

**US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:11-cv-00652-CW**

Brown et al v. Herbert et al
Assigned to: Judge Clark Waddoups
Case in other court: Supreme Court, 16-00333
Cause: 28:1983 Civil Rights

Date Filed: 07/13/2011
Date Terminated: 03/09/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Kody Brown

represented by **Jonathan Turley**
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Plaintiff

Meri Brown

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Plaintiff

Janelle Brown

represented by **Jonathan Turley**
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Plaintiff

Christine Brown

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Plaintiff

Robyn Sullivan

represented by **Jonathan Turley**
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V.

Defendant

Gary R. Herbert
in his official capacity as Governor of Utah
TERMINATED: 02/03/2012

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Defendant

Mark Shurtleff
in his official capacity as Attorney General of Utah
TERMINATED: 02/03/2012

represented by **Jerrold S. Jensen**
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Thomas D. Roberts
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Defendant

Jeffrey R. Buhman
in his official capacity as County Attorney for Utah County

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Interested Party

United States of America

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Date Filed	#	Docket Text
07/13/2011	<u>1</u>	COMPLAINT against Jeffrey R. Buhman, Gary R. Herbert, Mark Shurtleff (Filing fee \$ 350, receipt number 4681045689) (Electronic document provided on disc. Original file stamped and signed document permanently retained), filed by Kody Brown, Meri Brown, Christine Brown, Robyn Sullivan, Janelle Brown. (Attachments: # <u>1</u> Civil Cover Sheet) Assigned to Judge Clark Waddoups (rks) (Entered: 07/13/2011)
07/13/2011	<u>2</u>	MOTION for Admission Pro Hac Vice of Jonathan Turley, Registration fee \$ 15, receipt number 4681045690, Fee Status: Paid. filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Attachments: # <u>1</u> Exhibit A - Application, # <u>2</u> Exhibit B - Proposed Order, # <u>3</u> Exhibit C - CM/ECF Registration)(rks) (Entered: 07/13/2011)
07/22/2011	<u>3</u>	ORDER granting <u>2</u> Motion for Admission Pro Hac Vice of Jonathan Turley for Christine Brown,Jonathan Turley for Janelle Brown,Jonathan Turley for Kody Brown,Jonathan Turley for Meri Brown,Jonathan Turley for Robyn Sullivan. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov</i> . Signed by Judge Clark Waddoups on 07/21/2011. (asp) (Entered: 07/22/2011)
07/29/2011	<u>4</u>	**RESTRICTED DOCUMENT** SUMMONS Returned Executed by Kody Brown, Meri Brown, Christine Brown, Robyn Sullivan, Janelle Brown as to Jeffrey R. Buhman served on 7/15/2011, answer due 8/5/2011. (Turley, Jonathan) (Entered: 07/29/2011)
07/29/2011	<u>5</u>	**RESTRICTED DOCUMENT** SUMMONS Returned Executed by Kody Brown, Meri Brown, Christine Brown, Robyn Sullivan, Janelle Brown as to Gary R. Herbert served on 7/18/2011, answer due 8/8/2011. (Turley, Jonathan) (Entered: 07/29/2011)
07/29/2011	<u>6</u>	**RESTRICTED DOCUMENT** SUMMONS Returned Executed by Kody Brown, Meri Brown, Christine Brown, Robyn Sullivan, Janelle Brown as to Mark Shurtleff served on 7/18/2011, answer due 8/8/2011. (Turley, Jonathan) (Entered: 07/29/2011)
09/02/2011	<u>7</u>	MOTION to Dismiss <i>for Lack of Standing</i> filed by Defendants Jeffrey R. Buhman, Gary R. Herbert, Mark Shurtleff. (Jensen, Jerrold) (Entered: 09/02/2011)

