

Exhibit A

MAY 08 2019

IN THE UTAH COURT OF APPEALS

<p>ROGER BRYNER, Petitioner and Appellant, <i>v.</i> CLEARFIELD CITY AND THE STATE RECORDS COMMITTEE, Respondents and Appellees.</p>	<p>ORDER Case No. 20170477-CA</p>
--	--

Before Judges Orme, Christiansen Forster, and Hagen.

Roger Bryner appeals the district court's order dismissing his appeal under the Government Records Access and Management Act (GRAMA), Utah Code sections 63G-2-101 et seq., and the court's order finding Bryner to be a vexatious litigant and imposing filing restrictions under rule 83 of the Utah Rules of Civil Procedure. We have determined, on our own motion, that this matter is appropriate for disposition without an opinion and without oral argument. *See* Utah R. App. P. 31(a). We affirm.

Bryner argues that the second district court lost jurisdiction over his GRAMA appeal after it remanded the matter to the State Records Committee (Committee) for further findings on May 10, 2016. He contends that the third district court is the court with jurisdiction over any further GRAMA appeal based on a decision by this Court in *Bryner v. State Records Committee*, Case No. 20160870-CA. However, he misreads the decision of this court. The order acknowledged that the third district had subject matter jurisdiction over the new petition filed by Bryner, but also noted that the second district court still had jurisdiction over the matter as a continuation of the initial appeal. The second district court did not enter a final order that would terminate its jurisdiction. Instead, the court specifically retained jurisdiction when it remanded the dispute to the Committee for additional consideration.¹ The second district court did not lose jurisdiction as Bryner contends.

¹ Bryner also argues that the district court lacked authority to remand to the Committee under the Utah Administrative Procedures Act and *Bryner v. Department of Public Safety*, 2016 UT App 199. However, the Administrative Procedures Act does not apply to (continued...)

Bryner also asserts that the district court erred in dismissing the appeal after denying Bryner's motions for summary judgment under rule 56 of the Utah Rules of Civil Procedure. As noted by the district court, the parties stipulated to disposing of the case upon ruling on Bryner's motions. Although Bryner apparently hoped for a different result, he has not shown that the court erred in dismissing the case after addressing his motions.

On appeal, Bryner argues that the district court should have performed an in-camera review of redactions in documents produced by the City. However, Bryner did not contest the redactions before the Committee and thus waived the issue. The general rule is that objections or issues not raised in the agency proceeding are considered waived and will not be considered by a court on review. *Esquivel v. Labor Comm'n*, 2000 UT 66, ¶ 34.²

Bryner also asserts that the district court incorrectly determined that his request to make a finding that the public defender contracts "materially impact [Bryner's] rights" was beyond the scope of a GRAMA appeal. To the extent that the request was related to a finding in support of a fee waiver, the matter is moot. The City waived the fees for the requested documents shortly after the appeal was filed. To the extent that Bryner sought a broader declaration regarding the terms and effects of the contracts, the district court correctly ruled that the issue was beyond the scope of the appeal, which relates only to the production of documents, not their meaning.

Finally, Bryner argues that there are disputed issues of material fact that preclude summary judgment. However, Bryner has not produced any evidence that

(...continued)

GRAMA reviews, which instead are governed by a specific provision regarding judicial review in Utah Code § 63G-2-404. Moreover, under GRAMA district courts were not prohibited from remanding to the Committee for further proceedings until an amendment in 2017. Utah Code Ann. § 63G-2-404(6)(b) (LexisNexis Supp. 2018).

² Alternatively, the district court correctly determined that in-camera review is discretionary rather than mandatory. See Utah Code § 63G-2-404(5). Given the transmittal letter's explanation that the redactions were dates of birth and driver license numbers, which the context of the redactions beginning after designations of "dob" or "dl" confirms, the district court did not abuse its discretion in declining to review the documents.

additional documents exist to which he is entitled. The City provided three affidavits from City employees explaining the searches performed and the documents produced. The City Recorder's affidavit stated that all documents known to the City had been produced. In contrast to those affidavits, Bryner alleges that he witnessed some documents being prepared but he does not know what they were. Although he believes additional documents must exist, to preclude summary judgment he "must set forth specific facts showing that there is a genuine issue for trial." *Salo v. Tyler*, 2018 UT 7, ¶ 25. His unsupported belief is not sufficient to create a dispute of fact that would overcome the district court's summary dismissal of his GRAMA appeal.

In sum, Bryner has not shown that the district court erred in dismissing his appeal from the Committee's order.

Bryner also challenges the district court's order finding him to be a vexatious litigant and imposing prefilng restrictions under rule 83 of the Utah Rules of Civil Procedure. Before imposing filing restrictions on a litigant, the court must find that the person is a vexatious litigant and, as a preliminary finding, "that there is no reasonable probability that the vexatious litigant will prevail on the claim" before the court. Utah R. Civ. P. 83(c)(1). Bryner notes that the court's vexatious litigant order does not include the finding that there was no reasonable probability that he would prevail on his GRAMA appeal.³

Bryner is correct that the order failed to make the specific finding regarding the likelihood of prevailing. In this circumstance, however, the error was harmless. The Order to Show Cause (OSC) was issued after the hearing at which the parties agreed that the court should rule on Bryner's motions for summary judgment and that the ruling would dispose of the case. The two motions for summary judgment were included in the list of documents in the OSC that were identified as potentially improper under rule 83.

After hearing, the court issued its ruling determining that Bryner was a vexatious litigant. The two motions for summary judgment were included in the order as part of the support for the ruling. Because the motions that were the basis for the court's ruling

³ Bryner also asserted that he had prevailed because the City had waived the document fee and had produced the requested documents. Bryner has not shown that this was preserved. Regardless, it is without merit. He continued to litigate long after the City had waived the fee. He did not prevail on the continued and wholly unnecessary litigation.

on the merits of the case were listed among the improper documents supporting a finding under rule 83 that Bryner was a vexatious litigant, it is clear that there was no reasonable probability that Bryner would prevail on the claim before the court. The finding that he had no likelihood of prevailing on his summary judgment motions was therefore implicit. Accordingly, the error in failing to make an explicit finding was harmless.

