

## **APPENDIX**

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**APPENDIX A**

**UTAH COURT OF APPEALS  
FOR THE STATE OF UTAH**

**Alan Headman, Appellant**

**v.**

**Camille Headman, Appellee**

**Docket No. 20220335-CA**

**JUDGEMENT IN A CIVIL CASE  
ORDER OF AFFIRMANCE**

**Date of Entry: November 10, 2022**

**Before: Judges Orme, Mortensen, and Tenney**

IN THE UTAH COURT OF APPEALS

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<p>CAMILLE HEADMAN, Appellee, <i>v.</i> ALAN HEADMAN, Appellant.</p>	<p>ORDER OF AFFIRMANCE Case No. 20220335-CA</p>
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Before Judges Orme, Mortensen, and Tenney.

Alan Headman appeals the March 18, 2022 order that denied an objection to a writ of garnishment and denied permission to file a motion for declaratory judgment and related jury demand pursuant to a prefiling order.<sup>1</sup> The notice of appeal is timely only from the March 18, 2022 order. Accordingly, this appeal is limited to the matters specifically addressed in that order. Alan also seeks a stay of the garnishment pending this appeal, alleging that extraordinary circumstances exist to excuse him from the requirement to first seek a stay in the district court. Appellee Camille Headman seeks an award of her attorney fees and costs incurred in responding to this appeal, and an extension of a vexatious litigant order to this appeal pursuant to rule 83(j) of the Utah Rules of Civil Procedure.

Alan filed a Motion for Declaratory Judgment over Definition of Income in this court and has requested that this court hold a jury trial. Appellate courts do not conduct trials. Appellate courts review the trial court record to address the issues raised in a timely appeal. Accordingly, we do not consider Alan's procedurally inappropriate motion for declaratory judgment and request for a jury trial in this court. Alan's contention that an appellate court may utilize rule 60(d) of the Utah Rules of Civil Procedure to expand its appellate jurisdiction to consider any additional matters that he seeks to raise lacks merit. Our review is limited to challenges to the March 18, 2022 order, which is identified in the notice of appeal and is also the only order from which the appeal is timely. That order states:

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<sup>1</sup> Where the parties share a last name, we use first names for clarity, without intending any disrespect from this apparent informality.

1. Petitioner's Writ of Continuing Garnishment is granted. Respondent's employer shall garnish his wages as set forth in the Writ of Continuing Garnishment entered October 27, 2021.
2. Respondent's filings regarding his responses to the garnishment are not allowed, as they address issues previously raised and decided by the court.

Because an appeal seeks appellate review of a district court's decision, an appellant is required to identify an error in the decision being appealed and address why that decision should be overturned. *See Allen v. Friel*, 2008 UT 56, ¶¶ 14-15, 194 P.3d 903. Thus, it is the appellant's responsibility to challenge the actual basis for the trial court's decision and to demonstrate error. *See id.* ¶ 4, ¶ 7; *Duchesne Land, LC v. Division of Consumer Prot.*, 2011 UT App 153, ¶ 8, 257 P.3d 441. "Further, although we are reluctant to penalize self-represented litigants for technical rule violations, we will not assume an appellant's burden of argument and research." *Allen*, 2008 UT 56, ¶ 9 (cleaned up). Alan has not met ~~the~~ burden of persuasion by citing legal authority on which his argument is based and then providing reasoned analysis of how that authority should apply, including citations to the record where appropriate. He "cannot carry his burden by simply listing or rehashing the evidence and arguments he presented" in the district court. *Nave-Free v. Free*, 2019 UT App 83, ¶ 10, 444 P.3d 3.

