoubye Nielson Johansen, LLCs Joinder in June Vandersteens Response to Objection to Proposed Amended Final Judgment and Response to Goodsell Olsen, LLPs Objection to Proposed Amended Final Judgment
02-26-2020 Filed: Return of Electronic Notification
03-30-2020 Filed: Request/Notice to Submit Renewed Request to Submit for Decision Proposed Amended Final Judgment
03-30-2020 Filed: Return of Electronic Notification
04-04-2020 Ruling Entry - RULING ON SNJ MOTION FOR AWARD OF FEES/C
Judge: PETTIT, KARA

Before the Court is SNJ's Motion for Attorney Fees, fully briefed and submitted to the court for decision on 2/6/20. Although SNJ requested oral argument on its motion for fees, the court finds oral argument to be unnecessary as the issues are straightforward and the subject of binding precedent.

SNJ seeks an award of fees/costs as prevailing party under Utah Code Section 78B-5-825 and under its contract with the Trust.

BAD FAITH STATUTE

Pursuant to Utah Code Section 78B-5-825, the court shall award reasonable attorney fees to a prevailing party if the court determines that the action or defense to the action was without merit and not brought or asserted in good faith. Utah Code Section 78B-5-825(1); see also *Outsource Receivables Mgmt. v. Bishop*, 2015 UT App 41, para. 10, 344 P.3d 1167. A defense is without merit where it borders on frivolity because the claims have little weight or importance or have no basis in law or fact. *Outsource Receivables Mgmt.*, 2015 UT App 41, para. 10. To conclude that a defense was asserted in bad faith, the court must find that the party (1) lacked an honest belief in the propriety of the activities in question; (2) intended to take unconscionable advantage of others; or (3) had intent to, or knowledge of the fact, that the activities in question will hinder, delay, or defraud others. *Outsource Receivables Mgmt.*, 2015 UT App 41, para. 14. This finding of bad faith must be supported by sufficient evidence in the record. *Blum v. Dahl*, 2012 UT App 198, para. 9, 283 P.3d 963.

Although the court finds SNJ was the prevailing party as it succeeded in large part in obtaining the amount sought for the breach of contract claim, the court does not find that the defenses had no basis in law or fact, and the evidence does not support a finding that Defendants asserted their defenses in bad faith. Defendants presented two primary defenses to SNJ's Complaint: first, that the only party to the representation agreement with SNJ was Leventhal as an individual; and, second, that the invoices were inaccurate, included duplicate billing, resulted from misapplication of payments made by Leventhal, and included compounding interest not authorized by the representation agreement.

Although the court did not find it to be a reasonable interpretation, the basis for the first defense was the language of the representation agreement drafted by SNJ. The agreement identified the client as Audie Leventhal, but did not specifically contain the words 'as an individual' or 'as trustee.' And Defendants prevailed in part on the second defense. See e.g. Paragraphs 21(b) and (d)-(f) of the Findings of Fact/Conclusions of Law dated 2/5/20. Thus, the court finds the defenses had a basis in law and fact and were not frivolous.

Additionally, the court finds the evidence does not support a finding that Leventhal asserted these defenses in bad faith. No evidence was presented that Leventhal asserted them to take unconscionable advantage of others, or intended or knew that asserting them would hinder, delay or defraud SNJ or others. Moreover, although the court did not find the assertion credible that Leventhal was only represented in his individual capacity, the court does not find that Leventhal did not have an honest belief in his statements at the time of trial. The court does not find a basis for an award of fees to SNJ under the bad faith statute.

CONTRACT

The representation agreement provides the legal basis for an 'award of any reasonable costs incurred in collecting the amount of the invoice, including attorney fees incurred in collecting the same.' Trial Ex. 32. Thus, if SNJ incurred costs or attorney fees to collect amounts owed under the contract, it is entitled to recoup those from Defendants.

INCURRED ATTORNEY FEES

Under either the bad faith statute or the parties' contract, in order for SNJ to be awarded attorney fees, SNJ had to incur such fees. See *Jones, Waldo, Holbrook & McDonough v. Dawson*, 923 P.2d 1366, 1375 (Utah 1996) and *Salt Lake Cty. v. Butler, Crockett & Walsh Dev. Corp.*, 2013 UT App 30, paras. 20-21, 297 P.3d 38.

SNJ asks this court to deviate from this binding precedent by expanding the holding of *Softsolutions, Inc. v. Brigham Young University*, 2000 UT 46, 1 P.3d 1095. The court declines this invitation and is bound by the holdings of the appellate courts.

In *Jones Waldo*, the retainer agreement was almost identical to the SNJ agreement at issue here, and the Utah Supreme Court held:

'The retainer agreement states that the client is responsible for 'attorneys' fees incurred in the enforcement of this agreement.' It is by no means self-evident that the time a lawyer spends on his own case represents fees 'incurred.' In *Swanson & Setzke, Chtd. v. Henning*, 116 Idaho 199, 774 P.2d 909, 910 (Ct.App.1989), the Idaho court interpreted 'attorney fee' as denoting 'a monetary obligation (a fee) paid or owed from one person (a client) to another person who has provided legal representation (an attorney).' We agree that under such an interpretation, 'an attorney's fee presupposes a relationship of attorney and client which does not exist in pro se situations.' *Id.* (citing *Davis v. Parratt*, 608 F.2d 717, 718 (8th Cir.1979)). It is our view that a law firm does not 'incur' fees when it uses its own attorneys in a collection action.'

Jones Waldo, 923 P.2d at 1375.