Bryner also asserts that rule 83 is unconstitutionally overbroad and unconstitutionally vague. Although Bryner identifies the doctrines, he fails to apply them to show that rule 83 offends those doctrines. An adequate argument "requires not just bald citation to authority but development of that authority and reasoned analysis based on that authority." *Simmons Media Group, LLC v. Waykar*, 2014 UT App 145, ¶ 37. Rather than develop the legal authority and apply the standards to the rule, Bryner gives examples of how the terms may be applied, but that does not show that the terms are unconstitutional.⁴ "An inadequately briefed claim is by definition insufficient to discharge an appellant's burden to demonstrate trial court error." *Id.*

IT IS HEREBY ORDERED that the trial court's orders are affirmed.

Dated this 8th day of May, 2019.

FOR THE COURT:



Diana Hagen, Judge

⁴ For example, Bryner has not shown that the rule "punishes a substantial amount of protected speech" in relation to the rule's intended legitimate goal of reducing the waste of court and litigant resources. *Bushco v. State Tax Commission*, 2009 UT 73, ¶ 49. Nor does he address the requirement that the "overbreadth must be substantial, not only in an absolute sense, but also relative to the [rule's] plainly legitimate sweep." *Id.* ¶ 51.

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2019, a true and correct copy of the foregoing ORDER was deposited in the United States mail or was sent by electronic mail to be delivered to:

Roger Bryner
roger.bryner@yahoo.com

BRENT A. BURNETT
brentburnett@agutah.gov

STUART E. WILLIAMS
stuart.williams@clearfieldcity.org

SECOND DISTRICT, FARMINGTON
kierab@utcourts.gov

By Alexis N.
Alexis Ney
Judicial Assistant

Case No. 20170477
SECOND DISTRICT, FARMINGTON, 150701062

Exhibit B

IN THE SECOND JUDICIAL DISTRICT COURT OF DAVIS COUNTY
FARMINGTON DEPARTMENT, STATE OF UTAH

ROGER BRYNER,

Petitioner,

vs.

CITY OF CLEARFIELD; UTAH STATE
RECORDS COMMITTEE,

Respondents.

**RULING AND ORDER ON
PETITIONER'S MOTIONS FOR
SUMMARY DISPOSITION**

Case No. 150701062

Judge: John R. Morris

This matter is before the Court on the Petitioner's Motions for Summary Disposition under Utah Rules of Civ. Pro. 56. The parties have stipulated that the Court's ruling on this motion shall serve as the final determination of this case.

I.

Background

This matter came before the Court as an appeal of the Utah State Records Committee ("Records Committee") ruling in a Government Records Access and Management Act ("GRAMA") Utah Code Ann. § 63G-2 case. In its Decision and Order in case number 15-27, the Records Committee found:

[a]fter reviewing the arguments of the parties, the Committee finds that Clearfield's decision denying Mr. Bryner's request for a fee waiver was not an unreasonable denial. The total amount of the fee was \$33.75, Mr. Bryner was not the subject of the records, Mr. Bryner's legal rights were not directly implicated by the information in the records, and Mr. Bryner failed to demonstrate that he was impecunious. Additionally, the Committee finds that Clearfield was diligent in identifying all records responsive to Mr. Bryner's records request.

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

Records Committee's Decision and Order 15-27 p. 4. Since the entry of that order and prior to any rulings in this case, the City of Clearfield (the "City") waived the fee and provided the associated documents to Mr. Bryner. Thus, the Court in a hearing on May 9, 2016, declared the issue of fee waiver moot.

In the same May 9, 2016 hearing the Court indicated that it did not have sufficient facts from the Records Committee's ruling to proceed with a decision *de novo* as contemplated under Utah Code Ann. § 63G-2-404. The Court therefore remanded the issue to the Records Committee for further findings.

After holding a second hearing on June 9, 2016, the Records Committee issued a new Decision and Order in case number 15-27. (Exhibit List Attachment A, 15-27(remand)Order, June 15, 2016). The order found that "Mr. Bryner did not contest the redactions, but claimed that Clearfield City held other responsive records which had not been provided." *Id.* at 4. In addition the Records Committee found:

[a]fter reviewing all written arguments made to the Committee including written materials submitted to the Committee of the October 8, 2015, hearing, and hearing all arguments presented by both parties, the Committee finds that all public documents responsive to Mr. Bryner's July 10, 2015, records request have been provided to him by Clearfield. The Committee is convinced that no other public documents exist that are responsive to his request based upon the declaration by affidavit of Ms. Dean.

Id. No further findings were made.

The Records Committee's ruling was not brought to the attention of the Court until late September at which time a Utah Code Ann. § 63G-2-404(6) hearing was promptly set for October 19, 2016.

In that hearing, the parties mutually agreed the Court should review and rule on the Mr. Bryner's pending motions for summary judgment. Mr. Bryner proposed to the City that the Court review the motions for summary judgment, including the reply which he planned

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

to enter shortly, and that the Court's decision on the motion would dispose of the case. The Court clarified if the Court proceeded on Mr. Bryner's proposal, it meant the Court would issue a written ruling, citing to the record, including affidavits, and that the case would then be disposed. 63G-2-404(6) Hearing at 10:38:43. The parties stipulated to this and the hearing was concluded.

Mr. Bryner's reply was filed on October 24, 2016. The Court has reviewed Mr. Bryner's two motions for summary judgment, the City's opposition, Mr. Bryner's reply, all accompanying exhibits and affidavits and is now prepared to enter a ruling on the matter.

II.

Analysis

Summary judgment is appropriate when, viewed in a light most favorable to the non-moving party, "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Utah R. Civ. P. 56(c); see also *Suarez v. Grant County*, 2012 UT 72, ¶ 18, 296 P.3d 688. "On a motion for summary judgment, a trial court should not weigh disputed evidence, and its sole inquiry should be whether material issues of fact exist[,] so as to determine if judgment may be entered as a matter of law. *Draper City v. Estate of Bernardo*, 888 P.2d 1097, 1100 (Utah 1995).

Mr. Bryner asks the Court to make fifteen different findings with regards to his motion for summary judgment. Each will be addressed separately.

1. "The Court rule that as a matter of law and fact that an in camera inspection of unredacted documents must be performed as redacted documents were provided." (Pet'r's Mem. in support of Mot. for summ. Disposition pursuant to Rule 56 at 5, Sept. 30, 2016).

As a matter of law the Court finds that GRAMA does not require an in camera review of redacted documents but merely permits a reviewing court to conduct such a review. ("The district court *may* review the disputed records. The review shall be in camera." Utah Code Ann. § 63G-2-404(5) (emphasis added)).

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

2. "That the court perform an in-camera inspection of documents and rule on the propriety of redactions." (Pet'r's Mem. in support of Mot. for summ. Disposition pursuant to Rule 56 at 5, Sept. 30, 2016).

