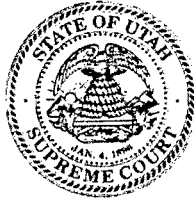


Appendix One

1. June 9th, 2023 Order
(FINAL October 10, 2023)



The Order of the Court is
stated below:

Dated: October 10, 2023
/s/ John A. Pearce 10:25:15
AM Justice

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

-----ooOoo-----

HOWELL MANAGEMENT SERVICES, LLC,
Respondent, v.
APARNA VASHISHT-ROTA,
Petitioner.
ORDER

Supreme Court No. 20230661-SC
Court of Appeals No. 20230500-CA
Trial Court No. 170100325

-----ooOoo-----

This matter is before the Court upon a Petition for Writ of
Certiorari, filed on August 1, 2023.

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

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

AUG 01 2023

HOWELL MANAGEMENT SERVICES, LLC,
Respondent, v.
APARNA VASHISHT-ROTA,
Petitioner.

ORDER

Court of Appeals No. 20230500-CA
Trial Court No. 170100325

**IN THE UTAH COURT OF
APPEALS**

Before Judges Orme, Harris, and Oliver.

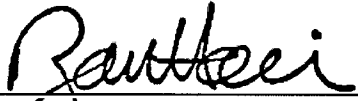
This matter is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final appealable order. Generally, [a]n appeal is improper if it is taken from an order or judgment that is not final. *Bradbury v. Valencia*, 2000 UT 50, ¶ 9, 5 P.3d 649 (citation omitted). To be final, the trial courts order or judgment must dispose of all parties and claims to an action. *Id.* ¶ 10. The notice of appeal in this case did not identify a final order for purposes of appeal. Indeed, there was no order entered on the date identified in the notice of appeal. And the court docket does not have any final order entered that could attach to this

notice of appeal.¹ The proceedings remain pending in the district court. Accordingly, no final order has been entered in this case. Therefore, we lack jurisdiction and must dismiss the appeal. *See id.* ¶ 8.

IT IS HEREBY ORDERED that the

appeal is dismissed~~ed~~. Dated this 31 day
of July, 2023.

FOR THE COURT:



Ryan M. Harris, Judge
~~yan. -lla—udge~~

1. The docketing statement identified a memorandum decision and order entered on June 9, 2023. However, that order is not a final order. Furthermore, the docketing statement did not state an issue related to that order.

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2023, 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:

APARNA VASHISHT ROTA

aps.rota@gmail.com

JEFFREY WESTON SHIELDS

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**FIRST DISTRICT, LOGAN DEPT ATTN:
JANET REESE**

logancrim@utcourts.gov

By E. Gilman

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Case No. 20230500-CA
FIRST DISTRICT, LOGAN DEPT, 170100325

**THE FIRST JUDICIAL DISTRICT COURT
IN AND FOR CACHE COUNTY, STATE OF
UTAH**

HOWELL MANAGEMENT
SERVICES, a

Plaintif

**MEMORANDUM DECISION
AND ORDER**

vs.

Case No.

AUGUST EDUCATION GROUP LLC, a
California limited liability company; and
APARNA VASHISHT ROTA, an individual;

Defendants.

Judge Spencer D.

THIS MATTER IS BEFORE THE COURT on
the Plaintiffs Motion to Adopt the Vexatious
Litigant Order Pursuant to Rule 83(j). In
preparation of this Decision, the Court has
reviewed the moving papers and examined the
applicable legal authorities. Having considered the
foregoing, the Court issues this Decision.

SUMMARY

On February 17, 2023, the Plaintiff, Howell Management Services, filed its Motion to Adopt the Vexatious Order Pursuant to Rule 83(j) [D.E. 615]. Plaintiff filed a Request to Submit on February 22, 2023.

BACKGROUND

The Plaintiff commenced this action by filing its complaint alleging four causes of action. First, declaratory relief that it owes the Defendant Apama Vashisht Rota ("Defendant") no money, second, that the Defendant breached its contract, third, that it should be awarded civil damages for the Defendant violating the Utah Criminal Code, and lastly, that the Court should award injunctive or equitable relief to enforce the provisions of the contract. On December 1, 2022, the Utah Court of

Appeals filed its decision in this case [D.E. 600],
dismissing the interlocutory appeal because they will
not allow the Defendant to frustrate the judicial
process, especially in light of the repeated warnings
and cautions of her own counsel.

On November 3, 2020, Plaintiff filed the
Motion to Stay, requesting that the Court stay "all
matters pending before this Court" and
enforcement of the Judgement pending the outcome
of the Appeal. Mot. to Stay [D.E. 544], at 2. The
Defendant filed a Memorandum in Opposition
opposing the Motion to Stay, requesting that the
Court narrow the effect of any stay and issue
conditions to protect Defendant's interest at issue
in this action³. The Plaintiff filed a Memorandum

³ On November 3, 2020, the Court issued an Amended
Judgment [D.E. 541].

in Support arguing that the Court should stay proceedings without narrowing its effect and issuing conditions. This Court issued its Memorandum Decision and Order [D.E. 557] granting the Motion to Stay finding that issuing the order was warranted pending Appeal because the Plaintiff will be irreparably hanned if a stay is not issued because they would be unable to financially support the Appeal if the Court moved forward with the proceedings, that the Defendant would ont be substantially injured by the stay, and that the public interest weighed in favor of a stay by promoting judicial efficiency. M.D. at 4.

On December 15, 2021, the Court of Appeals filed its order in case no. 200100119 [D.E.

515]. The Court of Appeals found that the district court did not err when it found that the Defendant was a vexatious litigant and adopted the order into the appellate case. The Plaintiff now requests that pursuant to rule 83(i), this Court should adopt the prior vexatious litigant order from case no.