Thus, pursuant to the holding in *Jones Waldo*, SNJ did not incur fees because it used its own attorneys in this collection action.

SNJ urges the court to expand the holding in *Softsolutions, Inc. v. Brigham Young University* to avoid this result. Nothing in the *Softsolutions* opinion provides a legal basis for this court to apply it to avoid the clear holding of *Jones Waldo*.

To the contrary, in *Softsolutions* the Utah Supreme Court affirmed the validity of the *Jones Waldo* holding that a law firm does not incur fees when it uses its own attorneys in a collection action. See *Softsolutions, Inc. v. Brigham Young University*, 2000 UT 46, paras. 43 and 46, 1 P.3d 1095. The *Softsolutions* Court held that because BYU was not an organization primarily engaged in providing legal services, it could recover attorney fees when it used the services of salaried in-house counsel. *Id.* at para. 43.

Under the holdings of both *Jones Waldo* and *Softsolutions*, SNJ, as an organization primarily engaged in providing legal services, did not incur attorney fees to pursue this

collection action because SNJ represented itself. Thus, even if there was a basis for an award of fees under the bad faith statute, SNJ would not be entitled to an award because it did not incur fees. See Salt Lake Cty. v. Butler, Crockett & Walsh Dev. Corp., 2013 UT App 30, paras. 20-21, 297 P.3d 38. Similarly, SNJ is not entitled to an award of fees under the parties contract because it did not incur attorney fees.

INCURRED COSTS

The representation agreement provides the legal basis for an award of any reasonable costs incurred in collecting the amount of the invoice. Trial Ex. 32. Thus, if SNJ incurred costs to collect amounts owed under the contract, it is entitled to recoup those from Defendants. The court finds SNJ has shown it incurred and paid actual costs of \$656.90 in pursuing this collection action. The costs are itemized on the statement attached to Mr. Ballstaedt's affidavit and are costs paid for postage, filing fee, parking and copies from 7/30/17 through 11/30/19. The court awards costs of \$656.90 to SNJ against Defendants.

This is the Order of the Court.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

- EMAIL: JOSEPH BALLSTAEDT JOE@SNJLEGAL.COM
- EMAIL: KEVIN BISCHOFF KEVIN@SNJLEGAL.COM
- EMAIL: DANIEL GOODSSELL DAN@GOODSELLLAWGROUP.COM
- EMAIL: MATTHEW GRIMMER MGRIMMER@GRIMMERDAVIS.COM
- EMAIL: ALAN HOUSTON AHOUSTON@STRONGANDHANNI.COM
- EMAIL: WILLIAM INGRAM WINGRAM@STRONGANDHANNI.COM
- EMAIL: RYAN MERRIMAN RMERRIMAN@BTJD.COM
- EMAIL: S ADAM REVELLI AREVELLI@GRIMMERDAVIS.COM
- EMAIL: JEFF SKOUBYE JEFF@SNJLEGAL.COM
- EMAIL: JOHN WOOTTON JOHN@WOOTTONLAW.COM

04/04/20 /s/ KARA

PETTIT
Date: _____

Signature

- 04-04-2020 Filed order: RULING ON SNJ MOTION FOR AWARD OF FEES/COSTS
Judge KARA PETTIT
Signed April 04, 2020
- 04-05-2020 Filed judgment: Judgment Amended Final Judgment
Judge KARA PETTIT
Signed April 05, 2020
- 04-05-2020 Filed: Return of Electronic Notification
- 04-05-2020 Judgment Entered - Amount \$4152356.17
- 04-05-2020 Case Disposition is Judgment
Disposition Judge is KARA PETTIT
- 04-06-2020 Filed: Return of Electronic Notification
- 04-08-2020 Filed: Correspondence from Audie G Leventhal

kpettit

04-08-2020 Filed: Return of Electronic Notification
04-14-2020 Filed: Notice of Withdrawal
04-14-2020 Filed: Return of Electronic Notification
04-16-2020 Fee Account created Total Due: 2.50
04-16-2020 Fee Account created
04-16-2020 Fee Account created Total Due: 4.00
04-16-2020 Fee Account created
04-16-2020 Fee Account created Total Due: 0.55
04-16-2020 Fee Account created
04-16-2020 CERTIFIED COPIES 2.50
04-16-2020 CERTIFICATION 4.00
04-16-2020 POSTAGE-COPIES 0.55
Note: POSTAGE-COPIES, Mail Payment;
04-16-2020 Filed: Notice of Withdrawal
04-16-2020 Filed: Return of Electronic Notification
04-16-2020 Filed: Notice to Appear or Appoint Counsel
04-16-2020 Filed: Return of Electronic Notification
04-21-2020 Filed: Notice of Entry of Judgment
04-21-2020 Filed: Return of Electronic Notification
04-27-2020 Filed: Motion (Hearing Requested) Motion to Make Second
Amendment to Amended Final Judgment
Filed by: GOODSSELL & OLSEN LLP
04-27-2020 Filed: Return of Electronic Notification
04-28-2020 Filed: - Notice to Appear or Appoint
04-28-2020 **** PRIVATE **** Filed: Judgment Information Statement -
Judgment Information Statement
04-28-2020 Filed: Return of Electronic Notification
04-28-2020 Filed: Certificate of Service
04-28-2020 Filed: Return of Electronic Notification
05-05-2020 Filed: Notice of Appeal
05-05-2020 Note: Sent paper copy of appeal to Cheryl. KF
05-05-2020 Note: Notice of Appeal filed 5-5-2020 emailed to Jeff and Court
of Appeals, ca
05-05-2020 Filed: Notice of Entry of Judgment
05-05-2020 Filed: Return of Electronic Notification
05-05-2020 Filed: Return of Electronic Notification
05-07-2020 Filed: Supreme Court of Utah Letter dated 5-7-2020 - (Appeal
filed - Case #20200366 should be indicated on future filings -
rules/info etal AND \$225.00 filing fee and \$300.00 cost bond is
due)
05-07-2020 Filed: Supreme Court of Utah Order dated 5-7-2020 - (Pursuant
to rule 42(a) AND Checklist for Appellate Jurisdiction)
05-07-2020 Filed: Return of Electronic Notification
05-08-2020 Bond Account created Total Due: 300.00
05-08-2020 Bond Account created
05-08-2020 Bond Posted 300.00
05-08-2020 Fee Account created Total Due: 225.00
05-08-2020 Fee Account created
05-08-2020 APPEAL 225.00
05-13-2020 Note: **Matthew Grimmer (Shirley) will be submitted a proposed
Abstract of Judgment as the Doc Type Order (Proposed) as
Abstract to Issue Proposed is not an available Doc Type in
Probate cases. LAH
05-13-2020 Filed: Order (Proposed) Abstract of Judgment
05-13-2020 Filed: Return of Electronic Notification