GRAMA contemplates a "judicial review of an order or decision" from the Records Committee. Utah Code Ann. § 63G-2-404(1). GRAMA states that when such an appeal of a Records Committee ruling is brought before a district court the court shall "make its decision de novo, but, for a petition seeking judicial review of a records committee order, allow introduction of evidence presented to the records committee." Utah Code Ann. § 63G-2-404(6)(a).

When considering an appeal, the Court hearing the appeal may only consider those matters which were contemplated in reaching the original decision. (An appeal is "[a] proceeding undertaken to have a decision reconsidered by a higher authority" APPEAL, Black's Law Dictionary (10th ed. 2014).) As stated above, Mr. Bryner did not contest the redacted material in this June 9th hearing. As Mr. Bryner did not properly present the issue to the Records Committee, the Court cannot now rule on matter.

3. "The Court reject all hearsay stating that 'everything' has been provided and also rejects any testimony to that effect without the opportunity to cross examine any witnesses, whether in writing by subpoena by way of written questions or in person." (Pet'r's Mem. in support of Mot. for summ. Disposition pursuant to Rule 56 at 5, Sept. 30, 2016).

Hearsay is governed by the Utah Rules of Evidence Article VIII. Mr. Bryner points to no particular testimony to which he objects as hearsay, but rather objects in principle to anyone making such a declaration. As the Court has no particular testimony to review it cannot declare that such a statement is hearsay. The Court will in evaluating all affidavits or other forms of testimony review them under the Utah Rules of Evidence to determine whether or not they are admissible.

4. "For a finding that the contracts between Clearfield City and its public defenders materially impact my rights and the rights of all who have the defenders appointed for them,

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

thus their free public availability is in the best public interest under UCA 63G-2-203(4)(a). I am specifically requesting this under the public interest exception to the mootness rule." (Pet'r's Mem. in support of Mot. for summ. Disposition pursuant to Rule 56 at 5, Sept. 30, 2016).

A declaration by the Court that contracts between Clearfield City and public defenders impact Mr. Bryner's rights does not fall within the purview of a GRAMA request or a GRAMA appeal. ("In enacting [GRAMA], the Legislature recognize[d] two constitutional rights: (a) the public's right of access to information concerning the conduct of the public's business; and (b) the right of privacy in relation to personal data gathered by governmental entities." Utah Code Ann. § 63G-2-102(1)).

5. "For a finding that the Clearfield City public defenders paragraph 7 is a conflict of interest obligating the attorney to both act as a defender and advocate for the best interest of their clients, and as a collection agent for the City advocating for the collection of fees from that same client even if that client is found innocent of some of the charges against them, and thus impacts the rights of any person seeking appointed counsel. Further for a finding that to qualify for appointed counsel, those person must qualify for a fee waiver under UCA 63G-2-203(4)(c) and the requirements that the Utah and US constitution place upon that provision of code to not deny a right to someone based upon the ability to afford a fee. I am specifically requesting this under the public interest exception to the mootness rule." (Pet'r's Mem. in support of Mot. for summ. Disposition pursuant to Rule 56 at 5, Sept. 30, 2016).

As stated above GRAMA was enacted for a specific purpose. The matter of whether or not there exists an inherent conflict of interest because of contract between Clearfield City and public defenders is not an appropriate matter for consideration by this Court on appeal from a GRAMA request.

The Court notes that the matter of a fee waiver in this case is moot, but will address the questions about the standard used under GRAMA in denying fee waivers. Inasmuch as the above request relates to fee waivers, Utah Code Ann. § 63G-2-203 states that "[a] gov-

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

overnmental entity *may* fulfill a record request without charge." (Emphasis added). First, the standard for waiving a fee is a permissive standard and the government agency, regardless of the impecuniosity of the individual, may chose not to waive it. Second, the standards for review in the case of a fee waiver in GRAMA and qualification for a public defender are different. Therefore, this Court will not make a finding that a fee waiver must be granted under GRAMA to anyone who qualifies for a public defender.

6. "As a matter of law that the ruling of the Utah State Records Committee upholding the fee waiver is a legal error and the incorrect standard was applied in analyzing fee waivers, and that under the public interest exception an order promulgating [sic] the actual law be prepared and published by this court." (Pet'r's Mem. in support of Mot. for summ. Disposition pursuant to Rule 56 at 6, Sept. 30, 2016).

The Records Committee found:

that Clearfield's decision denying Mr. Bryner's request for a fee waiver was not an unreasonable denial. The total amount of the fee was \$33.75, Mr. Bryner was not the subject of the records, Mr. Bryner's legal rights were not directly implicated by the information in the records, and Mr. Bryner failed to demonstrate that he was impecunious.

Records Committee's Decision and Order 15-27 p. 4. In reviewing a denial of a fee waiver the Records Committee considers the same factors the government agency would use in determining whether or not to grant the waiver. (*See* Utah Code Ann. § 63G-2-203(6).) The statute encourages agencies to waive fees when, "(a) releasing the record primarily benefits the public rather than a person; (b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or (c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious." Utah Code Ann. § 63G-2-203(4)(a)-(c). In its findings the Records Committee found that Mr. Bryner was not the subject of the record, Mr. Bryner's legal rights were not

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

directly implicated by the requested records, and that Mr. Bryner failed to show that he was impecunious. These findings are in accord with the statute.

Again, the statute contemplates that a government agency "may" grant a fee waiver but is not obligated to do so.

7-15. The remaining nine findings that Mr. Bryner requests revolve around his request for documents that he believes exist and have not been produced by the City. The Records Committee found, "that Clearfield was diligent in identifying all records responsive to Mr. Bryner's records request" and that "[t]he Committee is convinced that no other public documents exist that are responsive to his request based upon the declaration by affidavit of Ms. Dean." Records Committee's Decision and Order 15-27 p. 4; Exhibit List Attachment A, 15-27(remand)Order, at p. 4, June 15, 2016.

Mr. Bryner in his affidavit accompanying this motion stated that "On the morning of 6-3-2015 I personally witnessed police officers producing documents which have not yet been provided to me by Clearfield city as outlined in the second amended and supplemental complaint before the court." Aff. in Supp. of Mot. for Summ. J. at p. 1. Mr. Bryner also stated in his reply that while he did witness the production of documents while he was in custody he was not "close enough to see them, [and] cant testify that the papers I saw around the time of the blood draw or computer activity were anything specific." Pet'r's Reply at 6. Despite his lack of personal knowledge of the documents Mr. Bryner insists that more documents exist that would be responsive to his GRAMA request.

