

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

TROY DUNN et al. vs. TAPESTRY HOMES LLC et al.

CASE NUMBER 210700295 Property Rights

CURRENT ASSIGNED JUDGE
MICHAEL EDWARDS

PARTIES

Plaintiff - TROY DUNN
Represented by: AMANDA MENDENHALL
Represented by: JEREMY REUTZEL
Represented by: KYLE HOOKER

Plaintiff - JENNIFER DUNN
Represented by: AMANDA MENDENHALL
Represented by: JEREMY REUTZEL
Represented by: KYLE HOOKER

Defendant - TAPESTRY HOMES LLC
Represented by: JASON KERR
Represented by: STEVEN GARFF
Represented by: JOHN SNOW

Defendant - SCOTT KEARNS
Represented by: JASON KERR
Represented by: STEVEN GARFF
Represented by: JOHN SNOW

ACCOUNT SUMMARY

Total Revenue Amount Due:	845.00
Amount Paid:	845.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S

Original Amount Due:	375.00
Amended Amount Due:	375.00
Amount Paid:	375.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COUNTER 10K-MORE

Original Amount Due:	170.00
Amended Amount Due:	170.00
Amount Paid:	170.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due: 15.00
Amended Amount Due: 15.00
Amount Paid: 15.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due: 15.00
Amended Amount Due: 15.00
Amount Paid: 15.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due: 15.00
Amended Amount Due: 15.00
Amount Paid: 15.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due: 120.00
Amended Amount Due: 120.00
Amount Paid: 120.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due: 120.00
Amended Amount Due: 120.00
Amount Paid: 120.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due: 15.00
Amended Amount Due: 15.00
Amount Paid: 15.00
Amount Credit: 0.00
Balance: 0.00

CASE NOTE

PROCEEDINGS

- 04-15-2021 Filed: Complaint
- 04-15-2021 Case filed by efiler
- 04-15-2021 Fee Account created Total Due: 375.00
- 04-15-2021 COMPLAINT - NO AMT S Payment Received: 375.00
- 04-15-2021 Judge MICHAEL EDWARDS assigned.
- 04-15-2021 Filed: Return of Electronic Notification

04-16-2021 Filed: Appearance of Counsel/Notice of Limited Appearance of Jason Kerr

04-16-2021 Filed: Return of Electronic Notification

04-16-2021 Filed return: Acceptance of Service upon JASON KERR for
 Party Served: SCOTT KEARNS
 Service Type: Personal
 Service Date: April 16, 2021
 Garnishee:

04-16-2021 Filed: Return of Electronic Notification

05-06-2021 Filed: Answer and Counterclaim

05-06-2021 Note: Certificate of Readiness for Trial due 04/19/2022

05-06-2021 Fee Account created Total Due: 170.00

05-06-2021 COUNTER 10K-MORE Payment Received: 170.00

05-06-2021 Filed: Return of Electronic Notification

05-06-2021 Filed: NOTICE OF EVENT DUE DATES

05-07-2021 Filed: Return of Electronic Notification

05-20-2021 Filed: Appearance of Counsel/Notice of Limited Appearance for Plaintiffs

05-20-2021 Filed: Certificate of Service of Plaintiffs Rule 26 Initial Disclosures

05-20-2021 Filed: Certificate of Service of Plaintiffs First Supplemental Rule 26 Initial Disclosures

05-20-2021 Filed: Return of Electronic Notification

05-20-2021 Filed: Return of Electronic Notification

06-01-2021 Filed: Lis Pendens

06-01-2021 Filed: Return of Electronic Notification

06-08-2021 Filed: Certificate of Service re: Inital Disclosures

06-08-2021 Filed: Return of Electronic Notification

06-18-2021 Filed: Certificate of Service - Defendants First Supplemental Initial Disclosures

06-18-2021 Filed: Return of Electronic Notification

07-08-2021 Filed: Certificate of Service re: Request for Interrogatories and Production of Documents

07-08-2021 Filed: Return of Electronic Notification

07-13-2021 Filed: Default Certificate (Proposed)

07-13-2021 Filed: Return of Electronic Notification

07-14-2021 Filed: Answer to Counterclaim Plaintiffs Counterclaim
 Answer Party: TROY DUNN et al.
 Answer Party: JENNIFER DUNN et al.

07-14-2021 Filed: Return of Electronic Notification

07-30-2021 Filed: Other - Not Signed Default Certificate (Proposed)

07-30-2021 Note: Answer filed on 7/14/21.

07-30-2021 Filed: Return of Electronic Notification

09-01-2021 Filed: Certificate of Service of Plaintiffs Answers to Defendants Interrogatories

09-01-2021 Filed: Certificate of Service of Plaintiffs Answers to Defendants Request for Production of Documents

09-01-2021 Filed: Return of Electronic Notification

11-30-2021 Filed: Motion Joint Motion and Stipulation to Extend Fact Discovery Deadlines
 Filed by: JENNIFER DUNN et al.

11-30-2021 Filed: Order (Proposed) on Joint Motion and Stipulation to Extend Fact Discovery Deadlines

11-30-2021 Filed: Request/Notice to Submit for Decision on Joint Motion and Stipulation to Extend Fact Discovery Deadlines

