

Morgan

The Order of the Court is stated below:

Dated: December 14, 2023
05:20:54 PM

/s/ NOEL S. HYDE
District Court Judge



18
23 December

Handwritten signature

IN THE SECOND JUDICIAL DISTRICT COURT OF MORGAN COUNTY MORGAN DEPARTMENT, STATE OF UTAH	
WHITNEY CROFT, an individual; DAVID PIKE, an individual; ROBERT BOHMAN, an individual; BRANDON PETERSON, an individual; SHELLEY PAIGE, an individual,	PRELIMINARY INJUNCTION ORDER
Plaintiffs,	
vs.	Civil No. 230500119 Judge Noel S. Hyde
MORGAN COUNTY and WASATCH PEAKS RANCH, LLC, a Delaware limited liability company,	
Defendants.	

Plaintiffs' Motion for Preliminary Injunction and Temporary Restraining Order (the "Motion") came before the Court for hearing on December 6, 2023. Prior to the hearing, on December 1, 2023, the Court entered a Temporary Restraining ("TRO"). Plaintiffs were represented by Darin Hammond and Dana T. Farmer. Morgan County was represented by Garrett Smith. Wasatch Peaks Ranch, LLC was represented by Mark R. Gaylord and William Lasker.

At the commencement of the hearing, and due to the limited amount of time available, the parties collectively agreed to present evidence through proffers with the opportunity to cross-examine any of the witnesses following their proffer. During the hearing, the Court received exhibits marked by the parties, which are identified as P1-14 (Exhibits A-N to

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 BRENDA NELSON, Recorder
 MORGAN COUNTY
 For: MORGAN COUNTY

Plaintiffs' Motion), R1-3, and WPR1-18 (some of which were Exhibits to WPR's Opposition). Plaintiffs proffered the testimony of Cindy Carter, Shelley Paige and David Pike and submitted, among other things, the Morgan County Planning Commission Public Notice for the November 9, 2023 meeting. Morgan County proffered the testimony of Janell Walker, Josh Cook, Mark Miller, Mike Newton and William Coutts. Mark Miller was cross-examined by Darin Hammond. WPR proffered the testimony of Mike Kirby, Brandon Blanchard, Ed Schultz, and Gary Derck. Following the close of evidence the Court heard closing arguments in support, opposition, and rebuttal. In addition, the parties agreed and the Court accepted the youtube videos of three Morgan County public meetings held on March 2, 2021, October 14, 2021, and October 3, 2023.

Having fully considered the Motion, memoranda in support and opposition to the Motion, evidence, and arguments, the Court hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

RULING

For the reasons stated by the Court on the record, a certified transcript of which is filed herewith as Exhibit A to this order, the Court determines Plaintiffs have made the required showings for the issuance of preliminary injunction pursuant to Utah R. Civ. P. 65A(e) and enjoins Defendants as follows: .

ORDER

- A. The Ordinance may not be enforced while this order remains in effect.

B. All permits, authorizations, or approvals granted to or for WPR by Morgan County which rely for their enforceability on the effectiveness of the Ordinance are suspended and may not be acted upon while this order remains in effect.

C. With the exception of protective maintenance, Wasatch Peaks Ranch shall immediately cease all construction and development activity on the property which is the subject of the Ordinance, to the extent that such activity is inconsistent with the zoning status of the property immediately prior to the passage of the Ordinance.

D. WPR shall not transfer or convey any interest in any lots, the subdivision of which required the Ordinance to be effective;

E. WPR shall not record, and Morgan County shall not accept for recording, any plat, conveyancing document, or other record, the validity or sufficiency of which is dependent upon the enforceability of the Ordinance.

F. Neither WPR nor Morgan County may publicly distribute or display any promotional documents or materials relating to the property which is the subject of the Ordinance that are dependent for their accuracy on the effectiveness of the Ordinance. WPR and Morgan County may publicly distribute or display any promotional documents or materials that rely upon the RSD Application or any other materials that were made public during consideration of the RSD Application prior to adoption of the Ordinance on October

30, 2019.

Pursuant to Utah R. Civ. P. 65A(a)(2), The court has determined and the parties have consented that the trial on the merits of this action be advanced and consolidated with the hearing on the request for preliminary injunction. Accordingly, such consolidation is hereby ORDERED, and the parties are directed to submit a final order and judgment consistent with the provisions of this Preliminary Injunction Order.

This Order shall remain in place pending entry of the final order and judgment of the court herein.

**--END OF DOCUMENT--
COURT SIGNATURE AND DATE APPEARS AT TOP OF FIRST PAGE**