05-14-2020 Filed: Other - Not Signed Order (Proposed) Abstract of Judgment
05-14-2020 Note: Order is not a proper document type for an issued Abstract, please use Abstract to be issued document type Also, please refer to Rule 10(e) regarding signature block.
05-14-2020 Filed: Return of Electronic Notification
05-15-2020 Issued: Abstract of Judgment - \$254,131.88 (WET SIGNATURE)
Clerk KAPPI SMITH
05-15-2020 Note: ** ABSTRACT - in pick up basket ready for ATP runner to pick up**
05-15-2020 Filed: Return of Electronic Notification
05-18-2020 Fee Account created Total Due: 6.00
05-18-2020 Fee Account created
05-18-2020 Fee Account created Total Due: 16.00
05-18-2020 Fee Account created
05-18-2020 CERTIFIED COPIES 6.00
05-18-2020 CERTIFICATION 16.00
05-19-2020 Filed: Appearance of Counsel/Notice of Limited Appearance
05-19-2020 Filed: Notice of Appeal - Civil (not Interlocutory) - Cross-Appeal
05-19-2020 Fee Account created Total Due: 225.00
05-19-2020 Fee Account created
05-19-2020 APPEAL 225.00
05-19-2020 Filed: Return of Electronic Notification
05-19-2020 Note: Stevan Baxter has been notified of the requirement to post a \$300 Appeal bond. He will have his asst contact the credit card phone line. LAH
05-19-2020 Bond Account created Total Due: 300.00
05-19-2020 Bond Account created
05-19-2020 Bond Posted 300.00
05-20-2020 Note: Notice of Cross Appeal filed 5-19-2020 emailed to Supreme Court, ca
05-20-2020 Filed: Supreme Court of Utah Notice of Cross-Appeal dated 5-20-2020 - (Cross appeal filed - Case #20191079 should be indicated on future filings - rules/info etal)
05-20-2020 Filed: Return of Electronic Notification
05-26-2020 Filed: Opposition to Notice to Appear or Appoint Counsel
05-27-2020 Filed: Application for Writ of Garnishment
05-27-2020 Filed: Writ of Garnishment - Non Wage (Proposed) and Instructions
05-28-2020 Issued: Writ of Garnishment - Non Wage and Instructions
Clerk AMBER A SMITH
05-28-2020 Fee Account created Total Due: 50.00
05-28-2020 Fee Account created
05-28-2020 GARNISHMENT 50.00
05-28-2020 Filed: Return of Electronic Notification
05-28-2020 Filed: - Notice of Intent to Issue Subpoena Duces Tecum to Metro National Title
05-28-2020 Filed: Return of Electronic Notification
06-01-2020 Filed: Notice of Assignment of Judgment
06-01-2020 Filed: Return of Electronic Notification
06-02-2020 Filed: Utah Court of Appeals Notice dated 6-2-2020 - (Case assigned to Court of Appeals - Case # remain the same AND \$225 filing fee and \$300 cost bond is due)
06-02-2020 Filed: Request/Notice to Submit Motion to Make Second Amendment to Amended Final Judgment
06-02-2020 Filed: Return of Electronic Notification