11-30-2021 Filed: Return of Electronic Notification
12-02-2021 Filed order: Order on Joint Motion and Stipulation to Extend Fact Discovery Deadlines
Judge MICHAEL EDWARDS
Signed December 02, 2021
12-02-2021 Filed: Return of Electronic Notification
12-14-2021 Filed: Notice of Deposition of Scottie Herron
12-14-2021 Filed: Notice of Deposition of Steve Herron
12-14-2021 Filed: Return of Electronic Notification
12-17-2021 Filed: Certificate of Service of Plaintiffs Answers to Defendants Second Set of Requests for Production of Documents
12-17-2021 Filed: Return of Electronic Notification
12-30-2021 Filed: Certificate of Service on Plaintiffs First Set of Supplemental Initial Disclosures
12-30-2021 Filed: Return of Electronic Notification
01-10-2022 Filed: Motion Joint Motion and Stipulation to Extend Fact Discovery Due Dates
Filed by: SCOTT KEARNS et al.
01-10-2022 Filed: Order (Proposed) extending deadlines
01-10-2022 Filed: Return of Electronic Notification
01-18-2022 Filed order: Order extending deadlines
Judge MICHAEL EDWARDS
Signed January 18, 2022
01-18-2022 Filed: Return of Electronic Notification
02-09-2022 Filed: Motion Joint Motion and Stipulation to Extend Fact Discovery Due Dates
Filed by: SCOTT KEARNS et al.
02-09-2022 Filed: Order (Proposed) Joint Motion and Stipulation to Extend Fact Discovery Due Dates
02-09-2022 Filed: Return of Electronic Notification
02-10-2022 Filed order: Order Joint Motion and Stipulation to Extend Fact Discovery Due Dates
Judge MICHAEL EDWARDS
Signed February 10, 2022
02-10-2022 Filed: Return of Electronic Notification
03-01-2022 Filed: Appearance of Counsel/Notice of Limited Appearance Notice of Substitution of Counsel
03-01-2022 Filed: Return of Electronic Notification
03-14-2022 Filed: Order (Proposed) Granting Statement of Discovery Issues Re: Extension of Fact Discovery
03-14-2022 Filed: Statement of Discovery Issues Re: Extension of Fact Discovery
03-14-2022 Filed: Return of Electronic Notification
03-14-2022 Filed: Certificate of Service of Plaintiffs Second Supplemental Disclosures
03-14-2022 Filed: Return of Electronic Notification
03-15-2022 Filed: Errata to Statement of Discovery Issues Re: Extension of Fact Discovery
03-15-2022 Filed: Return of Electronic Notification
03-21-2022 Filed: Objection to Plaintiffs Statement of Discovery Issues Re: Extension of Fact Discovery
03-21-2022 Filed: Return of Electronic Notification
03-22-2022 Filed: Request/Notice to Submit on Plaintiffs SODI re Extension of Fact Discovery
03-22-2022 Filed: Return of Electronic Notification
03-22-2022 Filed: Certificate of Service of Plaintiffs Third Supplemental

Disclosures

03-22-2022 Filed: Return of Electronic Notification

03-25-2022 Filed order: Order Denying Statement of Discovery Issues Re:
Extension of Fact Discovery
Judge MICHAEL EDWARDS
Signed March 25, 2022

03-25-2022 Filed: Return of Electronic Notification

04-04-2022 Filed: MOTION FOR SANCTIONS: EXCLUSION OF UNTIMELY DISCLOSED
DOCUMENTS
Filed by: SCOTT KEARNS et al.

04-04-2022 Filed: Return of Electronic Notification

05-02-2022 Filed: Opposition to Defendants Motion for Sanctions

05-02-2022 Filed: Return of Electronic Notification

05-06-2022 Filed: Notice of Change of Address

05-06-2022 Filed: Request for Data Correction

05-06-2022 Filed: Return of Electronic Notification

05-06-2022 Filed: Return of Electronic Notification

05-09-2022 Filed: Notice of Withdrawal of Counsel (AMP and SCM)

05-09-2022 Filed: Return of Electronic Notification

05-16-2022 Filed: Reply Memorandum in Support of Motion for Sanctions:
Exclusion of Untimely Disclosed Documents

05-16-2022 Filed: Return of Electronic Notification

05-26-2022 Filed: Request/Notice to Submit for Decision Re: Motion for
Sanctions

05-26-2022 Filed: Return of Electronic Notification

05-27-2022 Filed: Appearance of Counsel/Notice of Limited Appearance

05-27-2022 Filed: Return of Electronic Notification

06-01-2022 Note: Request to submit for Motion for Sanctions is sent to
MSE.

06-02-2022 Note: An email is sent to counsel providing possible dates to
set the matter for hearing on the RTS Motion for Sanctions.

06-02-2022 NOTICE for Case 210700295 ID 22812763
Judge: MICHAEL EDWARDS
MOTION FOR SANCTIONS IN-PERSON is scheduled.
Date: 10/26/2022
Time: 09:00 a.m.
Location: Courtroom 6
JUSTICE COMPLEX
800 WEST STATE STREET
FARMINGTON, UT 84025
Before Judge: MICHAEL EDWARDS

06-02-2022 MOTION FOR SANCTIONS IN-PERSON scheduled on October 26, 2022 at
09:00 AM in Courtroom 6 with Judge MICHAEL EDWARDS

06-02-2022 Filed: Notice for Case 210700295 PR Judge: MICHAEL EDWARDS

06-03-2022 Filed: Return of Electronic Notification

06-16-2022 Filed: Certificate of Readiness for Trial

06-16-2022 Filed: Return of Electronic Notification

07-05-2022 Note: An email is sent to counsel providing possible ptc dates
regarding the certificate of readiness for trial.

07-06-2022 NOTICE for Case 210700295 ID 22897714
Judge: MICHAEL EDWARDS
PRETRIAL CONFERENCE is scheduled.
Date: 09/19/2022
Time: 03:00 p.m.

Before Judge: MICHAEL EDWARDS

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

07-06-2022 PRETRIAL CONFERENCE scheduled on September 19, 2022 at 03:00 PM in Courtroom 6 with Judge MICHAEL EDWARDS

07-06-2022 Filed: Notice for Case 210700295 PR Judge: MICHAEL EDWARDS

07-06-2022 Filed: Return of Electronic Notification

07-21-2022 Note: Return received on email notification for Amanda Mendenhall. Notice of Pretrial Conference mailed.

07-21-2022 Filed: Certificate of Notification Notice of Pretrial Conference

07-22-2022 Filed: Return of Electronic Notification

07-22-2022 Note: Received return on email notification for Jeremy Reutzel. Notice of Pretrial Conference mailed to him.