Alan lists fourteen issues in his opening brief seeking a reversal of numerous orders and a jury trial on each of his legal theories. But only the first issue addresses any aspect of the March 18, 2022 order. He states the issue as "whether the district court issued garnishment orders in direct contempt of a valid court order which specifically contained provisions designed to protect Appellant's right to modification and other remedies in Item 92." Alan seeks review that encompasses virtually the entire divorce proceeding, including the 2019 denial of his petition to modify the decree and his successive motions for declaratory judgment as to which he has demanded a jury trial. He also claims that there can be no final order on any of his claims because he has not received a jury trial.<sup>2</sup>

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<sup>2</sup> Although the district court advised him at the March 7, 2022 hearing that there is no right to a jury trial in divorce proceedings, Alan persists in seeking a jury trial in both the district court and this court. "[T]here is no right to a jury trial in domestic cases where there is a . . . mix of remedies but those matters remain equitable." *Buck v. Robinson*, 2008 UT App 28, ¶ 16, 177 P.3d 648; *see also Hyatt v. Hill*, 714 P.2d 299, 302 (Utah 1986) (Howe, J., concurring) ("Divorce actions existed at statehood, were considered equitable in nature, and no right to a jury trial existed."); *Hahn v. Hahn*, 2018 (continued...)

Alan did not timely appeal the denial of his petition to modify when it became final and appealable in August 2019. After a bench trial in March 2019, the district court denied the petition. The court made oral findings in support of its denial and awarded Camille attorney fees, which were limited to responding to the single issue of modification based upon claimed loss of income or employment. The district court ordered Camille to file an affidavit of attorney fees and costs within a specified time and allowed Alan to object. Therefore, the order required further action by the district court before it became final. However, Alan filed a premature appeal prior to the determination of the attorney fee award. On May 24, 2019, this court dismissed the appeal for lack of jurisdiction in *Headman v. Headman*, Case No. 20190325-CA, stating that because the appeal was taken before the entry of a final order, this court lacked jurisdiction. That dismissal was without prejudice to a timely appeal filed after the entry of a final appealable order. But any suggestion that the appeal remains pending is incorrect. After the district court resolved the attorney fee award in August 2019, Alan did not file a timely appeal and the time to do so has long since expired.

Accordingly, to the extent that this appeal can be construed as challenging the 2019 denial of the petition to modify, Alan waived any issues regarding that denial by failing to appeal the final order. Furthermore, the argument that any writ of garnishment is in violation of the divorce decree constitutes an improper attempt to belatedly challenge the denial of the petition to modify that is beyond the scope of this appeal.

It is undisputed that the district court entered multiple judgments for unpaid and past due alimony and attorney fees awarded. Alan neither claimed nor demonstrated that the judgments had been paid, the amounts were incorrect, or that there was any procedural error in entering the writ of garnishment. Instead, he repeatedly sought to challenge the alimony award or its duration. By failing to address the reasoning underlying the March 18, 2022 order denying his objection to the writ of garnishment, he has not carried his burden on appeal to demonstrate error, and we affirm that order.

The March 18, 2022 order also denied permission to file a motion for declaratory judgment and jury demand filed in response to the writ of garnishment because the

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UT App 135, ¶ 14, 427 P.3d 1195 (concluding that there was no right to a jury trial in proceedings to modify a divorce decree because “the modification matter was equitable in nature, and consequently, that Father was not entitled to a jury trial”). And there is no right to a trial at all in an appellate court that conducts a record review. !

district court determined that the filings raised matters previously adjudicated and were precluded by a prefiling order. Alan has not demonstrated that this is incorrect. In fact, he stated at the hearing that he would continue to file such motions and appeals until he received the jury trial that he believes he is entitled to have. We also affirm the portion of the March 18, 2022 order denying permission to file the motion and jury demand that Alan attempted to file in response to the writ of garnishment.

Camille has requested an award of attorney fees and costs. "When a party who received attorney fees below prevails on appeal, the party is also entitled to fees reasonably incurred on appeal." *Mardesich v. Sun Hill Homes LC*, 2017 UT App 33, ¶ 21, 392 P.3d 950 (cleaned up). Camille is awarded her attorney fees and costs incurred in opposing this appeal based upon the district court's previous awards. Camille is also entitled to an award of attorney fees under rule 33 of the Utah Rules of Appellate Procedure because Alan has filed a frivolous appeal that does not squarely address the matters properly before this court on appeal and therefore is without a basis in law or fact.