06-02-2020 Filed: Return of Electronic Notification
 06-03-2020 Filed: Application for Writ of Execution on Real Property
 06-03-2020 Filed: Writ of Execution (Proposed) on Real Property
 06-04-2020 Filed: Other - Not Signed Writ of Execution (Proposed) on Real Property
 06-04-2020 Note: Please file one Writ and one App per location. Also, do not submit other documents with the Writ and App. Please fix and resubmit both Writ and App per location.
 06-04-2020 Filed: Return of Electronic Notification
 06-04-2020 Filed return: Return of Service - Garnishment to Metro National Title, Metro National Title
 Party Served: MEGAN MANNING, MANAGER
 Service Type: Personal
 Service Date: May 28, 2020
 Garnishee: Metro National Title
 06-04-2020 Filed: Return of Electronic Notification
 06-04-2020 Filed: Application for Writ of Execution on Real Property (Parcel No. 22-10-376-004-0000)
 06-04-2020 Filed: Writ of Execution (Proposed) on Real Property (Parcel No. 22-10-376-004-0000)
 06-04-2020 Filed: Application for Writ of Execution on Real Property (Parcel No. 33-03-352-045-0000)
 06-04-2020 Filed: Writ of Execution (Proposed) on Real Property (Parcel No. 33-03-352-045-0000)
 06-04-2020 Filed: Application for Writ of Execution on Real Property (Parcel No. 15-33-128-044-0000)
 06-04-2020 Filed: Writ of Execution (Proposed) on Real Property (Parcel No. 15-33-128-044-0000)
 06-04-2020 Filed: Application for Writ of Execution on Real Property (Parcel No. 15-33-128-015-0000)
 06-04-2020 Filed: Writ of Execution (Proposed) on Real Property (Parcel No. 15-33-128-015-0000)
 06-04-2020 Filed: Application for Writ of Execution on Real Property (Parcel No. 15-33-128-035-0000)
 06-04-2020 Filed: Writ of Execution (Proposed) on Real Property (Parcel No. 15-33-128-035-0000)
 06-05-2020 Issued: Writ of Execution on Real Property (Parcel No. 22-10-376-004-0000)
 Clerk AMBER A SMITH
 06-05-2020 Fee Account created Total Due: 50.00
 06-05-2020 Fee Account created
 06-05-2020 WRIT OF EXECUTION 50.00
 06-05-2020 Issued: Writ of Execution on Real Property (Parcel No. 33-03-352-045-0000)
 Clerk AMBER A SMITH
 06-05-2020 Fee Account created Total Due: 50.00
 06-05-2020 Fee Account created
 06-05-2020 WRIT OF EXECUTION 50.00
 06-05-2020 Filed: Return of Electronic Notification
 06-05-2020 Filed: Return of Electronic Notification
 06-05-2020 Issued: Writ of Execution on Real Property (Parcel No. 15-33-128-044-0000)
 Clerk AMBER A SMITH
 06-05-2020 Fee Account created Total Due: 50.00
 06-05-2020 Fee Account created
 06-05-2020 WRIT OF EXECUTION 50.00
 06-05-2020 Issued: Writ of Execution on Real Property (Parcel No. 15-33-

128-015-0000)

Clerk AMBER A SMITH

06-05-2020 Fee Account created Total Due: 50.00

06-05-2020 Fee Account created

06-05-2020 WRIT OF EXECUTION 50.00

06-05-2020 Issued: Writ of Execution on Real Property (Parcel No. 15-33-128-035-0000)

Clerk AMBER A SMITH

06-05-2020 Fee Account created Total Due: 50.00

06-05-2020 Fee Account created

06-05-2020 WRIT OF EXECUTION 50.00

06-05-2020 Filed: Return of Electronic Notification

06-05-2020 Filed: Return of Electronic Notification

06-05-2020 Filed: Return of Electronic Notification

06-17-2020 Filed: Reply and Request for Hearing

06-17-2020 NOTICE for Case 153900945 ID 20963210

Judge: KARA PETTIT

TELEPH HRG ON REPLY TO WRIT is scheduled.

Date: 06/26/2020

Time: 09:00 a.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.

We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

06-17-2020 TELEPH HRG ON REPLY TO WRIT scheduled on June 26, 2020 at 09:00 AM in THIRD FLOOR - W35 with Judge KARA PETTIT

06-17-2020 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT

06-17-2020 Filed: Return of Electronic Notification

06-19-2020 Filed: Affidavit of Service (Applications for Writ of Execution and Writs of Execution - Real Property)

06-19-2020 Filed: Return of Electronic Notification

06-25-2020 Ruling Entry - RULING DENYING RULE 59 MOTION TO AMEND J

Judge: PETTIT, KARA

Before the Court is Goodsell & Olsen's Motion to Make Second Amendment to Amended Final Judgment, filed on 4/27/20 and submitted to the Court for decision on 6/2/20. The Motion asks the Court to amend the final judgment under Rule 59(e), but fails to set forth any grounds or basis for doing so set forth in Rule 59, or any other Rule. The Motion simply asserts a third party may not be diligent in reviewing the orders in this case that lead to the final judgment. As the Utah Supreme Court recently stated, the final separate 58A 'judgment does not operate at the decision level. Rather, it operates at the case level to signal that all claims involving all parties have been resolved, to document the resolution of each claim and the rights and liabilities of all parties, and to start the clock for notices of appeal and post-judgment motions when it is signed and docketed. See In re Cendant Corp., 454 F.3d at 241 (establishing that 'the order must note the relief granted' and 'the order must omit (or at least substantially omit) the District Court's reasons for disposing of the parties' claims').' Griffin v. Snow Christensen & Martineau, 2020 UT 33, para. 27. The final judgment simply indicates the resolution of the claims, and there is no basis to amend it under Rule 59 as cited by Goodsell.

This is the order of the Court and no further order is necessary.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 153900945 by the method and on the date specified.