09/02/2011	<u>8</u>	MEMORANDUM in Support re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Defendants Jeffrey R. Buhman, Gary R. Herbert, Mark Shurtleff. (Attachments: # <u>1</u> Affidavit Declaration of Jeffrey R. Buhman, Utah County Attorney, # <u>2</u> Affidavit Declaration of Mark L. Shurtleff Utah Attorney General)(Jensen, Jerrold) (Entered: 09/02/2011)
09/22/2011	<u>9</u>	First MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> , <u>8</u> Memorandum in Support of Motion, filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 09/22/2011)
09/27/2011	<u>10</u>	ORDER GRANTING EXTENSION OF TIME—granting <u>9</u> Motion for Extension of Time to File Response/Reply re <u>9</u> First MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> , <u>8</u> Memorandum in Support of Motion, First MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> , <u>8</u> Memorandum in Support of Motion. Responses due by 10/17/2011. Signed by Judge Clark Waddoups on 9/26/11. (jmr) (Entered: 09/27/2011)
09/29/2011	<u>11</u>	NOTICE of Appearance by Thomas D. Roberts on behalf of Gary R. Herbert, Mark Shurtleff (Roberts, Thomas) (Entered: 09/29/2011)
10/17/2011	<u>12</u>	Plaintiff's MEMORANDUM in Opposition re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 10/17/2011)
10/17/2011	<u>13</u>	AFFIDAVIT/DECLARATION of Kody Brown in Opposition re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 10/17/2011)
10/17/2011	<u>14</u>	AFFIDAVIT/DECLARATION of Meri Brown in Opposition re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 10/17/2011)
10/17/2011	<u>15</u>	AFFIDAVIT/DECLARATION of Janelle Brown in Opposition re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 10/17/2011)
10/26/2011	<u>16</u>	NOTICE OF HEARING ON MOTION re: <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> : (Notice generated by jwt) Motion Hearing set for 12/16/2011 03:30 PM in Room 102 before Judge Clark Waddoups. (jwt) (Entered: 10/26/2011)
10/28/2011	<u>17</u>	ORDER re 16 Notice of Hearing on Motion. See order for details. Signed by Judge Clark Waddoups on 10/28/11. (jmr) (Entered: 10/28/2011)
10/31/2011	<u>18</u>	AMENDED NOTICE OF HEARING ON MOTION re: <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> : (Notice generated by jwt) Motion Hearing set for 12/16/2011 09:00 AM in Room 102 before Judge Clark Waddoups. Note change in time, date remains the same. (jwt) (Entered: 10/31/2011)
10/31/2011	<u>19</u>	REPLY to Response to Motion re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Defendants Jeffrey R. Buhman, Gary R. Herbert, Mark Shurtleff. (Jensen, Jerrold) (Entered: 10/31/2011)
11/01/2011	<u>20</u>	DOCKET TEXT ORDER re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Jeffrey R. Buhman, Mark Shurtleff, Gary R. Herbert. Upon review of the memoranda submitted in support and in opposition to the Defendants' motion to dismiss for lack of standing, the court observes that all parties have relied upon facts to support their arguments for which they have not yet offered supporting evidence. If the parties intend to rely upon disputed facts to support their motion, both sides should be prepared to present evidence to support such facts at the hearing set for December 16, 2011. In particular, Plaintiffs should be prepared to substantiate their standing through evidence of the Defendants' investigations and other allegedly injurious actions. The Defendants should be prepared to offer rebuttal evidence and any additional evidence that would defeat the Plaintiffs' claim of standing. Signed by Judge Clark Waddoups on 11/1/11. (No attached document) (jwt) (Entered: 11/01/2011)