In addition to his affidavit, Mr. Bryner produced evidence that the City has a fax number, but no evidence either direct or circumstantial that any relevant faxes have not been produced by the City.

In response the City submitted affidavits from three different people: Nancy Dean, the Clearfield City Recorder; Sergeant Lee Potts of the Clearfield City Police Department; Officer Chris Ferreira of the Clearfield City Police Department. These affidavits were given to the Records Committee in consideration of their ruling.

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

Ms. Dean testified in her affidavit as to several of the records that Mr. Bryner requested. First she testified that she had informed Mr. Bryner that public defender contracts were considered public record and that Mr. Bryner could come in a view them at any time. However, if he wanted a copy, a copy fee would be assessed. Dean Aff. ¶¶ 12-16.

Ms. Dean also testified that the City provided Mr. Bryner with the requested documents from UCJIS which the City could provide. *Id.* at ¶¶ 18-24. She further testified that UCJIS entries were not necessary for Clearfield City to perform its arrest, but that the Davis County Sheriff's Office may have entered information into the system related to their booking process. *Id.* The City does not control these records. *Id.*

In conclusion, Ms. Dean testified that she has "caused all City employees necessary (specifically including police department employees) to respond to Mr. Bryner's July 10, 2015 GRAMA request to search for any and all paper documents responsive to the ... request. The City has produced all known paper documents responsive to Mr. Bryner's ... request." *Id.* at ¶¶ 26-27.

Sergeant Potts and Officer Ferreira were both present at the time that Mr. Bryner alleges he saw the documents being produced. Sergeant Potts testified in his affidavit that Mr. Bryner had requested that all questions to him either be directed to his attorney or placed in writing. Potts Aff. ¶ 5(a). He further testified that he wrote down on a piece of paper which he attempted to give to Mr. Bryner asking him if he would like to sit up rather than laying down. *Id.* at ¶ 5(b). When Mr. Bryner refused the invitation to sit up Sergeant Potts then disposed of the written note in the garbage. *Id.* at ¶ 5(f). Sergeant Potts confirmed this through a review of the booking room video. *Id.* at ¶¶ 6-8. He further testified that he was "unaware of any additional paper documents related to the criminal investigation report that have not already been provided to Mr. Bryner." *Id.* at ¶ 9. Nor was he "aware of any additional paper documents other than the hand written note described in paragraph 5 created in relation to the investigation." *Id.* at ¶ 10.

Ruling and Order on Motions for Summary Disposition
Case No. 150701062

Officer Ferriera testified in his affidavit that he witnessed the writing and presentation of the hand written note referenced by Sergeant Potts. Ferriera Aff. at ¶ 5. He too confirmed the disposal of this hand written note with the booking room video. *Id.* at ¶¶ 6-8. He also testified that he is unaware of any other papers that have not been provided to Mr. Bryner that would be responsive to Mr. Bryner's request. *Id.* at ¶¶ 9-10.

While the Court is sympathetic to the fact that it can be difficult if not impossible for a petitioner to gain access to records the record holder denies exist and the petition cannot prove exist, the Court must make a determination based on the facts presented. The Court finds that Mr. Bryner has failed to present any evidence or a persuasive argument that there exist any other documents which would be responsive to his GRAMA request. The Court therefore affirms the Records Committee's Decision and Order.

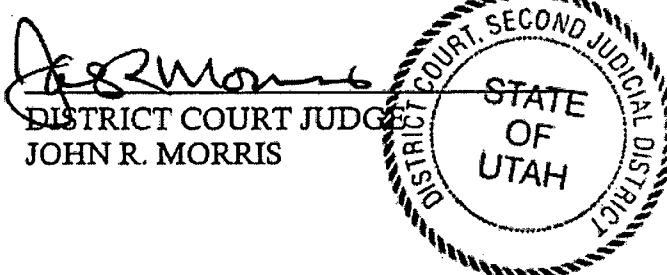
III.

Order

The Court HEREBY DENIES Petitioner's Motion for Summary Disposition pursuant to Rule 56 of the Utah Rules of Civil Procedure.

As stipulated to by the parties, the findings of the Court in this motion are to be the final ruling on this matter and dispose of this case. THEREFORE it is HEREBY ORDER that this case is DISMISSED WITH PREJUDICE.

Date signed: May 11, 2017



Ruling and Order on Motions for Summary Disposition
Case No. 150701062

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of May, 2017 I sent a true and correct copy of the foregoing **RULING AND ORDER ON MOTIONS FOR SUMMARY DISPOSITION** to the parties as follows:

Stuart E. Williams
Clearfield City Attorney
55 South State Street
Clearfield, Utah 84015

Paul H. Tonks
Utah State Records Committee
160 East 300 South 5th Floor
Salt Lake City, Utah 84114

Roger Bryner
General Delivery
Kaysville, Utah 84037

roger.bryner@yahoo.com

Dane Knudson

Deputy Court Clerk

Exhibit C

FILED

DEC 15 2016

SECOND

IN THE SECOND JUDICIAL DISTRICT COURT OF DAVIS COUNTY
FARMINGTON DEPARTMENT, STATE OF UTAH COURT

ROGER BRYNER,

Petitioner,

VS.

CITY OF CLEARFIELD; UTAH STATE
RECORDS COMMITTEE,

Respondents.

**RULING AND ORDER ON ORDER
TO SHOW CAUSE**

Case No. 150701062

Judge: Michael G. Allphin

This matter was brought before the Court on its own initiative, pursuant to Rule 83 of the Utah Rules of Civil Procedure, regarding its concern that a vexatious litigant finding against Petitioner Roger Bryner was appropriate. A hearing was held on this matter on November 18, 2016. Petitioner was present and represented himself. Having considered the Petitioner's arguments, reviewed the docket the Court, and for the reasons set forth below the Court now finds Mr. Bryner, by clear and convincing evidence, to be a vexatious litigant.

I.

Pending Motions

Since the hearing on November 18th Mr. Bryner has submitted multiple filings associated with the Order to Show Cause. Mr. Bryner filed a "Verified Motion for new trial based on denial of due process or to reconsider denial of motion to extend time" on November 21, 2016, and submitted the matter to the Court on December 6, 2016. The Court has reviewed this motion and denies it. The motion relies primarily on Mr. Bryner's "musical judges" argument which was dismissed in Judge Connor's ruling and order denying the multiple motions to disqualify several judges. Furthermore, as discussed with Mr. Bryner in the hearing, the motion to extend time to reply to the order to show cause was denied because Mr. Bryner had sufficient time to prepare. Mr. Bryner is the author of all the documents in question and had a month to prepare for the order to show cause hearing.