- EMAIL: AUDIE G LEVENTHAL aglcorp@msn.com
- EMAIL: JOSEPH BALLSTAEDT JOE@SNJLEGAL.COM
- EMAIL: STEVAN BAXTER STEVAN@SNJLEGAL.COM
- EMAIL: KEVIN BISCHOFF KEVIN@SNJLEGAL.COM
- EMAIL: DANIEL GOODSSELL DAN@GOODSELLLAWGROUP.COM
- EMAIL: MATTHEW GRIMMER MGRIMMER@GRIMMERDAVIS.COM
- EMAIL: RYAN MERRIMAN RMERRIMAN@BTJD.COM
- EMAIL: S ADAM REVELLI ADAM@REVELLILEGAL.COM
- EMAIL: JEFF SKOUBYE JEFF@SNJLEGAL.COM

06/25/20 /s/ KARA

PETTIT
Date: _____

Signature

- 06-25-2020 Filed order: RULING DENYING RULE 59 MOTION TO AMEND JUDGMENT
Judge KARA PETTIT
Signed June 25, 2020
- 06-25-2020 Filed: Return of Electronic Notification
- 06-26-2020 TELEPH HRG ON REPLY TO WRIT scheduled on July 13, 2020 at 03:00 PM in THIRD FLOOR - W35 with Judge KARA PETTIT
- 06-26-2020 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
- 06-26-2020 Minute Entry - CONTINUANCE
Judge: KARA PETTIT
Clerk: katherf
TELEPHONE CONFERENCE
PRESENT
Attorney for the Intervenor: KEVIN BISCHOFF

Audio

Tape Number: W35 Tape Count: 9:05-9:13 AM

HEARING

9:05 AM The above-entitled case comes before the Court for a telephonic hearing on Mr. Audi Leventhal's Reply to Writ of Garnishment, filed June 17, 2020.

Mr. Bischoff present. Mr. Audie Leventhal is not present on the line.

The clerk reaches out to Mr. Leventhal but receives no answer.

The Court strikes today's hearing and continues this matter.

9:13 AM Court in recess.

TELEPH HRG ON REPLY TO WRIT.

Date: 07/13/2020

Time: 03:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge KARA PETTIT

- 06-26-2020 Filed: Return of Electronic Notification
- 07-13-2020 Filed: Reply and Request for Hearing on Writ of Execution
- 07-13-2020 Filed: Reply and Request for Hearing on Writ of Execution
- 07-13-2020 Filed: Reply and Request for Hearing on Writ of Execution
- 07-13-2020 Filed: Reply and Request for Hearing on Writ of Execution
- 07-13-2020 Filed: Reply and Request for Hearing on Writ of Execution
- 07-13-2020 Minute Entry - HEARING ON GARNISHMENT

Judge: KARA PETTIT

Clerk: katherf

TELEPHONE CONFERENCE

PRESENT

Petitioner's Attorney: MATTHEW GRIMMER

Petitioner(s): AUDI G LEVENTHAL

Attorney for the Intervenor: KEVIN BISCHOFF

Other Parties: BLAKE HEINER

Audio

Tape Number: W35 Tape Count: 3:00-3:19

HEARING

3:00 PM The above-entitled case comes before the Court for a hearing on Mr. Leventhal's reply and request for hearing on the garnishment.

Parties and counsel make appearances for the record.

3:03 PM Mr. Leventhal presents argument.

3:04 PM Mr. Bischoff with response.

3:07 PM Mr. Leventhal with clarification.

3:08 PM Mr. Bischoff continues.

3:09 PM Mr. Leventhal with reply.

3:11 PM The Court issues its findings and ruling as set forth on the record and overrules the objection.

3:12 PM Mr. Leventhal informs the Court that he has filed bankruptcy.

3:17 PM Mr. Bischoff to prepare an order from today's hearing.

3:19 PM Court in recess.

- 07-13-2020 Filed: Return of Electronic Notification
- 07-14-2020 Fee Account created Total Due: 3.00
- 07-14-2020 Fee Account created
- 07-14-2020 Fee Account created Total Due: 8.00
- 07-14-2020 Fee Account created
- 07-14-2020 CERTIFIED COPIES 3.00
- 07-14-2020 CERTIFICATION 8.00
- 07-28-2020 NOTICE for Case 153900945 ID 21054883

Judge: KARA PETTIT

REPLIES TO WRITS OF EXECUTION is scheduled.

Date: 07/30/2020

Time: 03:00 p.m.

Location: THIRD FLOOR - W35

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: KARA PETTIT

PLEASE DISREGARD THE PREVIOUS EMAIL THAT WAS SENT FOR A WEBEX HEARING. THE ABOVE-ENTITLED HEARING WILL BE HELD VIA TELEPHONE.

Counsel and/or parties are responsible for calling in at the number below. THE COURT WILL NOT CALL YOU. If you do not call in on time, the Court may proceed in your absence. You will be placed on hold until the Court joins the call.

We will make every effort to begin the call on time, but if other matters before the Court delay the start on the phone call, please wait on the line. CONFERENCE CALL NUMBER: (877) 820-7831 ATTORNEY PASSCODE: 175713

If you experience any problems calling in, please feel free to contact the judicial assistants at (801) 238-7144.

- 07-28-2020 REPLIES TO WRITS OF EXECUTION scheduled on July 30, 2020 at 03:00 PM in THIRD FLOOR - W35 with Judge KARA PETTIT
- 07-28-2020 Filed: Notice for Case 153900945 TR: Judge KARA PETTIT
- 07-28-2020 Filed: Return of Electronic Notification
- 07-28-2020 Filed: Notice of Withdrawal of Counsel
- 07-28-2020 Filed: Return of Electronic Notification

07-29-2020 Filed: Order (Proposed) Overruling Objection to Writ of Garnishment on Metro National Title