11/29/2011	21	AMENDED NOTICE OF HEARING ON MOTION re: <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> : (Notice generated by jwt) Motion Hearing set for 12/16/2011 08:30 AM in Room 102 before Judge Clark Waddoups. Note change in time, date remains the same. (jwt) (Entered: 11/29/2011)
12/09/2011	<u>22</u>	RESPONSE TO ORDER TO SHOW CAUSE filed by Gary R. Herbert, Mark Shurtleff. (Roberts, Thomas) (Entered: 12/09/2011)
12/12/2011	<u>23</u>	RESPONSE TO ORDER TO SHOW CAUSE filed by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 12/12/2011)
12/13/2011	<u>24</u>	ERRATA to <u>23</u> Response to Order to Show Cause filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan . (Turley, Jonathan) (Entered: 12/13/2011)
12/13/2011	<u>25</u>	Plaintiff's RESPONSE to Order Docket #20 filed by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Attachments: # <u>1</u> Exhibit David Tenzer Declaration, # <u>2</u> Exhibit Michael Maguire Declaration)(Turley, Jonathan) (Entered: 12/13/2011)
12/16/2011	26	Minute Entry for proceedings held before Judge Clark Waddoups: Motion Hearing held on 12/16/2011 re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Jeffrey R. Buhman, Mark Shurtleff, Gary R. Herbert. The court hears argument and takes the matter under submission. Attorney for Plaintiff: Jonathan Turley, Adam Alba, Attorney for Defendant: Jerrold Jensen, Thomas Roberts, Amanda Jex. Court Reporter: Karen Murakami. (jwt) (Entered: 12/16/2011)
12/16/2011	<u>27</u>	Please disregard See <u>28</u> –NOTICE of SUPPLEMENTAL AUTHORITY by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Turley, Jonathan) Modified on 12/19/2011–Per call from counsel's office re–filed as 28. (jmr). (Entered: 12/16/2011)
12/16/2011	<u>28</u>	NOTICE of Supplemental Material by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan re <u>12</u> Memorandum in Opposition to Motion (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Turley, Jonathan) (Entered: 12/16/2011)
12/19/2011	<u>29</u>	AFFIDAVIT/DECLARATION of Amanda Jex in Support re <u>7</u> MOTION to Dismiss <i>for Lack of Standing</i> filed by Defendants Gary R. Herbert, Mark Shurtleff. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H)(Jensen, Jerrold) (Entered: 12/19/2011)
01/11/2012	<u>30</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan (Attachments: # <u>1</u> Supplement) (Turley, Jonathan) (Entered: 01/11/2012)
02/03/2012	<u>31</u>	MEMORANDUM DECISION and Order–granting in part and denying in part <u>7</u> Motion to Dismiss. Defendants motion as to Defendants Gary R. Herbert, in his official capacity as Governor of Utah, and Mark Shurtleff, in his official capacity as Attorney General of Utah, is GRANTED. These Defendants are dismissed. Defendants motion with regard to Jeffrey R. Buhman, in his official capacity as County Attorney for Utah County, is DENIED. Signed by Judge Clark Waddoups on 2/3/12. (jmr) (Entered: 02/03/2012)
02/06/2012	<u>32</u>	NOTICE OF TRANSMITTAL that Notice of Claim sent. (jmr) (Entered: 02/06/2012)
02/17/2012	<u>33</u>	ANSWER to <u>1</u> Complaint, filed by Jeffrey R. Buhman.(Jensen, Jerrold) (Entered: 02/17/2012)
02/21/2012	<u>34</u>	NOTICE OF ADR, e–mailed or mailed to Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan, Defendant Jeffrey R. Buhman. (jmr) (Entered: 02/21/2012)
02/21/2012	35	NOTICE FROM THE COURT re: Initial Scheduling The court's IPT Clerk will now set the case for the Initial Pretrial Scheduling Conference (jmr) (Entered: 02/21/2012)

03/06/2012	<u>36</u>	MOTION for Admission Pro Hac Vice of Ryan Parker (no registration fee required) filed by Interested Party United States of America. (Attachments: # <u>1</u> Exhibit A – Application for Admission, # <u>2</u> Exhibit B – ECF Registration, # <u>3</u> Text of Proposed Order)(Swent, Jeannette) (Entered: 03/06/2012)
03/07/2012	<u>37</u>	MOTION for Admission Pro Hac Vice of Ryan Parker (no registration fee required) filed by Interested Party United States of America. (Attachments: # <u>1</u> Exhibit A – Application for Admission, # <u>2</u> Exhibit B – ECF Registration, # <u>3</u> Text of Proposed Order)(Swent, Jeannette) (Entered: 03/07/2012)
03/08/2012	<u>38</u>	ORDER granting <u>36</u> Motion for Admission Pro Hac Vice of Ryan B. Parker for United States of America. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov</i> ; granting <u>37</u> Motion for Admission Pro Hac Vice of Ryan B. Parker for United States of America. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov</i> . Signed by Judge Clark Waddoups on 3/8/12. (jmr) (Entered: 03/08/2012)
03/13/2012	<u>39</u>	NOTICE of Acknowledgment of Constitutional Challenge to an Act of Congress by United States of America (Parker, Ryan) (Entered: 03/13/2012)
03/14/2012	40	<u>NOTICE OF INITIAL PRETRIAL CONFERENCE:</u> (Notice generated by Stephanie Schaerrer) The Attorneys Planning Meeting Report and Proposed Scheduling Order forms, available on the court web site at http://www.utd.uscourts.gov/documents/formpage.html , should be prepared 30 days before the Initial Pretrial Conference hearing date. <u>NOTICE TO COUNSEL,</u> The Court <i>may</i> enter a scheduling order and vacate the hearing <i>if</i> counsel (a) file a stipulated Attorneys Planning Meeting Report ; and (b) e–mail a Proposed Scheduling Order to ipt@utd.uscourts.gov 30 days before the scheduled hearing. See instructions at http://www.utd.uscourts.gov/documents/ipt.html Initial Pretrial Conference set for 5/16/2012 11:30 AM in Room 477 before Magistrate Judge David Nuffer. (ss) (Entered: 03/14/2012)
04/16/2012	41	NOTICE REMINDER of Attorneys' Planning Meeting Report due five days from receipt of this notice. This is a reminder of the notice filed 03/14/16 40 <u>NOTICE OF INITIAL PRETRIAL CONFERENCE:</u> (Notice generated by Stephanie Schaerrer) The Attorneys Planning Meeting Report and Proposed Scheduling Order forms, available on the court web site at http://www.utd.uscourts.gov/documents/formpage.html , should be prepared 30 days before the Initial Pretrial Conference hearing date. <u>NOTICE TO COUNSEL,</u> The Court <i>may</i> enter a scheduling order and vacate the hearing <i>if</i> counsel (a) file a stipulated Attorneys Planning Meeting Report ; and (b) e–mail a Proposed Scheduling Order to ipt@utd.uscourts.gov 30 days before the scheduled hearing. See instructions at http://www.utd.uscourts.gov/documents/ipt.html Initial Pretrial Conference set for 5/16/2012 11:30 AM in Room 477 before Magistrate Judge David Nuffer. (ss) (tab) (Entered: 04/16/2012)
05/04/2012	<u>42</u>	Plaintiff's MOTION for Scheduling Order filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 05/04/2012)
05/04/2012	<u>43</u>	Joint MOTION for Scheduling Order filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 05/04/2012)