Ruling and Order on Order to Show Cause
Case No. 150701062

On November 16, 2016, Mr. Bryner filed a motion titled "Preliminary Motion to Declare Rule 83(a)(1)(C) Unconstitutionally Vague," he then submitted the matter to the Court on December 1, 2016. Mr. Bryner advanced these arguments in the November 18th hearing at which time his motion was denied.

On November 15, 2016, Mr. Bryner filed motion titled, "Verified Motion to extend time to respond to 11-4 Supplement to Order to Show Cause," and submitted the matter on December 1, 2016. Again this issue was already addressed in the hearing on November 18th at which time it was denied.

In addition, Mr. Bryner submitted ten motions on December 1st and 6th, 2016 to take judicial notice of "Bryner Prevailing" over another party in different cases. These motions to take judicial notice were filed prior to the November 18th hearing and were addressed in that hearing. The Court stated that it had reviewed most of the cases submitted by Mr. Bryner and that it would review all the cases prior to making its ruling. The cases are discussed below.

As there are no other pending issues on this matter the Court now makes its ruling.

II.

Analysis

This matter came before the Second District Court as an appeal from the Records Committee findings in a GRAMA request. As demonstrated below this case has been unnecessarily complicated by the voluminous filings by Mr. Bryner which have been unmeritorious and/or contain redundant, immaterial, impertinent or scandalous matter, and engage in tactics that are frivolous or solely for the purpose of harassment or delay. Mr. Bryner's filings far exceed the three time minimum set forth in Rule 83:

The court may find a person to be a "vexatious litigant" if the person, including an attorney acting pro se, without legal representation, does any of the following:

Ruling and Order on Order to Show Cause
Case No. 150701062

(a)(1)(A) In the immediately preceding seven years, the person has filed at least five claims for relief, other than small claims actions, that have been finally determined against the person, and the person does not have within that time at least two claims, other than small claims actions, that have been finally determined in that person's favor.

...

(a)(1)(C) In any action, the person three or more times does any one or any combination of the following:

(a)(1)(C)(i) files unmeritorious pleadings or other papers,

(a)(1)(C)(ii) files pleadings or other papers that contain redundant, immaterial, impertinent or scandalous matter,

...

(a)(1)(C)(iv) engages in tactics that are frivolous or solely for the purpose of harassment or delay.

Utah R. Civ. P. 83.

Before a court may find a litigant to be vexatious the court must afford the litigant due process:

If more serious sanctions are needed, the trial court may schedule a show cause hearing to give the contemnor an opportunity to explain why sanctions should not be imposed. *See In re Schulder*, 62 Utah 591, 221 P. 565, 567 (1923) (holding that "failure to file a formal affidavit", as required by Utah Code section 78B-6-302(2), "was not fatal to the jurisdiction of the court" when the court had issued an order to show cause giving notice and grounds for the contempt charge). An order to show cause appropriately "compli[es] with the Due Process requirement of adequate and timely notice of the charges made against the alleged contemnor." *Khan v. Khan*, 921 P.2d 466, 468-69 (Utah Ct.App.1996).

Ruling and Order on Order to Show Cause
Case No. 150701062

Gardiner v. York, 2010 UT App 108, ¶ 45, 233 P.3d 500, 516-17. In this case Mr. Bryner was given an order to show cause as to why he should not be found to be a vexatious litigant on October 19, 2016. The Order ordered Mr. Bryner to appear before the Court on November 4, 2016. Mr. Bryner filed a motion to extend time to respond to the Order and at the November 4th hearing that motion was granted and Mr. Bryner was given an additional two weeks. In addition, the Court noted at the hearing and in a supplement to the original order to show cause filed that day that the Court may consider any additional filings made by Mr. Bryner in this case since the order to show cause was issued, along with the 27 cases filed by Mr. Bryner in the district courts of Utah since 2012.

A hearing was then held on November 18, 2016, affording Mr. Bryner ample notice and providing him the opportunity to respond both in writing and before the Court in a hearing. Indeed, Mr. Bryner filed an additional 27 documents between the November 4th hearing and the November 18th hearing including another motion to extend which was denied.

The following is a list of Mr. Bryner's filings which the Court finds qualify under Utah R. Civ. P. 83(a)(1)(C):

1. **"Objection to Double Standard on Electronic Filing and Mandatory Email Delivery and Attempts to Corruptly Make This Case About Service Under Rule 5, Phone Attendance, and False Civility"** filed February 3, 2016. (See Exhibit A).

This filing was made in response to the Respondent's objection to improper service of documents by Mr. Bryner. The document is not founded upon any procedural rule or other legal authority. The filing also contains several statements directed at Respondent and the Court that are redundant, immaterial, impertinent, and scandalous.

In this filing Mr. Bryner calls the Respondent a "whining child" and states that their actions are the "equivalent of racist southerners." Mr. Bryner also personally attacked the counsel for the Clearfield City calling his actions corrupt.

This filing also includes the follow diatribe:

Finally the prohibition on "inflammatory" material is simply unconstitutional.

Ruling and Order on Order to Show Cause
Case No. 150701062

Muslims found “the innocence of Muslims” inflammatory, yet court cases about it are filed in the US. Many in the US find the wearing of head coverings inflammatory, and those on opposite sides of the argument all find everything inflammatory. Mormons find the accusation that the constitution and the almost totally mormon courts of Utah are not perfect and divinely inspired “inflammatory” but the complete mormon makeup of the courts and the obvious imperfections in any system make that perception simply misguided. Accusations that selection of juries, court rulings, and official court actions in Mississippi were corrupt and racist must have been “inflammatory” to even a fairly nonracist southerner. Here the situation is EXACTLY analogous. Thus “inflammatory” valid arguments are necessary, and chilled by the efforts of those who are “inflamed” just plays to corruption and confirms the bias that Mormons can’t stand criticism, even if valid. Given the long history of Mormon over-reaction to criticism, including destroying a printing press in Missouri in an effort to “save the constitution” prohibitions on “inflammatory” arguments are a very dangerous path to go down for the thin skinned and those prohibitions are strictly prohibited under the 14th Amendment of the US constitution.