07-29-2020 Filed: Return of Electronic Notification

07-30-2020 Minute Entry - REPLIES TO WRITS OF EXECUTION
Judge: KARA PETTIT
Clerk: zoeg
PRESENT
Petitioner's Attorney: MATTHEW GRIMMER
Petitioner(s): AUDI G LEVENTHAL
Audio
Tape Number: W35 Tape Count: 301
HEARING
TIME: 3:20 PM 3:02 Court is in session
3:02 Mr Audie Leventhal addresses the Court.
3:07 Mr. Grimmer addresses the Court.
3:09 Argument on Motion.
3:10 Mr Leventhal responds to Mr. Grimmer's aurgument
3:12 Judge Pettit rules the following; Leventhal's objections to the writs of execution on the Trust's real property are overruled for the reasons set forth on the record

07-30-2020 Filed order: REPLIES TO WRITS OF EXECUTION
Judge KARA PETTIT
Signed July 30, 2020

07-30-2020 Filed: Ex Parte Application for Writ of Execution

07-30-2020 Filed: Writ of Execution (Proposed)

07-30-2020 Filed: Return of Electronic Notification

07-31-2020 Issued: Writ of Execution
Clerk AMBER A SMITH

07-31-2020 Fee Account created Total Due: 50.00

07-31-2020 Fee Account created

07-31-2020 WRIT OF EXECUTION 50.00

07-31-2020 Filed: Return of Electronic Notification

08-12-2020 Filed order: Order Overruling Objection to Writ of Garnishment on Metro National Title
Judge KARA PETTIT
Signed August 12, 2020

08-12-2020 Filed: Return of Electronic Notification

08-13-2020 Filed: Order (Proposed) Overruling Objections to Writs of Execution on Trust Real Property

08-13-2020 Filed: Return of Electronic Notification

08-13-2020 Filed: Satisfaction of Judgment

08-13-2020 Filed: Return of Electronic Notification

08-13-2020 Filed: Satisfaction of Judgment as to Skoubye Nielson Johansen, LLC

08-13-2020 Filed: Return of Electronic Notification

08-13-2020 Filed: Other - Not Signed Order (Proposed) Overruling Objections to Writs of Execution on Trust Real Property

08-13-2020 Note: not signed due to formatting issues with the caption of the order. Please see
<https://www.utcourts.gov/efiling/district/docs/formattingrtfdocuments.pdf> for help with formatting issues.

08-13-2020 Filed: Return of Electronic Notification

08-17-2020 Judgment # 1 Satisfied katherf

09-08-2020 Filed: Return on Sheriff's Levy- Recorded

09-08-2020 Filed: Return on Sheriff's Levy - Recorded

09-08-2020 Filed: Return on Sheriff's Levy - Recorded

09-08-2020 Filed: Return of Electronic Notification

09-14-2020 Filed: Notice of Real Estate Levy

09-14-2020 Filed: Notice of Real Estate Levy

09-14-2020 Filed: Notice of Real Estate Levy

09-14-2020 Filed: Return of Electronic Notification

10-01-2020 Note: Appealed: Case #20200366

10-05-2020 Filed: Clerk's Certificate (Judgment Roll & Index)

10-05-2020 Filed: Return of Electronic Notification

10-06-2020 Note: File and transcripts uploaded electronically to Court of Appeals, Exhibits - 7 (Black Binders) & 1 (Manila Envelope), ca

10-23-2020 Fee Account created Total Due: 8.00

10-23-2020 Fee Account created

10-23-2020 Fee Account created Total Due: 5.00

10-23-2020 Fee Account created

10-26-2020 CERTIFICATION 8.00

10-26-2020 CERTIFIED COPIES 5.00

11-25-2020 Filed: Application for Writ of Garnishment

11-25-2020 Filed: Writ of Garnishment - Non Wage (Proposed)

12-03-2020 Judgment # 1 Modified \$ 4152356.17 kathrygw

12-03-2020 Note: The 2 Satisfactions of Judgment filed on 8/13/20 satisfied only a portion of the total judgment; the satisfaction entered on 8/17/20 for the entire judgment was in error. The judgment has been restored.

12-03-2020 Issued: Writ of Garnishment - Non Wage
Clerk KATHERINE CARLSON

12-03-2020 Fee Account created Total Due: 50.00

12-03-2020 Fee Account created

12-03-2020 GARNISHMENT 50.00

12-03-2020 Filed: Return of Electronic Notification

12-14-2020 Filed: Utah Court of Appeals Order dated 12-14-2020 - (The final judgment is affirmed)

12-14-2020 Filed: Return of Electronic Notification

02-01-2021 Fee Account created Total Due: 9.80

02-01-2021 Fee Account created

02-01-2021 COPY FEE 9.80

02-04-2021 Filed: Motion to Substitute Parties
Filed by: BRIAN SHAPIRO

02-04-2021 Filed: Return of Electronic Notification

02-11-2021 Filed: Utah Court of Appeals Remittitur dated 2-10-2021 - (Decision Issued: 12-14-2020)

02-11-2021 Filed: Utah Court of Appeals Order dated 12-14-2020 - (The final judgment is affirmed)

02-11-2021 Filed: Return of Electronic Notification

02-19-2021 Filed: Order (Proposed) ORDER GRANTING MOTION TO SUBSTITUTE PARTIES

02-19-2021 Filed: Request/Notice to Submit REQUEST TO SUBMIT FOR DECISION

02-19-2021 Filed: Return of Electronic Notification

02-24-2021 Filed: Other - Not Signed Order (Proposed) ORDER GRANTING MOTION TO SUBSTITUTE PARTIES

02-24-2021 Note: Certificate of service on RTS does not show service of order. Please include a certificate of service on the proposed

order.