07-22-2022 Filed: Certificate of Notice Notice of Pretrial Conference

07-23-2022 Filed: Return of Electronic Notification

09-19-2022 Cancelled: 5 DAY BENCH TRIAL scheduled on April 19, 2023 at 09:00 AM in Courtroom 6 with Judge MICHAEL EDWARDS
Reason: Court Ordered

09-19-2022 Cancelled: 5 DAY BENCH TRIAL scheduled on April 20, 2023 at 09:00 AM in Courtroom 6 with Judge MICHAEL EDWARDS

09-19-2022 Cancelled: 5 DAY BENCH TRIAL scheduled on April 21, 2023 at 09:00 AM in Courtroom 6 with Judge MICHAEL EDWARDS

09-19-2022 Cancelled: 5 DAY BENCH TRIAL scheduled on May 03, 2023 at 09:00 AM in Courtroom 6 with Judge MICHAEL EDWARDS
Reason: Correct calendar

09-19-2022 Cancelled: 5 DAY BENCH TRIAL scheduled on May 04, 2023 at 09:00 AM in Courtroom 6 with Judge MICHAEL EDWARDS

09-19-2022 Minute Entry - PRETRIAL CONFERENCE
Judge: MICHAEL EDWARDS
Clerk: lino

PRESENT

Plaintiff's Attorney(s): AMANDA MENDENHALL
Defendant's Attorney(s): JASON KERR
Defendant's Attorney(s): JOHN SNOW

Audio
Tape Number: WX-09192022 Tape Count: 2:59-3:21

HEARING

This is the time set for a pretrial conference.

The parties have not attended mediation.

Counsel request a 5 day bench trial.

The Court will set this matter for a 5 day bench trial on 4/19/23 through 4/21/23, and 5/3/23 through 5/4/23 at 9:00 am. This will be an in-person trial.

Any motion in limine would be heard the week of the trial.

The parties may schedule a Judicial Settlement Conference with Judge Connors prior to the trial date.

5 DAY BENCH TRIAL is scheduled.
Date: 04/19/2023
Time: 09:00 a.m.
Location: Courtroom 6

JUSTICE COMPLEX
800 WEST STATE STREET
FARMINGTON, UT 84025
Before Judge: MICHAEL EDWARDS

5 DAY BENCH TRIAL is scheduled.

Date: 04/20/2023
Time: 09:00 a.m.
Location: Courtroom 6
JUSTICE COMPLEX

800 WEST STATE STREET
FARMINGTON, UT 84025
Before Judge: MICHAEL EDWARDS

5 DAY BENCH TRIAL.

Date: 04/21/2023
Time: 09:00 a.m.
Location: Courtroom 6
JUSTICE COMPLEX

800 WEST STATE STREET
FARMINGTON, UT 84025
Before Judge: MICHAEL EDWARDS

5 DAY BENCH TRIAL.

Date: 05/03/2023
Time: 09:00 a.m.
Location: Courtroom 6
JUSTICE COMPLEX

800 WEST STATE STREET
FARMINGTON, UT 84025
Before Judge: MICHAEL EDWARDS

5 DAY BENCH TRIAL.

Date: 05/04/2023
Time: 09:00 a.m.
Location: Courtroom 6
JUSTICE COMPLEX

800 WEST STATE STREET
FARMINGTON, UT 84025
Before Judge: MICHAEL EDWARDS

09-19-2022 Filed: Return of Electronic Notification

10-26-2022 Minute Entry - MOTION FOR SANCTIONS

Judge: MICHAEL EDWARDS
Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN
Plaintiff(s): JENNIFER DUNN
Defendant(s): SCOTT KEARNS
Plaintiff's Attorney(s): JEREMY REUTZEL
Defendant's Attorney(s): JASON KERR

Audio

Tape Number: F6-10262022 Tape Count: 9:02-9:28

HEARING

This is the time set for hearing on the Defendant's Motion for Sanctions.

Mr. Kerr presents arguments.

Mr. Reutzell responds with arguments.

The Court makes finding of fact as stated on the record. The Court rules that Mr. Kerr be allowed to depose the Petitioners as stated on the record. The Court will award attorneys fees, the Petitioners are to pay fees as incurred by the Defendant to bring this motion before the court. The Court denies the request to exclude Ms. Dunn's testimony.

The parties may contact Judge Connors' clerk to set a Judicial Settlement Conference prior to the trial dates.

Mr. Kerr is to prepare the order from this hearing.

10-27-2022 Filed: Request for Audio Recording
10-27-2022 Fee Account created Total Due: 15.00
10-27-2022 ELEC STORAGE MEDIUM Payment Received: 15.00
10-27-2022 Filed: Return of Electronic Notification
11-02-2022 Filed: Motion for Extension of Time to Object to Defendants Proposed Order
Filed by: JENNIFER DUNN et al.
11-02-2022 Filed: Order (Proposed) Granting Motion for Extension of Time to Object to Defendants Proposed Order
11-02-2022 Filed: Request/Notice to Submit on Motion for Extension of Time
11-02-2022 Filed: Return of Electronic Notification
11-03-2022 Filed: Order (Proposed) Re: Defendants Motion for Sanctions
11-03-2022 Filed: Certificate of Service re: Proposed Order Re Defendants Motion for Sanctions
11-03-2022 Filed: Return of Electronic Notification
11-03-2022 Filed: Return of Electronic Notification
11-04-2022 Note: Emailed audio request from 10/26/22 hearing to sperez@btjd.com
11-10-2022 Filed: Objection to Defendants Proposed Order Re Motion for Sanctions
11-10-2022 Filed: Order (Proposed) Re Defendants Motion to Sanctions
11-10-2022 Filed: Return of Electronic Notification
11-14-2022 Filed order: Order Granting Motion for Extension of Time to Object to Defendants Proposed Order
Judge MICHAEL EDWARDS
Signed November 14, 2022
11-14-2022 Filed: Return of Electronic Notification
11-15-2022 Filed order: Order Re Defendants Motion to Sanctions
Judge MICHAEL EDWARDS
Signed November 15, 2022
11-15-2022 Filed: Other - Not Signed Order (Proposed) Re: Defendants Motion for Sanctions
11-15-2022 Filed: Notice of Approval as to Form of Plaintiffs Proposed Order Draft Re Motions for Sanctions
11-15-2022 Filed: Return of Electronic Notification
11-15-2022 Filed: Return of Electronic Notification
11-15-2022 Filed: Return of Electronic Notification
11-29-2022 Filed: Request for Attorneys Fees on Motion for Sanctions
11-29-2022 Filed: Affidavit/Declaration of Jason Kerr
11-29-2022 Filed: Return of Electronic Notification