05/04/2012	<u>44</u>	DOCKET TEXT ORDER REFERRING CASE to Magistrate Judge Brooke C. Wells under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. Motions referred to Brooke C. Wells. Signed by Judge Clark Waddoups on 5/4/2012. No document attached.(saw) (Entered: 05/04/2012)
05/10/2012		<u>NOTICE VACATING Initial Pretrial Conference HEARING</u> set for 05/16/12 before Judge Furse (Notice generated by Theresa Brown). Counsel are directed to notify the court when scheduling is required. (tab) (Entered: 05/10/2012)
05/10/2012	<u>45</u>	DOCKET TEXT ORDER No attached document. Initial Pretrial Conference is VACATED. Motion deadline is 5/31/12, responsive memo due 6/29/12 and reply due 7/16/12. Counsel are to notify court after resolution of dispositive motions for scheduling. Signed by Magistrate Judge Evelyn J. Furse on 05/10/12. (tab) (Entered: 05/10/2012)
05/31/2012	<u>46</u>	MOTION to Dismiss <i>for Mootness</i> filed by Defendant Jeffrey R. Buhman. (Jensen, Jerrold) (Entered: 05/31/2012)
05/31/2012	<u>47</u>	MEMORANDUM in Support re <u>46</u> MOTION to Dismiss <i>for Mootness</i> filed by Defendant Jeffrey R. Buhman. (Attachments: # <u>1</u> Affidavit Declaration)(Jensen, Jerrold) (Entered: 05/31/2012)
05/31/2012	<u>48</u>	MOTION for Leave to File Excess Pages filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. Motions referred to Brooke C. Wells.(Turley, Jonathan) (Entered: 05/31/2012)
05/31/2012	<u>49</u>	MOTION for Summary Judgment filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 05/31/2012)
05/31/2012	<u>50</u>	MEMORANDUM in Support re <u>49</u> MOTION for Summary Judgment filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 05/31/2012)
05/31/2012	<u>51</u>	Motions No Longer Referred: <u>48</u> MOTION for Leave to File Excess Pages (saw) (Entered: 05/31/2012)
06/01/2012	<u>52</u>	ORDER granting <u>48</u> Motion for Leave to File Excess Pages. Signed by Judge Clark Waddoups on 5/31/12. (jmr) (Entered: 06/01/2012)
06/08/2012	<u>53</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Transcript of Hearing on Motion to Dismiss held on December 16, 2011 before Judge Clark Waddoups. Court Reporter/Transcriber Karen Murakami, CSR, RPR, Telephone number 801-328-4800. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/29/2012. Redacted Transcript Deadline set for 7/9/2012. Release of Transcript Restriction set for 9/6/2012. (jmr) Modified by removing restricted text on 9/6/2012 (mlp). (Entered: 06/08/2012)
06/29/2012	<u>55</u>	Cross MOTION for Summary Judgment filed by Defendant Jeffrey R. Buhman. (Jensen, Jerrold) (Entered: 06/29/2012)
06/29/2012	<u>56</u>	Oral MEMORANDUM in Support re <u>55</u> Cross MOTION for Summary Judgment filed by Defendant Jeffrey R. Buhman. (Jensen, Jerrold) (Entered: 06/29/2012)
06/29/2012	<u>57</u>	MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion filed by Defendant Jeffrey R. Buhman. Motions referred to Brooke C. Wells.(Jensen, Jerrold) (Entered: 06/29/2012)