- 02-24-2021 Filed: Return of Electronic Notification
- 02-25-2021 Filed: Order (Proposed) Order Granting Motion to Substitute Parties
- 02-25-2021 Filed: Return of Electronic Notification
- 03-02-2021 Filed: Application for Writ of Garnishment Application for Writ of Garnishment
- 03-02-2021 Filed: Garnishees Answers
- 03-02-2021 Filed: Other - Not Signed Writ of Attachment (Proposed)
- 03-02-2021 Filed: Reply and Request for hearing
- 03-02-2021 Filed: Writ of Attachment (Proposed)
- 03-02-2021 Filed: notice of garnishment and exemptions
- 03-02-2021 Note: Writ filed as a wrong document type. It should be a Writ of Garnishment. Please remove the exhibit at the end of the Application. Nothing should be attached to the Application. Please fix and resubmit the App and Writ. Also no other documents should
- 03-02-2021 Note: be submitted with the App and Writ. All other documents should be filed separately.
- 03-02-2021 Filed: Return of Electronic Notification
- 03-02-2021 Filed: Garnishees Answers
- 03-02-2021 Filed: Notice of Garnishment
- 03-02-2021 Filed: Request for Hearing
- 03-02-2021 Filed: Writ of Attachment (Proposed)
- 03-02-2021 Filed: Writ of Garnishment - Non Wage (Proposed)
- 03-03-2021 Filed: Other - Not Signed Writ of Attachment (Proposed)
- 03-03-2021 Filed: Other - Not Signed Writ of Garnishment - Non Wage (Proposed)
- 03-03-2021 Note: Both Writ document types are not for RTF documents submitted. Please use the correct document type for the RTF documents for proper issuance. Correct and resubmit both Application and Writ. Other PDF documents are part of service packet for Writ and
- 03-03-2021 Note: does not need to be filed with the court prior to service.
- 03-03-2021 Filed: Return of Electronic Notification
- 03-03-2021 Filed: Application for Writ of Garnishment
- 03-03-2021 Filed: Writ of Garnishment - Non Wage (Proposed)
- 03-03-2021 Issued: Writ of Garnishment - Non Wage
Clerk KATHERINE CARLSON
- 03-03-2021 Fee Account created Total Due: 50.00
- 03-03-2021 Fee Account created
- 03-03-2021 GARNISHMENT 50.00
- 03-03-2021 Filed: Return of Electronic Notification
- 03-03-2021 Note: Request for hearing is not actually a request. Blank template from Court's website that was served on other party with other garnishment paperwork. KF
- 03-12-2021 Filed order: Order Granting Motion to Substitute Parties
Judge KARA PETTIT
Signed March 12, 2021
- 03-12-2021 Filed: Return of Electronic Notification
- 03-12-2021 Filed: Motion (Hearing Requested) To Consolidate Cases
Filed by: AUDIE G LEVENTHAL
- 03-12-2021 Filed: Return of Electronic Notification
- 03-15-2021 Filed: Application for Writ of Garnishment Application for Writ of Execution

03-15-2021 Filed: Other - Not Signed Writ of Attachment (Proposed) Writ of Execution

03-15-2021 Filed: Writ of Attachment (Proposed) Writ of Execution

03-15-2021 Note: Document type is the incorrect type for RTF doc. Please correct doc type to Writ of Execution (proposed) and use doc type Other for Application if wanting to have Writ of Execution issued. Correct and resubmit both App and Writ for proper issuance.

03-15-2021 Filed: Return of Electronic Notification

03-15-2021 Filed: Writ of Execution (Proposed)

03-15-2021 Issued: Writ of Execution
Clerk KATHERINE CARLSON

03-15-2021 Filed: Application for Writ of Execution

03-15-2021 Fee Account created Total Due: 50.00

03-15-2021 Fee Account created

03-15-2021 WRIT OF EXECUTION 50.00

03-15-2021 Filed: Return of Electronic Notification

03-16-2021 Note: Exhibits RETURNED from Court of Appeals, Exhibits - 7 (Black Binders) & 2 (Manila Envelopes) **There was an extra envelope that came down from the COA**, ca

03-17-2021 Filed return: Return of Service - Garnishment, West Valley City
Party Served: ANGEL PEZELY, DEPUTY RECORDER
Service Type: Personal
Service Date: March 16, 2021
Garnishee: West Valley City

03-17-2021 Filed: Return of Electronic Notification

03-23-2021 Filed: Motion for reconsideration due to improper service, lack of jurisdiction, three month stay, violation of trust terms and this enter matter be dismissed
Filed by: BRIAN SHAPIRO

03-23-2021 Filed: Return of Electronic Notification

03-25-2021 Filed: Motion to Strike Audie G. Leventhals Motion for Reconsideration Due to Improper Service, Lack of Jurisdiction, Three Month Stay, Violation of Trust Terms and This Entire Matter be Dismissed
Filed by: BRIAN SHAPIRO

03-25-2021 Filed: Return of Electronic Notification

03-26-2021 Filed return: Return of Service Certificate of Service
Party Served: NATHAN SPONENBURGH
Service Type: Mail
Service Date: March 26, 2021
Garnishee:

03-26-2021 Filed: Return of Electronic Notification

03-26-2021 Fee Account created Total Due: 5.00

03-26-2021 Fee Account created

03-26-2021 TELEPHONE/FAX/EMAIL 5.00
Note: TELEPHONE/FAX/EMAIL

03-26-2021 Filed: Appearance of Counsel/Notice of Limited Appearance
Notice of Appearance of Carson Heninger