Finally, Camille has requested an extension of the Vexatious Litigant Order to proceedings in this court based upon rule 83(j) of the Utah Rules of Civil Procedure. *See* Utah R. Civ. P. 83(j) ("After a court has issued a vexatious litigant order, any other court may rely upon that court's findings and order against the litigant as provided in paragraph (b)."); *see also Vashisht-Rota v. Howell Mgmt. Servs.*, 2021 UT App 133, ¶ 22, 503 P.3d 526 (per curiam) (extending a vexatious litigant order to proceeding on appeal in the same case based upon rule 83(j)). Based upon the finding that Alan is a vexatious litigant, the district court's prefiling order requires him to submit proposed new filings to the presiding judge to determine whether they raise matters that have previously been determined by that court. Based upon the findings of the district court in the Vexatious Litigant Order, we extend the prefiling order to proceedings in this appeal and require Alan to submit any proposed new filings to this court with a request for permission to file them before they can be accepted for filing.

IT IS HEREBY ORDERED that the March 18, 2022 order is affirmed in its entirety. Because we affirm the order approving the writ of garnishment, we deny the request for a stay of that order, allowing the garnishment of wages to continue.

IT IS FURTHER ORDERED that Appellee Camille Headman is awarded her attorney fees and costs reasonably incurred in responding to this appeal in an amount to be determined by the district court.

IT IS FURTHER ORDERED that, based upon the findings of the district court, and pursuant to rule 83(j) of the Utah Rules of Civil Procedure, we adopt the prefiling order for any new filings in this appeal and require Alan to submit any new filings to this court for review and permission prior to filing.

Dated this 10th day of November, 2022.

FOR THE COURT:

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Gregory K. Orme, Judge

**APPENDIX B**

**IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH**

**Alan Headman, Respondent**

**v.**

**Camille Headman, Petitioner**

**Docket No. 114901377**

**ORDER ON OBJECTION  
TO WRIT OF CONTINUING GARNISHMENT**

**Date of Entry: March 18, 2022**

**Before: Presiding Judge Mark Kouris**

The Order of the Court is stated below:

Dated: March 18, 2022

09:36:40 AM

/s/ MARK KOURIS

District Court Judge



Kara L. Barton, 9006  
kara@bartonwood.com  
Ashley Wood, 10998  
ashley@bartonwood.com  
BARTONWOOD, P.C.  
551 E. South Temple  
Salt Lake City, UT 84102  
Phone: (801) 326-8300  
Fax: (801) 326-8301

Attorneys for Petitioner

IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH

CAMILLE HEADMAN,  Petitioner,  vs.  ALAN HEADMAN,  Respondent.	<b>ORDER ON OBJECTION TO WRIT OF CONTINUING GARNISHMENT HEARING MARCH 7, 2022</b>  Civil No. 114901377  Judge: Su Chon  Commissioner: Joanna Sagers
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A WebEx hearing on Respondent's Objection to Writ of Continuing Garnishment was held March 7, 2022, before the Honorable Mark Kouris. Petitioner was present and represented by counsel of record, Ashley Wood, of the firm, BARTONWOOD, P.C., and Respondent was present and represented himself, pro se.

Based on the pleadings on file, oral arguments, and for good cause shown, it is hereby ordered:

1. Petitioner's Writ of Continuing Garnishment is granted. Respondent's employer shall garnish his wages as set forth in the Writ of Continuing Garnishment entered October 27, 2021.
2. Respondent's filings regarding his responses to the garnishment are not allowed, as they address issues previously raised and decided by the Court.