06/29/2012	<u>58</u>	MEMORANDUM in Support re <u>57</u> MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion filed by Defendant Jeffrey R. Buhman. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Jensen, Jerrold) (Entered: 06/29/2012)
06/29/2012	<u>59</u>	RESPONSE to Motion re <u>46</u> MOTION to Dismiss <i>for Mootness</i> filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 06/29/2012)
06/29/2012	<u>60</u>	MOTION to Strike <u>55</u> Cross MOTION for Summary Judgment , <u>57</u> MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion , <u>56</u> Memorandum in Support of Motion, <u>58</u> Memorandum in Support of Motion, filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. Motions referred to Brooke C. Wells.(Turley, Jonathan) (Entered: 06/29/2012)
06/29/2012	<u>61</u>	MEMORANDUM in Support re <u>60</u> MOTION to Strike <u>55</u> Cross MOTION for Summary Judgment , <u>57</u> MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion , <u>56</u> Memorandum in Support of Motion, <u>58</u> Memorandum in Sup filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 06/29/2012)
07/02/2012	<u>62</u>	Motions No Longer Referred: <u>60</u> MOTION to Strike <u>55</u> Cross MOTION for Summary Judgment , <u>57</u> MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion , <u>56</u> Memorandum in Support of Motion, <u>58</u> Memorandum in Sup, <u>57</u> MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion (mjw) (Entered: 07/02/2012)
07/02/2012	<u>63</u>	MEMORANDUM in Opposition re <u>57</u> MOTION to Stay re <u>49</u> MOTION for Summary Judgment , <u>50</u> Memorandum in Support of Motion filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 07/02/2012)
07/02/2012	<u>64</u>	ORDER re <u>49</u> MOTION for Summary Judgment filed by Christine Brown, Meri Brown, Janelle Brown, Kody Brown, Robyn Sullivan, <u>55</u> Cross MOTION for Summary Judgment filed by Jeffrey R. Buhman. Further pleadings in response to, or opposition to these Motions will not be required pending this Courts determination of whether or not it has jurisdiction. See order for details. Signed by Judge Clark Waddoups on 7/2/12. (jmr) (Entered: 07/02/2012)
07/03/2012	<u>65</u>	NOTICE OF HEARING ON MOTION re: <u>46</u> MOTION to Dismiss <i>for Mootness</i> : (Notice generated by jwt) Motion Hearing set for 7/25/2012 11:00 AM in Room 102 before Judge Clark Waddoups. (jwt) (Entered: 07/03/2012)
07/13/2012	<u>66</u>	REPLY to Response to Motion re <u>46</u> MOTION to Dismiss <i>for Mootness</i> filed by Defendant Jeffrey R. Buhman. (Jensen, Jerrold) (Entered: 07/13/2012)
07/23/2012	<u>67</u>	AFFIDAVIT/DECLARATION of Kody Brown in Opposition re <u>46</u> MOTION to Dismiss <i>for Mootness</i> filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 07/23/2012)
07/25/2012	<u>68</u>	Minute Entry for proceedings held before Judge Clark Waddoups: Motion Hearing held on 7/25/2012 re <u>46</u> MOTION to Dismiss <i>for Mootness</i> filed by Jeffrey R. Buhman. The court hears argument and takes the matter under submission. Attorney for Plaintiff: Jonathan Turley, Adam Alba, Attorney for Defendant: Jerrold Jensen, Thomas Roberts. Court Reporter: Laura Robinson. (jwt) (Entered: 07/25/2012)
08/17/2012	<u>69</u>	MEMORANDUM DECISION and Order—denying <u>46</u> Motion to Dismiss—For the reasons stated in the Order, the court hereby DENIES Defendant Buhmans motion to dismiss on the grounds of mootness. (Dkt. No. 46). On July 2, 2012, the court issued a stay on further proceedings on Plaintiffs motion for summary judgment and Defendants cross—motion for summary judgment. (Dkt. No. 64). The stay is now LIFTED. Plaintiffs may, in their discretion, file a reply memorandum to Defendants memorandum opposing Plaintiffs motion for summary judgment on or before August 31, 2012. Plaintiffs should also file a memorandum opposing Defendants cross—motion for summary judgment on or before September 14, 2012. Defendant may then, at his discretion, file a reply memorandum on or before September 28, 2012. Signed by Judge Clark Waddoups on 8/17/12. (jmr) (Entered: 08/17/2012)