11-30-2022 Filed: Order (Proposed) and Judgement Re: Defendants Motion for Sanctions
11-30-2022 Filed: Return of Electronic Notification
12-09-2022 Filed order: Order and Judgement Re: Defendants Motion for Sanctions
Judge MICHAEL EDWARDS
Signed December 09, 2022
12-09-2022 Filed: Return of Electronic Notification
03-22-2023 Filed: Certificate of Service of Plaintiffs Pretrial Disclosures
03-22-2023 Filed: Return of Electronic Notification
03-22-2023 Filed: Certificate of Service re Pretrial Disclosures of Defendants
03-22-2023 Filed: Return of Electronic Notification
03-23-2023 Filed: Appearance of Counsel/Notice of Limited Appearance for John Snow
03-23-2023 Filed: Return of Electronic Notification
04-06-2023 Note: An email is sent to counsel regarding reaching out to Senior Judge Hamilton to set a JSC in this matter prior to the trial date.
04-10-2023 Filed: Certificate of Service re Defendants Objections to Plaintiffs Pretrial Disclosures
04-10-2023 Filed: Return of Electronic Notification
04-10-2023 Filed: Objection to Defendants Pretrial Disclosures
04-10-2023 Filed: Return of Electronic Notification
04-11-2023 Filed: Request to Take Judicial Notice of Public Records
04-11-2023 Filed: Return of Electronic Notification
04-15-2023 Filed: Motion (Ex Parte) to Order the Parties to Hold Scheduling Conference re Trial Logistics
Filed by: SCOTT KEARNS et al.
04-15-2023 Filed: Return of Electronic Notification
04-16-2023 Filed: Certificate of Service re Defendants Supplemental Pretrial Disclosures
04-16-2023 Filed: Return of Electronic Notification
04-17-2023 Filed: Appearance of Counsel/Notice of Limited Appearance of KC Hooker
04-17-2023 Filed: Return of Electronic Notification
04-17-2023 BENCH TRIAL OPENING ARGUMENTS scheduled on May 02, 2023 at 03:00 PM in Courtroom 6 with Judge MICHAEL EDWARDS
04-17-2023 Minute Entry - TRIAL MEETING
Judge: MICHAEL EDWARDS
Clerk: danielsf
PRESENT
Plaintiff's Attorney(s): KYLE HOOKER
Plaintiff's Attorney(s): AMANDA MENDENHALL
Defendant's Attorney(s): JASON KERR
Defendant's Attorney(s): JOHN SNOW
Other Parties: DAVID HAMILTON
Audio
Tape Number: F6-04172023 Tape Count: 303-335
HEARING

This is the time set for a trial meeting to discuss the Bench Trial scheduled for this week.

3:04 PM Mr. Kerr gives comments and input about the trial taking place this week.

3:08 PM Ms. Mendenhall responds.

3:10 PM The Court offers alternative trial dates and states the parties have not attempted mediation yet.

3:12 PM Mr. Kerr responds.

3:15 PM Senior Judge David Hamilton offers dates for mediation to take place.

3:18 PM The Court and all counsel discuss trial dates. The Bench Trial dates this week will be stricken, and the parties will mediate with Senior Judge Hamilton on 4/26/23. The mediation will take place at the Farmington courthouse beginning at 9:00 a.m.

The new Bench Trial dates will be as follows: Opening arguments on 5/2/23 @ 3:00 pm, with trial taking place on the current scheduled dates of May 3-4, 2023 and on May 18-19, 2023 beginning @ 8:30 a.m. each day.

End time: 3:35 PM

BENCH TRIAL OPENING ARGUMENTS is scheduled.

Date: 05/02/2023

Time: 03:00 p.m.

Location: Courtroom 6

JUSTICE COMPLEX

800 WEST STATE STREET

FARMINGTON, UT 84025

Before Judge: MICHAEL EDWARDS

5 DAY BENCH TRIAL is scheduled.

Date: 05/18/2023

Time: 08:30 a.m.

Location: Courtroom 6

JUSTICE COMPLEX

800 WEST STATE STREET

FARMINGTON, UT 84025

Before Judge: MICHAEL EDWARDS

5 DAY BENCH TRIAL.

Date: 05/19/2023

Time: 08:30 a.m.

Location: Courtroom 6

JUSTICE COMPLEX

800 WEST STATE STREET

FARMINGTON, UT 84025

Before Judge: MICHAEL EDWARDS

04-17-2023 NOTICE for Case 210700295 ID 23640778

Judge: MICHAEL EDWARDS

TRIAL MEETING is scheduled.

Date: 04/17/2023

Time: 03:00 p.m.