**\*\*\*END OF ORDER\*\*\***

*In accordance with the Utah State District Court's Efilng Standard No. 4, and URCP Rule 10, this Order does not bear the handwritten signature of the Judge, but instead displays an electronic signatures at the top of the first page of this Order.*

**RULE 7 NOTICE**

**You will please take notice** that pursuant to Rule 7 of the Utah Rules of Civil Procedure, the foregoing will be submitted for signature at the expiration of seven (7) days unless written objection is filed within that time period.

DATED this 7th day of March, 2022.

/s/ Ashley Wood  
Ashley Wood  
Attorney for Petitioner

**APPENDIX C**

**IN THE SUPREME COURT  
OF THE STATE OF UTAH**

Alan Headman, Petitioner

v.

Camille Headman, Respondent

Docket No. 20220335-CA

**ORDER DENYING CERTIORARI**

Date of Entry: February 23, 2023

Before: Justice John A. Pearce

**The Order of the Court is stated below:**

**Dated:** February 23, 2023

11:36:34 AM

/s/ John A. Pearce

Justice



**IN THE SUPREME COURT OF THE STATE OF UTAH**

----ooOoo----

Camille Headman,  
Respondent,  
v.  
Alan Headman,  
Petitioner.

**ORDER**

Supreme Court No. 20221037-SC

Court of Appeals No. 20220335-CA

Trial Court No. 114901377

----ooOoo----

This matter is before the Court upon a Petition for Writ of Certiorari, filed on November 25, 2022.

The Petition for Writ of Certiorari is denied. Petitioner's motion for respondent to pay the filing fee is also denied.

Respondent's request for attorneys fees incurred in responding to the petition for writ of certiorari is granted. This matter is remanded to the district court for the limited purpose of ascertaining the amount of those fees.

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

**APPENDIX D**

**IN THE SUPREME COURT  
OF THE STATE OF UTAH**

**Alan Headman, Petitioner**

**v.**

**Camille Headman, Respondent**

**Docket No. 20221037-SC**

**DENIAL OF REHEARING**

**Date of Entry: March 8, 2023**

**Before: Nicole I Gray, Clerk**



Nicholas Stiles  
Appellate Court Administrator  
  
Nicole I. Gray  
Clerk of Court

Supreme Court of Utah  
450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office  
Telephone 801-578-3900  
Email: [supremecourt@utcourts.gov](mailto:supremecourt@utcourts.gov)

Matthew B. Durrant	Chief Justice
John A. Pearce	Associate Chief Justice
Paige Petersen	Justice
Diana Hagen	Justice
Jill M. Pohlman	Justice

March 8, 2023

ALAN HEADMAN  
1225 FM 1002 S  
BIG SANDY TX 75755  
Afam51@yahoo.com

Re: Petition for Rehearing

Case No. 20221037-SC

Dear Alan Headman:

I am writing in response to your filing of a "Petition for Rehearing," received in the Supreme Court on March 6, 2023. The case number you reference was a Petition for Writ of Certiorari which was denied by the Utah Supreme Court on February 23, 2023. Please be advised that pursuant to Utah Supreme Court Standing Order No. 2, the Utah Supreme Court does not accept petitions for rehearing or requests to reconsider in matters in which Petitions for Writs of Certiorari have been denied. Your petition for rehearing is being returned to you.

If you are seeking a review of a decision of the Utah Supreme Court, please be advised that the Supreme Court of the United States is the only court which has jurisdiction to review decisions of state Supreme Courts.

No further filings will be accepted in Utah Supreme Court Case No. 20221043-SC.