The Court is not sure at whom this diatribe is directed but it is clearly immaterial, impertinent, and scandalous.

The Court therefore finds that the document is frivolous and contains material of an immaterial, impudent, and scandalous nature.

2. “Objection to Hearsay Statements that ‘Everything’ Has Been Provided.” Filed February 3, 2016. (See Exhibit B).

In this filing Mr. Bryner states that he “[H]ereby OBJECTS to relying on any hearsay statements by any attorneys, the Utah State Records Committee, the city recorder, or anyone else testifying that “everything” has been provided in this case.” The document is not

Ruling and Order on Order to Show Cause
Case No. 150701062

founded upon any procedural rule or other legal authority. The Court therefore finds that this filing is unmeritorious.

3. "Motion for summary disposition pursuant to Rule 56." Filed February 3, 2016.
(*See Exhibit C*).

Aside from being confusing and lacking foundation, this motion asks the Court to make decisions on completely unrelated matters. For example, paragraph 5 asks the Court for:

[A] finding that the Clearfield City public defenders paragraph 7 is a conflict of interest obligating the attorney to both act as a defender and advocate for the best interest of their clients, and as a collection agent for the city of Clearfield advocating for the collection of fees from that same client even if that client is found innocent of some of the charges against them, and thus impacts the rights of any person seeking appointed counsel.

The matter before the court is an appeal of a decision by the Records Committee of a GRAMA request. The request was not related to public defenders. This request was not founded upon any procedural rule or other legal authority. The Court finds that this filing contains immaterial and impertinent matters.

4. "Verified Motion to Recuse Judges Morris, Kay, and Dawson." Filed March 15, 2016. (*See Exhibit E*).

The case was assigned to Judge Morris with mention of a second case involving Mr. Bryner before Judge Kay. There was no case before Judge Dawson. This motion was filed late in the evening the day before a hearing before Judge Morris. Mr. Bryner's reasoning for recusing the judges did not appear to be based on any procedural rule and lacked legal foundation. Judge West later denied this motion.

Due to the late hour at which Mr. Bryner filed this motion the day before a hearing and the frivolity of the claims the Court finds that this filing was frivolous and made solely for the purpose of harassment and delay.

Ruling and Order on Order to Show Cause
Case No. 150701062

5. "Motion to take Judicial Notice of Actual Facts as Opposed to Falsely Misrepresented Facts in Order of 3-25." Filed April 8, 2016. (See Exhibit F).

This motion was filed in response to Judge West's ruling denying Mr. Bryner's motion to recuse multiple judges. In this filing Mr. Bryner attempts to re-litigate the findings of Judge West. He also attempts to attribute improper motives to Judge West by stating that, "[h]ere Judge West has grossly misrepresented facts in the order of 3-25, apparently intentionally and without any notice to the parties, and they must not stand on appeal without correction." Such accusations are not supported by the record. The Court finds that this filing is not founded on any procedural rule or other legal authority and contains matters that are immaterial, impertinent and scandalous.

6. "Objection to Lack of Constitutionally Required Specificity in Notice of Oral Arguments, Oral Argument on What?" Filed April 15, 2016. (See Exhibit G).

After filing no less than 9 motions to submit on different matters, some of which included multiple motions for submission in one document, Mr. Bryner objected to the Court setting a hearing. Any confusion is attributable to Mr. Bryner's overzealous filings. This objection lacks foundation and is unmeritorious.

On May 9, 2016, oral arguments were held regarding this case before Judge Morris. Judge Morris ruled that the issue of fee waiver was moot as the City of Clearfield had waived the fee and provided the documents requested. Judge Morris ruled that just as the Respondent had moved forward based on Mr. Bryner's "Second Amended Complaint," that was the complaint the Court would proceed on.

Judge Morris also indicated to the parties that he could not rule as to Mr. Bryner's appeal on the Records Committee's findings regarding production of documents because it did not make any findings as to the documents in question. Therefore, Judge Morris remanded the case back to the Records Committee for a more definitive ruling. Judge Morris also indicated that he would not rule on Mr. Bryner's pending motions until the remand or-

Ruling and Order on Order to Show Cause
Case No. 150701062

der was completed. Nevertheless, Mr. Bryner filed no less than ten documents within the next two months.

7. **“Motion to clarify order, quash notice, order issuance of Subpoena for records committee hearing-Expidited [sic] Briefing Schedule and Hearing Requested.”** Filed May 16, 2016. (*See Exhibit H*).

The document does not appear to be founded upon any procedural rule or other legal authority. Mr. Bryner again attributes unfounded improper motives to the opposing party stating that the Records Committee’s representative is “is ignoring the order of this court to confer with me by ignoring that email.” Therefore, the Court finds that this document contains impertinent and scandalous material and is unmeritorious.

8. **“Jurisdictional Objection.”** Filed June 2, 2016. (*See Exhibit J*).

This filing is nonsensical and lacks legal foundation. Mr. Bryner also improperly filed a “Notice to Submit on Jurisdictional Objection” the same day, not waiting for the other side to file any objections or without waiting for the time for briefing to expire as required under Utah Rules of Civil Procedure Rule 7(g). Therefore the Court finds that this filing was unmeritorious.

9. **“Reply in Support of Motion to clarify order, quash notice, order issuance of Subpoena for records committee hearing-Expidited [sic] Briefing Schedule and Hearing Requested.”** Filed June 2, 2016. (*See Exhibit K*).

The document asks for a ruling by the Court while unequivocally declaring that Mr. Bryner, “OBJECT[S] TO THE JURISDICTION OF THIS COURT.” It is nonsensical to ask a Court to rule on a matter while simultaneously denying that Court’s authority to make such a ruling. Mr. Bryner stated in the November 18, 2016, hearing that he did not know why he filed this. The Court finds this filing to be frivolous.

Ruling and Order on Order to Show Cause
Case No. 150701062

10. "Rule 11 Motion Regarding 5 Day Deadline for Municipalities Applying to Plaintiff." Filed June 6, 2016. (See Exhibits L and M).

Mr. Bryner also improperly filed a "Notice to Submit on Rule 11 Motion" the same day, not waiting for the other side to file any objections or waiting for the time for briefing to expire as required under Utah Rules of Civil Procedure Rule 7(g).