Before Judge: MICHAEL EDWARDS

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

04-17-2023 TRIAL MEETING scheduled on April 17, 2023 at 03:00 PM in Courtroom 6 with Judge MICHAEL EDWARDS

04-17-2023 Filed: Notice for Case 210700295 PR Judge: MICHAEL EDWARDS

04-17-2023 Filed: Return of Electronic Notification

04-18-2023 5 DAY BENCH TRIAL scheduled on May 18, 2023 at 08:30 AM in Courtroom 6 with Judge MICHAEL EDWARDS

04-18-2023 5 DAY BENCH TRIAL scheduled on May 19, 2023 at 08:30 AM in Courtroom 6 with Judge MICHAEL EDWARDS

04-18-2023 Filed: Return of Electronic Notification

04-19-2023 Filed order: Assignment of Senior Judge David Hamilton
Judge NOEL S HYDE
Signed April 19, 2023

04-21-2023 5 DAY BENCH TRIAL scheduled on May 03, 2023 at 08:30 AM in Courtroom 6 with Judge MICHAEL EDWARDS

04-21-2023 Modified: 5 DAY BENCH TRIAL scheduled on May 04, 2023 at 08:30 AM in Courtroom 6 with Judge MICHAEL EDWARDS

04-21-2023 Filed: Return of Electronic Notification

04-25-2023 JUDICIAL SETTLEMENT CONFERENCE scheduled on April 26, 2023 at 09:00 AM with Judge DAVID HAMILTON

04-26-2023 Filed: Return of Electronic Notification

04-26-2023 Minute Entry - JUDICIAL SETTLEMENT CONFERENCE
Judge: DAVID HAMILTON
Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN
Plaintiff(s): JENNIFER DUNN
Defendant(s): SCOTT KEARNS
Plaintiff's Attorney(s): AMANDA MENDENHALL
Defendant's Attorney(s): JASON KERR

HEARING

This is the time set for a Judicial Settlement Conference with Senior Judge Hamilton.

The parties were not able to reach a settlement in this matter. The trial currently scheduled is to proceed.

04-28-2023 Filed: Notice of Substitution of Document

04-28-2023 Filed: Return of Electronic Notification

05-01-2023 Filed: Certificate of Service re Defendants Corrected Pretrial Disclosures

05-01-2023 Filed: Return of Electronic Notification

05-02-2023 Minute Entry - DAY 1 BENCH TRIAL OPENING ARGUMENTS
Judge: MICHAEL EDWARDS
Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN
Plaintiff(s): JENNIFER DUNN
Defendant(s): SCOTT KEARNS
Plaintiff's Attorney(s): AMANDA MENDENHALL
Plaintiff's Attorney(s): KYLE HOOKER
Defendant's Attorney(s): JASON KERR
Defendant's Attorney(s): JOHN SNOW

Audio

Tape Number: F6-05022023 Tape Count: 3:00-4:30

TRIAL

This is the time set for opening arguments.

Mr. Hooker presents opening statements.

Mr. Kerr presents opening statements.

The trial is adjourned for the day.

05-03-2023 Minute Entry - DAY 2 BENCH TRIAL

Judge: MICHAEL EDWARDS

Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN

Plaintiff(s): JENNIFER DUNN

Defendant(s): SCOTT KEARNS

Plaintiff's Attorney(s): AMANDA MENDENHALL

Plaintiff's Attorney(s): KYLE HOOKER

Defendant's Attorney(s): JASON KERR

Defendant's Attorney(s): JOHN SNOW

Audio

Tape Number: F6-05032023 Tape Count: 8:35-503

TRIAL

This the 2nd day of the bench trial.

The Plaintiff's case is presented:

TIME: 8:38 AM - 12:00 PM

Plaintiff's Witness: Troy Dunn is sworn and testifies.

TIME: 12:00 PM - 1:12 PM

Lunch recess.

TIME: 1:13 PM - 2:04 PM

Plaintiff's Witness: Dustin Zeller is sworn and testifies.

TIME: 2:05 PM - 5:02 PM

Plaintiff's Witness: Troy Dunn resumes testifying.

TIME: 5:03 PM

Court is adjourned.

05-04-2023 Minute Entry - DAY 3 BENCH TRIAL

Judge: MICHAEL EDWARDS

Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN

Plaintiff(s): JENNIFER DUNN

Defendant(s): SCOTT KEARNS

Defendant(s): TAPESTRY HOMES LLC

Plaintiff's Attorney(s): AMANDA MENDENHALL

Plaintiff's Attorney(s): KYLE HOOKER

Defendant's Attorney(s): JASON KERR

Defendant's Attorney(s): JOHN SNOW

Audio

Tape Number: F6-05042023 Tape Count: 9:11-5:00

TRIAL

The Bench Trial resumes.

TIME: 9:14 AM - 10:15 AM
Plaintiff's Witness: Daine Clark is sworn and testifies.

TIME: 9: AM - 11:33 AM
Plaintiff's Witness: Troy Dunn resumes testifying.

TIME: 11:33 AM - 12:23 PM
Lunch Recess.

TIME: 12:26 PM - 1:03 PM
Dr. Jose Perez-Tamayo is sworn and testifies.

TIME: 1:32 PM - 4:59 PM
Plaintiff's Witness: Troy Dunn resumes testifying.

TIME: 5:00 PM
Court is adjourned.

- 05-04-2023 Filed: Defendants' Supplemental Pretrial Disclosures
- 05-04-2023 Filed: Initial Disclosures - Defendants
- 05-16-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 05-02-2023
- 05-17-2023 Filed: Return of Electronic Notification
- 05-18-2023 Filed: Return of Electronic Notification
- 05-18-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 05-04-2023
- 05-18-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 05-03-2023
- 05-18-2023 Minute Entry - DAY 4 BENCH TRIAL

Judge: MICHAEL EDWARDS

Clerk: lino

PRESENT

- Plaintiff(s): TROY DUNN
- Plaintiff(s): JENNIFER DUNN
- Defendant(s): SCOTT KEARNS
- Defendant(s): TAPESTRY HOMES LLC
- Plaintiff's Attorney(s): AMANDA MENDENHALL
- Plaintiff's Attorney(s): KYLE HOOKER
- Defendant's Attorney(s): JOHN SNOW
- Defendant's Attorney(s): JASON KERR

Audio

Tape Number: F6-05182023 Tape Count: 8:40-5:14

TRIAL

The Bench Trial resumes.

TIME: 8:42 AM - 9:02 AM

Plaintiff's Witness: Wendy Snow is sworn and testifies.