08/20/2012	70	NOTICE OF HEARING ON MOTION re: <u>55</u> Cross MOTION for Summary Judgment , <u>49</u> MOTION for Summary Judgment : (Notice generated by jwt) Motion Hearing set for 1/17/2013 03:30 PM in Room 102 before Judge Clark Waddoups. (jwt) (Entered: 08/20/2012)
08/31/2012	<u>71</u>	MEMORANDUM in Support re <u>49</u> MOTION for Summary Judgment filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 08/31/2012)
09/14/2012	<u>72</u>	MEMORANDUM in Opposition re <u>55</u> Cross MOTION for Summary Judgment filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 09/14/2012)
09/28/2012	<u>73</u>	REPLY to Response to Motion re <u>55</u> Cross MOTION for Summary Judgment filed by Defendant Jeffrey R. Buhman. (Attachments: # <u>1</u> Exhibit Exhibit)(Jensen, Jerrold) (Entered: 09/28/2012)
01/17/2013	74	Minute Entry for proceedings held before Judge Clark Waddoups: Motion Hearing held on 1/17/2013 re <u>49</u> MOTION for Summary Judgment filed by Christine Brown, Meri Brown, Janelle Brown, Kody Brown, Robyn Sullivan, <u>55</u> Cross MOTION for Summary Judgment filed by Jeffrey R. Buhman. The court hears argument and takes the matter under submission. Attorney for Plaintiff: Jonathan Turley, Adam Alba, Attorney for Defendant: Jerrod Jensen, Thomas Roberts. Court Reporter: Karen Murakami. (jwt) (Entered: 01/17/2013)
02/08/2013	<u>75</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motions for Summary Judgment held on January 17, 2013 before Judge CLARK WADDOUPS. Court Reporter/Transcriber Karen Murakami, Telephone number 801-328-4800. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/1/2013. Redacted Transcript Deadline set for 3/11/2013. Release of Transcript Restriction set for 5/9/2013. (asp) Modified by removing restricted text on 5/9/2013 (mlp). (Entered: 02/08/2013)
03/26/2013	<u>77</u>	NOTICE of New Authority by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan (Turley, Jonathan) (Entered: 03/26/2013)
12/13/2013	<u>78</u>	MEMORANDUM DECISION granting in part <u>49</u> Motion for Summary Judgment ; denying <u>55</u> Motion for Summary Judgment ; finding as moot <u>60</u> Motion to Strike. Signed by Judge Clark Waddoups on 12/13/13. See order for details(rks) (Entered: 12/13/2013)
12/17/2013	<u>79</u>	CLERK'S JUDGMENT-IS ORDERED AND ADJUDGED that judgment be entered as follows: Utah Code Ann. 76-7-101 (2013) is facially unconstitutional. The phrase "or cohabits with another person" is stricken as a violation of the Free Exercise Clause of the First Amendment to the United States Constitution and is without a rational basis under the Due Process Clause of the Fourteenth Amendment. Further, the statute is susceptible to a narrowing construction of the terms "marry" and purports to marry" to remedy the constitutional infirmity of the remainder of the statute. Signed by Louise S. York. Case Closed. Magistrate Judge Brooke C. Wells no longer assigned to case (jmr) Modified on 12/20/2013--Case was closed in error. (jmr). (Entered: 12/17/2013)
12/20/2013	80	Modification of Docket: Error: Case Closed in error. Correction: Case will be re-opened re <u>79</u> Clerk's Judgment. (jmr) (Entered: 12/20/2013)
12/20/2013	<u>81</u>	ORDER to Vacate Judgment- re <u>79</u> Clerk's Judgment. The judgment of the Clerk of Court (Dkt. No. 79) is hereby vacated as having been entered on the docket without taking into consideration that there is a pending issue to be resolved. Signed by Judge