Respectfully,

Nicole I. Gray  
Clerk of Court

cc: KARA BARTON  
ASHLEY WOOD

**APPENDIX E**

**Alan Headman, Respondent**

**v.**

**Camille Headman, Petitioner**

**Docket No. 114901377**

**DEMAND FOR TRIAL BY JURY**

**Date of Entry: March 12, 2019**

**Before Judge: Royal I. Hansen  
Commissioner: Joanna Sagers**

Third Judicial District

MAR 12 2019

By ALC SALT LAKE COUNTY  
Deputy Clerk

Alan Headman  
420 West Cadbury Dr, E-204  
South Jordan, Utah 84095  
(801)703-5422  
Afam51@yahoo.com

Respondent Pro Se

In the District Court of Utah  
Third Judicial District Salt Lake County

Court Address:

Matheson Courthouse 450 South State St  
P.O. Box 1860  
Salt Lake City, UT 84114-1860

<b>DEMAND FOR TRIAL BY JURY</b>	
Camille Headman Petitioner	<b>114901377</b> Case Number
v.	Honorable Royal I. Hansen Judge
Alan Headman Respondent	Joanna Sagers Commissioner

**DEMAND FOR TRIAL BY JURY**

**CONCISE STATEMENTS OF DEMAND** – The Respondent, claiming that the State of Utah, the Utah Judicial Counsel and the Utah Administrative Office of the Courts (collectively referred to as the “Utah Judicial System” or the “Court” has conflicting interests in fairly administering fault laws and in executing an action which brings their

interpretation of laws into question, respectfully demands that a trial by Jury over the matters listed below occurs to ensure the related questions of law receive their fair and unbiased consideration as provided by URCP Rule 57 Declaratory Judgements. Citing Rule 57, "The existence of another adequate remedy" in this case any potential remedy over ensuring justice when conflicting interests are claimed, "does not preclude a judgment for declaratory relief in cases where it is appropriate". The matters requested for the Jury are as follows:

- 1) Within the Respondent's Motion for Declaratory Judgement and Request for Speedy Hearing filed with the Court on November 20, 2018, the Respondent requested declaratory judgement to be made in the affirmative upon 10 items which relate to how the Court applies fault laws and determines when fraud upon the court is committed within Utah. The Jury is demanded to certify that a satisfactory response is received for each declaratory item according to the guidance of URCP Rule 57 Declaratory Judgements.
- 2) Within the Respondent's Motion to Set Aside Order, the Respondent claims that fraud upon the court was committed by the Petitioner's Attorney on behalf of the Petitioner (the two of which are cousins) to secure a favorable outcome for the Petitioner within the divorce action. The Jury is demanded to answer the questions of law, based upon the declarations resulting from Item (1) and use the answers to determine if a basis exists to set aside the related order of divorce.

3) The Jury is demanded to then determine if attorney sanctions are appropriate under the Respondent's Motion for Sanctions Upon Ashley Wood and/or Bartonwood, P.C. for Obstructing Court Justice based upon the outcomes of items (1) and (2).

**SUMMARY OF GROUNDS FOR DEMAND FOR TRIAL BY JURY – Under URCP Rule**

38 Jury Trial of Right, "The right of trial by jury as declared by the constitution or as given by statute shall be preserved to the parties". The Respondent has the right to have a trial by Jury which shall be designated, according to URCP Rule 39 Trial by Jury or by the Court upon the register of actions, as a "jury action".

## CITING AUTHORITIES

## **RULES**

URCP Rule 38 Jury Trial of Right.....	2
URCP Rule 39 Trial by Jury or by the Court.....	2
URCP Rule 57 Declaratory Judgements .....	2

For the foregoing reasons, I as Respondent, respectfully demand that the above mentioned matters be tried by Jury

as 14

March 12, 2019

Sign here /s/ Alan Headman

/s/ Alan Headman

Typed or Printed Name      Alan Headman

Alan Headman

### Certificate of Service

I certify that I served according to Rule 11(c)(1), Utah R.Civ.P.) I served a copy of this document and all attached documents and forms on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
Kara L. Barton, 9006 <u>kara@bartonwood.com</u> Ashley Wood, 10998 <u>ashley@bartonwood.com</u>	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input checked="" type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	<b>BartonWood, P.C.</b> 551 E. South Temple Salt Lake City, UT 84102  P: (801)326-8300 F: (801)326-8301	3/12/19
Attorneys for Petitioner  Brook A. Mathews <u>brooke@bartonwood.com</u>  Paralegal			
Clerk of Third Judicial District Court	<input checked="" type="checkbox"/> Mail <input checked="" type="checkbox"/> Hand Delivery (as needed) <input type="checkbox"/> Electronic File		3/12/19