TIME: 9:03 AM - 10:10 AM

Plaintiff's Witness: William Curtis is sworn and testifies.

TIME: 10:32 AM - 11:45 AM

Plaintiff Troy Dunn resumes testifying.

TIME: 11:48 AM - 1:10 PM

Lunch Recess.

TIME: 1:10 PM - 3:22 PM

Plaintiff Troy Dunn resumes testifying.

TIME: 3:22 PM - 5:01 PM

Plaintiff Jennifer Dunn is sworn and testifies.

The Court and counsel go over the exhibits that have been admitted into evidence.

TIME: 5:14 PM

Trial is in recess.

05-19-2023 Filed: Return of Electronic Notification

05-19-2023 6 DAY BENCH TRIAL scheduled on June 21, 2023 at 08:30 AM in Courtroom 6 with Judge MICHAEL EDWARDS

05-19-2023 Minute Entry - DAY 5 BENCH TRIAL

Judge: MICHAEL EDWARDS

Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN

Plaintiff(s): JENNIFER DUNN

Defendant(s): SCOTT KEARNS

Defendant(s): TAPESTRY HOMES LLC

Plaintiff's Attorney(s): AMANDA MENDENHALL

Plaintiff's Attorney(s): KYLE HOOKER

Defendant's Attorney(s): JASON KERR

Defendant's Attorney(s): JOHN SNOW

Audio

Tape Number: F6-05192023 Tape Count: 8:40-5:00

TRIAL

The Bench Trial resumes.

The Plaintiff rests.

The Defendant's case is presented:

TIME: 8:49 AM - 9:06 AM

Defendant's Witness: James Neff is sworn and testifies.

TIME: 9:07 AM - 9:26 AM

Defendant's Witness: Roger Jessop is sworn and testifies.

TIME: 9:29 AM - 10:55 AM

Defendant's Witness: Ryan Ivie is sworn and testifies.

TIME: 11:14 AM - 12:23 PM

Defendant Scott Kearns is sworn and testifies.

TIME: 12:23 PM - 1:14 PM

Lunch Recess.

TIME: 1:38 PM - 2:08 PM

Defendant's Witness: Boyd Brown is sworn and testifies.

TIME: 2:08 PM - 4:59 PM

Defendant Scott Kearns resumes testifying.

The Court will set a further day for the bench trial on 6/21/23 at 8:30 am.

TIME: 5:00 PM

The Trial is in recess.

6 DAY BENCH TRIAL is scheduled.

Date: 06/21/2023

Time: 08:30 a.m.

Location: Courtroom 6

JUSTICE COMPLEX

800 WEST STATE STREET

FARMINGTON, UT 84025

Before Judge: MICHAEL EDWARDS

05-20-2023 Filed: Return of Electronic Notification
05-22-2023 Filed: Request for Audio Recording
05-22-2023 Fee Account created Total Due: 15.00
05-22-2023 ELEC STORAGE MEDIUM Payment Received: 15.00
05-22-2023 Filed: Return of Electronic Notification
05-22-2023 Filed: Request for Audio Recording
05-22-2023 Fee Account created Total Due: 15.00
05-22-2023 ELEC STORAGE MEDIUM Payment Received: 15.00
05-22-2023 Filed: Return of Electronic Notification
05-31-2023 Fee Account created Total Due: 120.00
05-31-2023 Fee Account created Total Due: 120.00
05-31-2023 ELEC STORAGE MEDIUM Payment Received: 120.00
05-31-2023 ELEC STORAGE MEDIUM Payment Received: 120.00
06-01-2023 Filed: Ex Parte Order (Proposed) Granting Motion for Leave to File Overlength Rule 26 Motion to Strike
06-01-2023 Filed: Motion - Ex Parte Motion for Leave to File Overlength Rule 26 Motion to Strike Testimony and Preclude Defendants from Presenting Evidence of Damages
Filed by: TROY DUNN et al.
06-01-2023 Filed: Request/Notice to Submit on Ex Parte Motion for Leave to File Overlength Rule 26 Motion to Strike
06-01-2023 Filed: Return of Electronic Notification

06-01-2023 Filed: Motion - Rule 26 Motion to Strike Testimony and Preclude Defendants from Presenting Evidence of Damages
Filed by: JENNIFER DUNN et al.

06-01-2023 Filed: Return of Electronic Notification

06-02-2023 Note: Audio request completed and emailed to counsel for both parties

06-02-2023 Filed order: Ex Parte Order Granting Motion for Leave to File Overlength Rule 26 Motion to Strike
Judge MICHAEL EDWARDS
Signed June 02, 2023

06-02-2023 Filed: Return of Electronic Notification

06-08-2023 Filed: - Statement of Discovery Issues (Randy Phillips Subpoena)

06-08-2023 Filed: Order (Proposed) Granting Statement of Discovery Issues (Randy Phillips Subpoena)

06-08-2023 Filed: Return of Electronic Notification

06-13-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 05-18-2023

06-13-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Motion Ex Parte - For Leave to File Overlength Opposition Memorandum to Plaintiffs Rule 26 Motion to Strike and Exclude
Filed by: SCOTT KEARNS et al.

06-16-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Request/Notice to Submit re Defendants Ex Parte Motion for Leave to File Overlength Memorandum Opposing Plaintiffs Rule 26 Motion to Strike and Exclude

06-16-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Objection to Statement of Discovery Issues re Randy Phillips Subpoena

06-16-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Order (Proposed) Denying Statement of Discovery Issues re Randy Phillips Subpoena

06-16-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Order (Proposed) (Corrected) Denying Statement of Discovery Issues re Randy Phillips Subpoena

06-16-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Order (Proposed) Granting Ex Parte Motion to File Overlength Opposition Memorandum

06-16-2023 Filed: Return of Electronic Notification

06-16-2023 Filed: Memorandum - Overlength (Proposed) in Opposition to Plaintiffs Rule 26 Motion to Strike Testimony and Preclude Defendants from Offering Evidence of Damages

06-16-2023 Filed: Order (Proposed) Granting Ex Parte Motion for Leave to File Overlength Opposition Memorandum

06-16-2023 Filed: Return of Electronic Notification

06-19-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 05-19-2023

06-19-2023 Filed: Request/Notice to Submit on Statement of Discovery Issues Re: Randy Phillips Subpoena

06-19-2023 Filed: Return of Electronic Notification

06-19-2023 Filed: Ex Parte Order (Proposed) Granting Motion for Leave to File Overlength Reply to Rule 26 Motion to Strike Testimony

06-19-2023 Filed: Motion Ex Parte Motion for Leave to File Overlength Reply to Rule 26 Motion to Strike Testimony
Filed by: TROY DUNN et al.