Mr. Bryner declares in his motion that the Record Committee's representative, Mr. Tonks, "states that there is not a deadline...[and i]t is a bald face lie to state that there is no deadline, and that lie its self by Mr. Tonks is worthy of sanctions." In addition Mr. Bryner stated that Mr. Tonks' actions "demonstrate[] a level of bad faith." Mr. Bryner's arguments against Mr. Tonks appear to lack a legal foundation and are confusing at best. Mr. Bryner asks the Court, "that if Paul Tonks does not withdraw his frivolous arguments the court rule on the implication of Rule 11 sanctions on him."

Mr. Bryner's submission of the motion on the same day, his inflammatory language, and threat against Mr. Tonks indicate that this motion was not filed in good faith. Therefore, the Court finds that this motion was frivolous and filed solely for the purpose of harassment.

11. "Second Notice to Submit on Motion for Summary Disposition and Motion for Judicial Notice of Actual Facts." Filed June 14, 2016. (See Exhibit N).

This submission was related to earlier motions that were before Judge Morris prior to the May 9th hearing. At the hearing Judge Morris indicated that he would not rule on these matters until the remand order was complete and the matter was back before him. The Court therefore finds that this filing is frivolous and unmeritorious.

Ruling and Order on Order to Show Cause
Case No. 150701062

12. "Motion for Summary Disposition Pursuant to Rule 56", "Memorandum in Support of Motion for Summary Disposition Pursuant to Rule 56", and "Affidavit in Support of Motion for Summary Disposition." Filed September 30, 2016. (See Exhibits P, Q, and R).

In these filing Mr. Bryner continues to argue the matter of fee waiver, despite the fact that the Court has already made a finding that the matter is moot since Clearfield City already waived the fees. Furthermore, this motion is the similar to the February 3rd Rule 56 motion discussed above, including the immaterial and nonsensical request to make findings related to public defenders. This filing clearly contains matters that are immaterial, impertinent, and redundant.

Since receiving the Order to Show Cause and the entry of this Order Mr. Bryner has submitted the following eight motions to recuse:

- "Objection and Motion to recuse #2" Filed 10-19-16; Submitted 11-16-16
- "Third Motion to Recuse Judge Morris from Base Case" Filed 11-2-16; Submitted 11-16-16
- "Motion to disqualify Judges Morris, Kay, and Dawson from ruling on rule 83 re case #101700144 where I prevailed against judges Morris, Kay, and Dawson." Filed 11-16-16; Submitted 11-16-16
- "Frist motion to recuse Judge Morris from hearing the Order to Show Cause" Filed 11-2-16; Submitted 11-16-16
- "Second motion to recuse Judge Morris from hearing the Order to Show Cause" Filed 11-15-16; Submitted 11-16-16
- "Motion to Recuse Judge Morris based upon ex Parte action on or before 11-16 Afternoon" Filed 11-17-16; Submitted 11-17-16
- "Motion to Disqualify Judge Allphin based upon ex-partes actions with Judge Morris prior to certification and recusal and conflict" Filed 11-18-16; Submitted 11-18-16

Ruling and Order on Order to Show Cause
Case No. 150701062

- “Verified Motion to Recuse Judges West, Alphin and Morris for collusion to Decide Motions to Extend Time Improperly Between the 3 of Them Prior to Recusal Orders” Filed November 21, 2016; Submitted November 21, 2016.

Judge Morris voluntarily recused from the Order to Show Cause issue on November 17, 2016. The other five motions were denied in an order from Judge Connors on December 12, 2016. Aside from being an unprecedented number of motions to recuse filed at the same time, there is a clear and troubling pattern indicating that Mr. Bryner uses these motions to delay cases.

Mr. Bryner’s first motion to recuse (“Verified Motion to Recuse Judges Morris, Kay and Dawson” Filed 3-15-16) was filed the day before the first hearing in this case. No notice to submit was entered but the oral entry of the motion was taken at the hearing and the hearing was postponed pending the decision on the motion to recuse from the presiding judge. The motion was denied.

The second motion to recuse Judge Morris was filed on October 19, 2016, without a notice to submit, less than an hour before a hearing before Judge Morris. During that hearing Mr. Bryner indicated that he would not be submitting the motion because he felt satisfied by the Court’s responses to his questions.

The third motion to recuse Judge Morris, along with an additional motion to recuse Judge Morris from the Order to Show Cause, was filed on November 2, 2016, two days before the Order to Show Cause hearing. This motion was not submitted to the Court.

The second and third motions to recuse Judge Morris, along with three other motions to recuse were submitted to the Court on November 16, 2016, two days before the newly scheduled Order to Show Cause hearing. Another motion to recuse was submitted the next day on November 17, 2016, one day before the hearing. This left the Court with six motions to recuse to either be certified to the Presiding Judge or issue a voluntary recusal before any progress could be made in this case.

Ruling and Order on Order to Show Cause
Case No. 150701062

Judge Morris voluntarily recused himself from the Order to Show Cause. A ruling was entered by the Presiding Judge, Judge West, on November 17, 2016, appointing Judge Allphin to hold the Order to Show Cause Hearing the next day. Mr. Bryner then filed a motion to recuse Judge Allphin the next morning prior to the hearing. Judge West was able to promptly rule on the motion and the hearing went forward.

At the conclusion of the Order to Show Cause hearing Judge Allphin took the matter under advisement so that he might review the unsubmitted filings entered by Mr. Bryner before issuing a ruling. Before the ruling could be entered, Mr. Bryner filed another motion to recuse Judge Allphin the next business day and submitted it to the Court.

It is clear by a preponderance of the evidence that Mr. Bryner abuses Utah R. Civ. P. 63 in order to delay action in his case. Mr. Bryner admits that his motions to recuse are duplicative of each other. In certifying the above motions for review by the Presiding Judge one of the six motions was accidentally left out and Mr. Bryner filed an objection. Of the missing motion Mr. Bryner stated:

It should be noted that the grounds for this motion to recuse are exactly identical to the motion to recuse Judge Morris granted docketed as "11-02-16 Filed: First Motion to Recuse Judge Morris from Hearing the Order to Show Cause (Separate Proceeding) Filed by: BRYNER, ROGER" and therefore there is no basis for Judge Morris granting the second one and referring the first one exist.

"Objection to omitted motion to recuse in Certification of Judge Morris. (to Judge Connors)" filed Nov. 18, 2016. It is clear that these eight motions alone would be sufficient for a find of vexatious litigant under Utah R. Civ. P. 83(a)(1)(C).

Ruling and Order on Order to Show Cause
Case No. 150701062

The Court finds that the above mentioned filings are sufficient for a finding that Mr. Bryner is a vexatious litigant under Utah R. Civ. P. 83(a)(1)(C).