March 12, 2019

Sign here

*aa/lh*  
/s/ Alan Headman

Date

Typed or Printed Name

Alan Headman

**APPENDIX F**

**DECLARATION OF PETITIONER REGARDING  
INVOLUNTARY SERVITUDE  
FOR WRIT OF CERTIORARI DENIED BY SCOTUS CLERK**

**Alan Headman, Petitioner**

**v.**

**Royal I. Hansen, Joanna Sagers, Matthew B. Durrant,  
Thomas Rex Lee, Constandinos Himonas,  
John A. Pearce, Paige Petersen, Respondent**

**Docket No. 20-698**

**EXHIBIT FILED IN PREVIOUS ACTION**

**Date of Entry: November 01, 2020**

**Before: Scott S. Harris, Clerk**

## APPENDIX F

### DECLARATION OF PETITIONER REGARDING INVOLUNTARY SERVITUDE

Under penalty of perjury, I Alan headman as a Citizen of the United States state as follows:

- I never signed a pre-nuptial agreement wherein I conceded to pay alimony to my former spouse should my marriage end in divorce.
- I was notified that although my divorce was caused by a clear act of fault which, on its face qualified me for protection of law, the Courts in Utah would not grant me protection of law.
- I was constructively notified that my rights to life, liberty and property were not God-given, inseparable or inalienable and that the State would act as if they owned my rights.
- I was instructed that the state would not look to voluntary concessions made for the assessment of alimony instead they would solely be made based upon who had an ability to pay and who had a need.
- I was instructed that if I chose to fight for my protection from unjustified involuntary servitude, or protection of fault laws, it would take years, tens of thousands (if not hundreds of thousands) of dollars, would steal resources from and be detrimental to my children but would not likely prevail against a system that looked to needs and ability not to the inseparability of citizen's rights without due process of law.
- I was coerced into a term of alimony, which included deception and omissions of facts filed with the Court, by Court officers who had sworn to uphold the Constitution including my right to be protected from Involuntary Servitude.
- Even following a 50% decline in income, specific divorce decree provisions that a loss of income will qualify as a material change in circumstance, and a concession that my 50% decline in income is a material change in circumstance by my former spouse, I have been fighting for my right to relief from alimony for approximately four years.
- Despite having not been convicted of any crime, I have been incarcerated, fined, labelled with false menacing labels and been issued threats by a state court system that should protect me.
- I DO NOT CONCEDED TO PAYING ALIMONY VOLUNTARILY
- ANY STATE COURT FORCING ME TO PAY ALIMONY IS DOING IT INVOLUNTARILY
- I AM ENTITLED TO FEDERAL PROTECTION FROM INVOLUNTARY SERVITUDE AS A CITIZEN OF THE UNITED STATES

I declare under penalty of perjury that the foregoing is true and correct.

November 1, 2020	Sign here	/s/ Alan Headman
Date	Typed or Printed Name	Alan Headman

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

January 11, 2021

Clerk  
United States Court of Appeals for the Tenth  
Circuit  
Byron White Courthouse  
1823 Stout Street  
Denver, CO 80257

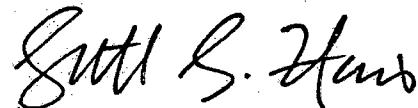
Re: Alan Headman  
v. Royal I. Hansen, et al.  
No. 20-698  
(Your No. 20-4035)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



**Scott S. Harris, Clerk**