06-19-2023 Filed: Request/Notice to Submit on Ex Parte Motion for Leave to File Overlength Reply to Rule 26 Motion to Strike Testimony

06-19-2023 Filed: Reply in Support of Rule 26 Motion to Strike Testimony and Preclude Defendants from Presenting Evidence of Damages

06-19-2023 Filed: Return of Electronic Notification
06-19-2023 Filed: Return of Electronic Notification
06-19-2023 Filed: Return of Electronic Notification
06-21-2023 Minute Entry - DAY 6 BENCH TRIAL

Judge: MICHAEL EDWARDS

Clerk: lino

PRESENT

Plaintiff(s): TROY DUNN

Plaintiff(s): JENNIFER DUNN

Defendant(s): SCOTT KEARNS

Defendant(s): TAPESTRY HOMES LLC

Plaintiff's Attorney(s): AMANDA MENDENHALL

Plaintiff's Attorney(s): KYLE HOOKER

Defendant's Attorney(s): JASON KERR

Defendant's Attorney(s): JOHN SNOW

Audio

Tape Number: F6-06212023 Tape Count: 8:51-7:30

TRIAL

The Bench Trial resumes.

Motions have been filed regarding statement of discovery issues, and motions to strike testimony and preclude defendants from presenting evidence of damages.

Mr. Hooker presents arguments regarding the motion.

Mr. Snow responds with arguments.

Mr. Hooker presents further arguments.

Ms. Mendenhall presents arguments.

The Court makes findings of fact and conclusions of law as stated on the record. The Court denies the relief as requested in part and grants the relief in part as specifically stated on the record.

The Defendants case continues to be presented:

TIME: 10:20 AM - 10:53 AM

Defendant's Witness: Randall Phillips is sworn and testifies.

TIME: 10:54 AM - 12:30 PM

The Defendant Scott Kearns is sworn and continues to testify.

TIME: 12:30 PM - 1:15 PM

Lunch Recess

TIME: 1:15 PM - 6:13 PM

The Defendant Scott Kearns continues to testify.

The Defendants rests.

There is no rebuttal evidence.

Plaintiff's Exhibits: 3, 4, 19, 19A, 23, 24, 25, 29, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 47, 47A, 50, 51, 60, 61, 62, 63, 64, 72, 78, 79, 80, 81 and 82 are admitted into evidence.

Defendant's Exhibits: 1, 3, 4, 8, 10, 12, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 17, 30, 32, 33, 35, 36, 37, 38, 41, 42, 43, 44, 48, 49, 50, 52, 53, 54, 55, 59, 66, 68, 69, 70, 73, 75, 77, 81, 82, 87, 88, 90, 92, 93, 94, 97, 99, 100, 106, 106A and 134 are admitted into evidence.

TIME: 6:25 PM - 6:49 PM

Ms. Mendenhall presents closing arguments.

TIME: 6:50 PM - 7:20 PM

Mr. Kerr presents closing arguments.

TIME: 7:20 PM - 7:28 PM

Mr. Hooker presents arguments.

The Trial is concluded.

The Court will take this matter under advisement, and will issue it's ruling.

- 06-21-2023 Final Exhibit List
- 06-21-2023 Filed: Exhibits list from 6 day Bench Trial
- 06-21-2023 Filed order: Order Granting Ex Parte Motion to File Overlength Opposition Memorandum
Judge MICHAEL EDWARDS
Signed June 21, 2023
- 06-21-2023 Filed: Other - Not Signed Order (Proposed) Granting Statement

of Discovery Issues (Randy Phillips Subpoena)
06-21-2023 Filed: Return of Electronic Notification
06-21-2023 Filed: Return of Electronic Notification
06-21-2023 Filed order: Ex Parte Order Granting Motion for Leave to File
Overlength Reply to Rule 26 Motion to Strike Testimony
Judge MICHAEL EDWARDS
Signed June 21, 2023
06-21-2023 Filed order: Order (Corrected) Denying Statement of Discovery
Issues re Randy Phillips Subpoena
Judge MICHAEL EDWARDS
Signed June 21, 2023
06-21-2023 Filed: Other - Not Signed Order (Proposed) Denying Statement of
Discovery Issues re Randy Phillips Subpoena
06-21-2023 Filed: Return of Electronic Notification
06-21-2023 Filed order: Order Granting Ex Parte Motion for Leave to File
Overlength Opposition Memorandum
Judge MICHAEL EDWARDS
Signed June 21, 2023
06-21-2023 Filed: Return of Electronic Notification
06-21-2023 Filed: Return of Electronic Notification
06-21-2023 Filed: Return of Electronic Notification
06-21-2023 Filed: Return of Electronic Notification
07-07-2023 Filed: Findings of Fact and Conclusions of Law
Judge MICHAEL EDWARDS
Signed July 07, 2023
07-08-2023 Filed: Return of Electronic Notification
07-10-2023 Filed: Request for Audio Recording
07-10-2023 Fee Account created Total Due: 15.00
07-10-2023 ELEC STORAGE MEDIUM Payment Received: 15.00
07-10-2023 Filed: Return of Electronic Notification
07-13-2023 Filed: Ex Parte Order (Proposed) Granting Plts Emergency Ex
Parte Motion to Stay Eviction Proceedings
07-13-2023 Filed: Motion Plaintiffs Emergency Ex Parte Motion to Stay
Eviction Proceedings
Filed by: TROY DUNN et al.
07-13-2023 Filed: Request/Notice to Submit on Plts Emergency Ex Parte
Motion to Stay Eviction Proceedings
07-13-2023 Filed: Return of Electronic Notification
07-13-2023 Filed: Response to Plaintiffs Emergency Ex Parte Motion to Stay
Eviction Proceedings
07-13-2023 Filed: Return of Electronic Notification
07-17-2023 Ruling Entry - RULING ON PLAINTIFF'S EX PARTE MOTION TO
Judge: MICHAEL EDWARDS