In addition to the above filings the Court also reviewed cases filed by Mr. Bryner since 2012 along with the additional cases provided by Mr. Bryner for review to determine whether or not they fell within Utah R. Civ. P. 83(a)(1)(A). The Court makes the following findings:

Mr. Bryner has filed twenty-seven cases in the district courts of Utah since 2010. (See Exhibit S). Eight of those cases are still ongoing and three were abstracts of judgments which are not relevant to the Court's analysis. Of the sixteen cases which have been finally determined, Mr. Bryner prevailed on two of them: cases number 100418435, an appeal from justice court where the dismissal of the justice court case was granted and case number 144905034 where the protective order was granted by default. The other fourteen cases were dismissed or no cause of action was found. Mr. Bryner made appeals in seven of those cases and the Court of Appeals upheld all seven.

Mr. Bryner filed the dockets for ten cases he believed he prevailed in. Of those nine, four are addressed above. Of the other six only one shows Mr. Bryner prevailing on any claim he brought: in case number 140414315 Mr. Bryner prevailed on a counterclaim against the Plaintiff.

While the Court does not find that the claims filed by Mr. Bryner are sufficient for a finding of vexatious litigant under Utah R. Civ. P. 83(a)(1)(A) because he has met the minimum of prevailing claims, the Court finds it demonstrative of Mr. Bryner's that he has only prevailed on claims in three out of seventeen cases in the last seven years.

III.

Order

The Court, based on the above findings, hereby makes the following order against Mr. Bryner for all future litigation actions:

Ruling and Order on Order to Show Cause
Case No. 150701062

- i. Obtain legal counsel before proceeding in a pending action;
- ii. Obtain legal counsel before filing any future claim for relief;
- iii. Obtain leave of the Judge assigned to the case where any filing is made, to file any paper, pleading or motion in any pending action and obtain leave of the Presiding Judge in the district where any filing is made to file any paper, pleading or motion in any future action.
- iv. Demonstrate all of the following for filings made both in pending and future cases:
 - a. The claim is based on good faith dispute of facts,
 - b. The claim is warranted under existing law or a good faith argument for the extension, modification, or reversal of existing law,
 - c. Include an Oath, affirmation or declaration under criminal penalty that the proposed claim is not filed for the purpose of harassment or delay and contains no material that is redundant, immaterial, impertinent or scandalous,
 - d. Include a copy of the propose petition, complaint, counterclaim, cross-claim, or third party complaint,
 - e. Include the court name and case number of all claims that the applicant has filed against each party within the preceding seven years and the disposition of each claim.
- v. This Order shall be given to the Administrative Office of the Courts and they shall include Mr. Bryner's name on the list of vexatious litigants subject to a pre-filing order.
- vi. This order is in place until further court order.
- vii. Disobedience to this order is punishable as contempt of court.

Ruling and Order on Order to Show Cause
Case No. 150701062

Date signed: 12-15-16



DISTRICT COURT JUDGE
MICHAEL G. ALLPHIN

Exhibit D

The Order of the Court is stated below:

Dated: November 25, 2019 /s/ Thomas R. Lee
04:00:40 PM Associate Chief Justice



IN THE SUPREME COURT OF THE STATE OF UTAH

----ooOoo----

Roger Bryner,
Petitioner,
v.
Clearfield City and
Utah State Records Committee,
Respondents.

ORDER

Supreme Court No. 20190559-SC

Court of Appeals No. 20170477-CA

Trial Court No. 150701062

----ooOoo----

This matter is before the Court upon a Petition for Writ of Certiorari, filed on July 8, 2019.

IT IS HEREBY ORDERED that the Petition for Writ of Certiorari is denied.

End of Order - Signature at the Top of the First Page

Exhibit E



Legal Department

55 South State Street
Clearfield, Utah 84015
Phone: 801.525.2770
Fax: 801.525.2866

00028

December 8, 2015

Mr. Roger Bryner
General Delivery
Kaysville, Utah 84037
roger.bryner@yahoo.com

Re: Cancelled Mediation and City's Fee Waiver and Production of Documents

Mr. Bryner,

This correspondence is in response to your recent decision to cancel the mediation between yourself and Clearfield City that was scheduled to be facilitated by the Utah State Records Ombudsman, Rosemary Cundiff, on December 9, 2015 at 11:00am. Despite your unwillingness to mediate, and although the City believes that the fee of \$33.75 is legally justified, and that the Utah State Records Committee's Decision and Order dated October 20, 2015 was correct in upholding the City's fee of \$33.75, the City hereby formally notifies you that the City has decided to waive the fee of \$33.75 that is associated with the remaining documents responsive to your Request for Documents made pursuant to the Utah Governmental Records Management Act ("GRAMA") dated July 10, 2015.

Attached you will find the City's submission of documents responsive to your GRAMA request for documents dated July 10, 2015. *To be clear, Clearfield City is not knowingly in possession of or aware of any other documents responsive to your GRAMA request dated July 10, 2015.*

In an abundance of caution, the City has provided this correspondence and the attached documents (minus one DVD/CD) via email at roger.bryner@yahoo.com, and placed a hard copy of the letter and all documents, including one DVD/CD in the US mail to the address of "Roger Bryner, General Delivery, Kaysville UT 84037." If you have any difficulties receiving these documents or fail to receive the documents and DVD/CD at the address listed above, please feel free to contact me and I will make an appointment to provide them to you in person.

Sincerely,

Stuart E. Williams
Clearfield City Attorney

Enclosure: Fee Waiver and Related Responsive Documents to Mr. Bryner's July 10, 2015 GRAMA Request for Production of Documents, including one DVD/CD
CC: Rosemary Cundiff, Utah State Records Ombudsman

Date: September 30, 2015
Invoice # (100)



Clearfield City Corporation
Nancy Dean
55 South State Street
Clearfield, UT 84015
(801) 525-2714
nancy.dean@clearfieldcity.org

TO Roger Bryner
PO Box 1082
Clearfield, UT 84089

		PAYMENT TERMS	DUE DATE
		Due on receipt	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
35	Copies of records	\$0.25	\$ 8.75
1	Video	\$25.00	\$25.00

**TOTAL GRAMA
RELATED FEE OF
\$33.75 IS WAIVED.**

SUBTOTAL	\$33.75
SALES TAX	0
TOTAL	\$33.75

Make all checks payable to Clearfield City Corporation

**Additional material
from this filing is
available in the
Clerk's Office.**