03-26-2021 Filed: Appearance of Counsel/Notice of Limited Appearance
Appearance of Peggy Hunt

03-26-2021 Filed: Return of Electronic Notification

03-26-2021 Filed: Return of Electronic Notification

04-07-2021 Filed: Audie Leventhal's Response to Motion to Strike Audie G. Leventhal's Motion for Reconsideration

04-07-2021 Filed: Return of Electronic Notification

04-08-2021 Filed: Reply to Motion to Strike Audie G. Leventhal's Motion for Reconsideration

04-09-2021 Filed: Reply to Motion to Strike

04-09-2021 Filed: Reply to Motion to Strike

04-09-2021 Filed: (Amended) Audie Leventhal's Response to Motion to Strike Audie G. Leventhal's Motion for Reconsideration

04-09-2021 Filed: (Second Amended) Response to Motion to Strike Audie G. Leventhal's Motion for Reconsideration

04-09-2021 Filed: Return of Electronic Notification

04-12-2021 Filed: Order (Proposed) Granting Motion to Consolidate Cases

04-12-2021 Filed: Request/Notice to Submit Motion to Consolidate Cases

04-12-2021 Filed: Return of Electronic Notification

04-14-2021 Filed: Order (Proposed) Granting Motion to Strike Audie G. Leventhals Motion for Reconsideration Due to Improper Service, Lack of Jurisdiction, Three Month Stay, Violation of Trust Terms and this Entire Matter be Dismissed

04-14-2021 Filed: Reply in Support of Motion to Strike Audie G. Leventhals Motion for Reconsideration Due to Improper Service, Lack of Jurisdiction, Three Month Stay, Violation of Trust Terms and this Entire Matter be Dismissed

04-14-2021 Filed: Request/Notice to Submit Motion to Strike Audie G. Leventhals Motion for Reconsideration Due to Improper Service, Lack of Jurisdiction, Three Month Stay, Violation of Trust Terms and this Entire Matter be Dismissed

04-14-2021 Filed: Return of Electronic Notification

04-16-2021 Filed order: Order Granting Motion to Strike Audie G. Leventhals Motion for Reconsideration Due to Improper Service, Lack of Jurisdiction, Three Month Stay, Violation of Trust Terms and this Entire Matter be Dismissed

Judge KARA PETTIT

Signed April 16, 2021

04-16-2021 Note: Court's revisions are underlined. KLP

04-16-2021 Filed: Return of Electronic Notification

04-21-2021 Filed: Return of Electronic Notification

04-22-2021 Filed: Audie G. Leventhal's Reply to Plaintiff re: Motion to Strike

04-22-2021 Filed: Return of Electronic Notification

04-28-2021 Judgment # 1 Modified 4,152,356.17 katherf

Creditor : BRIAN SHAPIRO
 Debtor : NATHAN SPONENBURGH
 8,723.69 Costs
 238,359.18 AttorneyFees

Creditor : JUNE VANDERSTEEN
 Debtor : BRIAN SHAPIRO
 95,667.90 Principal

Creditor : BRIAN SHAPIRO
 Debtor : NATHAN SPONENBURGH
 3,494,000.00 Principal

Creditor : JUNE VANDERSTEEN
 Debtor : NATHAN SPONENBURGH
 247,115.50 AttorneyFees
 7,016.38 Costs

Creditor : SKOUBYE NIELSON & JOHANSEN LLC
 Debtor : NATHAN SPONENBURGH
 Debtor : BRIAN SHAPIRO

656.90 Costs
60,816.62 Principal
0.00 Judgment Grand Total

04-28-2021 Judgment # 1 Modified 4,152,356.17 katherf

Creditor : BRIAN SHAPIRO
Debtor : NATHAN SPONENBURGH
8,723.69 Costs
238,359.18 AttorneyFees

Creditor : JUNE VANDERSTEEN
Debtor : BRIAN SHAPIRO
95,667.90 Principal

Creditor : BRIAN SHAPIRO
Debtor : NATHAN SPONENBURGH
3,494,000.00 Principal

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Debtor : BRIAN SHAPIRO
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0.00 Judgment Grand Total

04-28-2021 Judgment # 1 Modified 4,152,356.17 katherf

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 Debtor : NATHAN SPONENBURGH
 Debtor : BRIAN SHAPIRO
 656.90 Costs
 60,816.62 Principal
 0.00 Judgment Grand Total

04-28-2021 Note: Judgment modified at direction of Judge Pettit, per previous orders. KF

04-28-2021 Judgment # 1 Modified 4,152,356.17 katherf

Creditor : BRIAN SHAPIRO
 Debtor : NATHAN SPONENBURGH
 8,723.69 Costs
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04-28-2021 Judgment # 1 Modified 4,152,356.17 katherf

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Debtor : NATHAN SPONENBURGH
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7,016.38 Costs
Creditor : SKOUBYE NIELSON & JOHANSEN LLC
Debtor : NATHAN SPONENBURGH
Debtor : BRIAN SHAPIRO
656.90 Costs
60,816.62 Principal
0.00 Judgment Grand Total

- 04-29-2021 Filed order: Order Denying Motion to Consolidate Cases
Judge KARA PETTIT
Signed April 29, 2021
- 04-29-2021 Filed: Return of Electronic Notification
- 05-13-2021 Filed: Writ Of Execution
- 05-13-2021 Filed: Writ Of Execution
- 05-13-2021 Filed: Writ Of Execution
- 05-13-2021 Filed: Return of Electronic Notification