This matter is before the Court on Plaintiffs Emergency Ex Parte Motion to Stay Eviction Proceedings, filed July 13, 2023. Having reviewed the filings and arguments presented and for the reasons set forth below, the Court rules as follows:

RELEVANT BACKGROUND

This matter came before the Court for a six-day bench trial on May 2-4, 18-19, and June 21, 2023. On July 7, 2023, the Court issued its Findings of Fact and Conclusions of Law. Ultimately, the Court ruled in favor of Defendants and Counterclaim Plaintiffs Tapestry Homes LLC and Scott Kearns (collectively, the Tapestry Homes Parties) on their quiet title claim related to the property at issue, the Bella Vista Home. The Court instructed counsel for the Tapestry Homes Parties to prepare a final judgment for this case in compliance with the Utah Rules of Civil Procedure, which has not yet been filed.

Plaintiffs and Counterclaim Defendants Troy and Jennifer Dunn (the Dunns) request in their motion that the Court enter an order prohibiting the Tapestry Home Parties from initiating eviction proceedings until after a final judgment has been entered and the Dunns appeal deadline has passed. The Dunns argue that the notice to vacate, which they received on July 13, 2023, is contrary to Mr. Kearns testimony at trial that he would give the Dunns a reasonable amount of time to find a new home if the Court ruled in his favor regarding his quiet title claim. According to the Dunns, the notice states that the Tapestry Homes Parties will initiate unlawful detainer proceedings if they do not vacate the Bella Vista Home by July 31, 2023.

RULING

Here, the Dunns request that the Court stay eviction proceedings ostensibly because of the notice to vacate they received. The notice to vacate indicates that if the Dunns do not vacate the premises by July 31, 2023, they may be determined to be in unlawful detainer, and the Tapestry Homes Parties may proceed to evict them. Utah's unlawful detainer statute establishes a mechanism for quickly and clearly resolving conflicts over lawful possession of property between landowners and tenants. *Mountain View Colonial Apartments v. Isais*, 2017 UT App 104, ¶ 13 (citing *Osguthorpe v. Wolf Mountain Resorts, L.C.*, 2010 UT 29, ¶ 22, 232 P.3d 999).

In their motion, the Dunns do not allege that an unlawful detainer action has been filed nor that any other eviction proceedings have commenced. Furthermore, the Dunns have not provided any citations to case law or statutes that support their position that it would be appropriate for the Court to prohibit a party from initiating proceedings or stay an order that does not yet exist. The Court, therefore, declines to stay proceedings that have not begun and finds that the Dunns motion is premature and should be denied.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that Plaintiffs Jennifer and Troy Dunns Emergency Ex Parte Motion to Stay Eviction Proceedings filed July 13, 2023, is DENIED.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 210700295 by the method and on the date specified.

EMAIL: JASON KERR JASONKERR@PPKTRIAL.COM

EMAIL: STEVEN GARFF STEVEN.GARFF@PPKTRIAL.COM

EMAIL: JOHN SNOW JOHNSNOW@PPKTRIAL.COM

EMAIL: AMANDA MENDENHALL AMENDENHALL@BTJD.COM

EMAIL: JEREMY REUTZEL JREUTZEL@BTJD.COM

EMAIL: KYLE HOOKER KCHOOKER@BTJD.COM

07/17/23

/s/

MICHAEL EDWARDS

Date: _____

Signature

07-17-2023 Filed order: RULING ON PLAINTIFF'S EX PARTE MOTION TO STAY
Judge MICHAEL EDWARDS
Signed July 17, 2023

07-17-2023 Filed: Return of Electronic Notification

07-18-2023 Note: Audio request completed and emailed to counsel

07-19-2023 Case Disposition is Judgment
Disposition Judge is MICHAEL EDWARDS

07-19-2023 Filed: Certificate of Service re Proposed Final Judgment

07-19-2023 Filed: Judgment (Proposed)

07-19-2023 Filed: Return of Electronic Notification

07-19-2023 Filed: Other - Not Signed Ex Parte Order (Proposed) Granting
Plts Emergency Ex Parte Motion to Stay Eviction Proceedings

07-19-2023 Filed: Return of Electronic Notification

07-19-2023 Filed judgment: Judgment
Judge MICHAEL EDWARDS
Signed July 19, 2023

07-19-2023 Judgment # 1 Entered 162,449.00

medwards

Creditor : TAPESTRY HOMES LLC

Creditor : SCOTT KEARNS

Debtor : TROY DUNN

Debtor : JENNIFER DUNN
162,449.00 Damages

162,449.00 Judgment Grand Total

07-19-2023 Filed: Return of Electronic Notification

07-19-2023 Filed: Certificate of Service re Notice of Final Judgment

07-19-2023 Filed: Return of Electronic Notification

07-20-2023 Filed: Return of Electronic Notification

07-26-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 06-21-2023

07-26-2023 Filed: Return of Electronic Notification

08-16-2023 Filed: Motion (Rule 59) to Alter or Amend Judgment
Filed by: TROY DUNN et al.

08-16-2023 Filed: Return of Electronic Notification

08-16-2023 Filed: Motion of Defendants to Alter or Amend Judgment
Filed by: SCOTT KEARNS et al.

08-16-2023 Filed: Return of Electronic Notification