		Clark Waddoups on 12/20/13. (jmr) (Entered: 12/20/2013)
12/23/2013	82	NOTICE OF HEARING: (Notice generated by jwt) Status Conference set for 1/14/2014 03:00 PM in Room 102 before Judge Clark Waddoups. (jwt) (Entered: 12/23/2013)
01/02/2014	83	AMENDED NOTICE OF HEARING: Status Conference set for 1/17/2014 03:30 PM in Room 102 before Judge Clark Waddoups. (Notice generated by jwt) (jwt) (Entered: 01/02/2014)
01/17/2014	84	Minute Entry for proceedings held before Judge Clark Waddoups: Status Conference held on 1/17/2014. This matter is before the court to determine the status of the 42 U.S.C. 1983 claim. Counsel address the court on the issue. Counsel are to prepare briefing advising the court on the 1983 issue as outlined on the record. Plaintiffs' brief is due on 1/27/2014. Defendant's response due 2/10/2014. The court will review the briefing and determine if a hearing is needed. Mr. Jensen requests he be allowed to prepare the draft of the final order in the case when it reaches that point. The court will allow him file the first proposed draft of the final order. Attorney for Plaintiff: Jonathan Turley, Adam Alba, Attorney for Defendant: Jerrold Jensen, Thomas Roberts. Court Reporter: Laura Robinson. (jwt) (Entered: 01/17/2014)
01/27/2014	85	RESPONSE re 84 Status Conference,,, filed by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Turley, Jonathan) (Entered: 01/27/2014)
01/30/2014	86	NOTICE of SUPPLEMENTAL AUTHORITY by Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan re 85 Response (NOT to motion) (Attachments: # 1 7th Circuit Opinion) (Turley, Jonathan) (Entered: 01/30/2014)
02/10/2014	87	MOTION for Extension of Time to File Response/Reply as to 85 Response (NOT to motion) filed by Defendant Jeffrey R. Buhman. (Jensen, Jerrold) (Entered: 02/10/2014)
02/10/2014	88	DOCKET TEXT ORDER granting 87 Motion for Extension of Time to File Response/Reply re 87 MOTION for Extension of Time to File Response/Reply as to 85 Response (NOT to motion) Reply due by 2/12/2014. Signed by Judge Clark Waddoups on 2/10/2014. No attached document. (aw) (Entered: 02/10/2014)
02/12/2014	89	RESPONSE re 84 Status Conference,,, 85 Response (NOT to motion), filed by Jeffrey R. Buhman. (Attachments: # 1 Exhibit Proposed Judgment)(Jensen, Jerrold) (Entered: 02/12/2014)
08/27/2014	90	VACATED PER 112 ORDER TO VACATE JUDGMENTMEMORANDUM DECISION AND JUDGMENT–The court therefore finds in favor of Plaintiffs on their seventh and final count in the Complaint under 42 U.S.C. 1983 and GRANTS summary judgment in their favor on this last remaining count. Case Closed. See Memorandum Decision for details. Signed by Judge Clark Waddoups on 8/27/14. (jmr) Modified on 3/9/2017 (jwt). (Entered: 08/27/2014)
09/10/2014	91	First MOTION for Attorney Fees and Memorandum in Support filed by Plaintiffs Christine Brown, Janelle Brown, Kody Brown, Meri Brown, Robyn Sullivan. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D)(Turley, Jonathan) (Entered: 09/10/2014)
09/18/2014	92	Stipulated MOTION for Extension of Time to File Response/Reply as to 91 First MOTION for Attorney Fees and Memorandum in Support filed by Defendant Jeffrey R. Buhman. (Attachments: # 1 Text of Proposed Order)(Roberts, Thomas) (Entered: 09/18/2014)
09/19/2014	93	ORDER granting 92 Motion for Extension of Time to File Response/Reply re 92 Stipulated MOTION for Extension of Time to File Response/Reply as to 91 First MOTION for Attorney Fees and Memorandum in Support . Replies due by 10/27/2014. Signed by Judge Clark Waddoups on 9/18/14. (jmr) (Entered: 09/19/2014)
09/24/2014	94	NOTICE of Appearance by Parker Douglas on behalf of Jeffrey R. Buhman (Douglas, Parker) (Entered: 09/24/2014)
09/24/2014	95	NOTICE OF APPEAL as to 78 Order on Motion for Summary Judgment,,, Order on Motion to Strike, Memorandum Decision,,, 90 Judgment, filed by Jeffrey R. Buhman.

		Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number 1088-2130529. (Douglas, Parker) (Entered: 09/24/2014)
09/25/2014	<u>96</u>	Transmission of Preliminary Record to USCA re <u>95</u> Notice of Appeal. (Attachments: # <u>1</u> Appendix)(jmr) (Entered: 09/25/2014)
09/25/2014	<u>97</u>	USCA Case Number Case Appealed to Tenth Case Number 14-4117 for <u>95</u> Notice of Appeal, filed by Jeffrey R. Buhman. (jmr) (Entered: 09/25/2014)
10/07/2014	<u>98</u>	Stipulated MOTION for Extension of Time to Respond filed by Defendant Jeffrey R. Buhman. (Roberts, Thomas) (Entered: 10/07/2014)
10/07/2014	<u>99</u>	ORDER granting <u>98</u> Motion for Extension of Time to Respond to Motion for Attorneys' fees. Signed by Judge Clark Waddoups on 10/7/14. (jmr) (Entered: 10/07/2014)
10/09/2014	<u>100</u>	Please be advised the Record is complete for purposes of appeal for USCA case number 14-4117 re <u>95</u> Notice of Appeal,. (jmr) (Entered: 10/09/2014)
01/16/2015	<u>101</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion to Dismiss for Mootness held on July 25, 2012 before Judge Clark Waddoups. Court Reporter/Transcriber Laura W. Robinson, RPR, FCRR, CSR, CP, Telephone number (801)328-4800.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/6/2015. Redacted Transcript Deadline set for 2/17/2015. Release of Transcript Restriction set for 4/16/2015. (jmr) Modified on 4/16/2015 by removing restricted text (las). (Entered: 01/16/2015)</p>
01/16/2015	<u>102</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on January 17, 2014 before Judge Clark Waddoups. Court Reporter/Transcriber Laura W. Robinson, RPR, FCRR, CSR, CP, Telephone number 801-328-4800.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/6/2015. Redacted Transcript Deadline set for 2/17/2015. Release of Transcript Restriction set for 4/16/2015. (jmr) Modified on 4/16/2015 by removing restricted text (las). (Entered: 01/16/2015)</p>
02/19/2015	<u>104</u>	Please be advised the Record is complete for purposes of appeal for USCA case number 14-4117 re <u>95</u> Notice of Appeal,. (jmr) (Entered: 02/19/2015)
09/04/2015	<u>105</u>	ORDER granting <u>91</u> Motion for Attorney Fees. Judgment in the amount of \$242,550 shall be entered in favor the Plaintiffs and against theDefendants. Signed by Judge Clark Waddoups on 9/4/15. (jmr) (Entered: 09/04/2015)

09/11/2015	<u>106</u>	CLERK'S JUDGMENT FOR ATTORNEY'S FEES–IT IS ORDERED AND ADJUDGED: That judgment for attorney fees be entered in favor of the plaintiff and against the defendants in the amount of \$242,550. Signed by Louise S. York. (jmr) (Entered: 09/11/2015)
05/13/2016	<u>107</u>	ORDER of USCA 10th Circuit as to <u>95</u> Notice of Appeal filed by Jeffrey R. Buhman. The Petition for en banc review is denied. The panel has decided, sua sponte, to amend the original decision. A copy of the amended decision is attached to this order. (blh) (Entered: 05/13/2016)
05/24/2016	<u>108</u>	MANDATE of USCA as to <u>95</u> Notice of Appeal, filed by Jeffrey R. Buhman. According to the USCA the case of the USDC for the Dist of UT is remanded. Judgment included with mandate: Yes. Case Reopened. (Attachments: # <u>1</u> Judgment, # <u>2</u> Mandate Letter)(jmr) (Entered: 05/24/2016)
08/08/2016	<u>109</u>	ORDER of USCA Supreme Court Circuit as to <u>95</u> Notice of Appeal, filed by Jeffrey R. Buhman. Supreme Court Order granting an extension of time to file a petition for a writ of certiorari. (jmr) (Entered: 08/08/2016)
09/16/2016	<u>110</u>	Letter from US Supreme Court re: Notice of Petition for Writ of Certiorari re <u>95</u> Notice of Appeal. Supreme Court Case Number 16–333. (jmr) (Entered: 09/19/2016)
01/23/2017	<u>111</u>	ORDER of Supreme Court Circuit as to <u>95</u> Notice of Appeal, filed by Jeffrey R. Buhman. The petition for a writ of certiorari is denied. (jmr) (Entered: 01/23/2017)
03/09/2017	<u>112</u>	ORDER TO VACATE JUDGMENT AND DISMISS CASE – Pursuant to the Tenth Circuit Court of Appeals remand instruction, the judgment in favor of the Browns (Dkt. No. <u>90</u>) is hereby VACATED and the court DISMISSES this case without prejudice. Signed by Judge Clark Waddoups on 3/9/2017. (jwt) Modified on 3/9/2017 – added JUDGMENT to entry title(jwt). (Entered: 03/09/2017)