200100119, impose filing restrictions, and apply the order retroactively to effectively render the Defendant's filings in this case moot.

RELEVANT FACTS⁴

1. Since the commencement of this case, there have been numerous instances of misconduct by the Defendant in at least two of the cases in Utah.

⁴ This Court will adopt the relevant facts from Plaintiff's Motion to Mot. for Court to Adopt Vexatious Litigant Order Pursuant to Rule 83(j).

2. For instance, the Defendant has repeatedly disclosed confidential information to third parties, in violation of a protective order issued in this case and after numerous warnings. As a result, this Court entered terminating sanctions against the Defendant and struck both Her and AEG's answer and counterclaim and entered their default on Plaintiff's Complaint as a sanction for Rota's "open and blatant disregard for the Court's mandates" and bad faith actions in violating the protective order. *See Memorandum Decision on Amended Motion for Issuance of an Order to Show Cause Re: Contempt of Protective Order ("Sanction Order")* at 19.
3. The Defendant appealed the Sanctions Order by filing a petition for interlocutory appeal,

which was granted. See Docket, Case No. 20200713-CA.

4. The Sanctions Order was affirmed when, on November 1, 2022, the Utah Court of Appeals entered an order ("November 2022 Order") dismissing Defendant's interlocutory appeal because of her frequent misconduct, refusal to follow the Rules, and inclusion of entirely inappropriate material and arguments during the appeal.
5. A small sampling of these filings, as set forth in the November 2022 Order, are as follows:
 - a. A letter and a 296-page document titled "Brief for the October 18, 2022 Meeting to Show Cause." According to the Court of Appeals, only 19 pages are somewhat

substantive. The Defendant filed three actions in California and one in Utah: (1) Rota v. Howell Management Servs., et al., No. 2:18-cv02010-L-AGS, in San Diego Superior Court in and for the State of California; (2) Rota v. Howell Management Services, LLC, No. 19-cv-0512-L-MDD, in United States District Court for the Southern District of California; (3) Rota v. Howell Management Servs. et al., No. 3:20-cv-00321-TWR-KSC; and (4) Vashisht-Rota v. Howell Mgmt. Servs., No. 200100119 in Cache County, State of Utah. All have been dismissed.

- b. A document captioned "Motion to Clarify September 13, 2022 Order," which contains a 4-page motion and around 100 pages of attachments.

Most of the attachments were not related to the case.

- c. A "Motion to Change Venue," which was 392 pages long and accused Judge Fonnesebeck of "extreme prejudice and hatred towards minorities."
- d. A 2-page letter with 31 pages of attachments, followed by 94 pages of supplemental exhibits. One of these exhibits accuses the Utah judiciary of racism, misogyny, and other biases.
- e. A document titled "Appellant's Motion [for] Proposed Orders." This motion is 291 pages long and was not requested by the court. It was followed by a 212-page filing, and another 223-page filing. *See* November 2022 Order at 2-5.

6. Even after the Court of Appeals told the parties that "this court, and its staff, will not consider any further filings from either party not provided by rule on the subjects of these hearings except by invitation of the Court," Defendant "continue[d] to flood the court with her inappropriate filings." *Id.*
7. Defendant appealed the Sanctions Order to the Utah Supreme Court with a Petition for Writ of Certiorari. This petition was denied as a motion for rehearing. *See* Docket, Case No. 20200713-CA.
8. Defendant filed another case in Cache County, Utah on April 17, 2020, as a prose party, *Vashisht-Rota v. Howell Mgmt. Servs.*, Case No. 200100119, related to the same business relationship at issue in this case and in the

same jurisdiction as this case ("Utah Pro Se Case").

9. Defendant has filed numerous papers and pleadings without merit in the Utah Pro Se Case seeking relief for orders entered in this litigation. *See* Docket, Case No. 200100119.
10. Defendant accused opposing counsel and the Utah judiciary of racist, bigoted, biased, illegal and other serious misconduct without any factual support.
11. As a result of the Defendant's inappropriate actions in the Utah Pro Se Case, HMS filed a Motion for Determination that Plaintiff is a Vexatious Litigant Pursuant to Rule 83. In the motion, HMS asked the Court for an order that Rota had to obtain legal counsel to pursue the case, or alternatively, that Rota should be

subject to a pre-filing court approval requirement.

12. Judge Fonnesebeck issued the Vexatious Litigant Order on April 25, 2021, finding that the Defendant was a vexatious litigant and requiring her to proceed with counsel.
13. The Defendant appealed the Vexatious Litigant Order to the Utah Court of Appeals. On appeal, the court affirmed the Vexatious Litigant Order and adopted and applied it in the appellate proceedings pursuant to Rule 83(i). *See Vashisht-Rota v. Howell Mgmt. Servs.*, 2021 UT App 133, 503 P.3d 526, cert. denied sub nom. *Vashisht-Rota v. Howell Mgt.*, 509 P.3d 196 (Utah 2022).
14. The Defendant has also endeavored to file documents on behalf of AEG, which is a limited liability company.

15. As recently as December 8, 2022, the Defendant sent the Utah Supreme Court and Plaintiff's counsel multiple emails with six attachments. In these attachments, the Defendant continues to personally attack the judges of the Utah Court of Appeals and Judge Fennesbeck.

16. In an attachment, attached to the Plaintiff's Motion, Defendant calls the case "a pure race based attack on my family." Defendant further states: "This should have been over a long time ago, instead, due to pure hatred for my race and gender and some assumed motive that I could not defend against, Utah continuously blocked and denied me forum for one thing or another."⁵³

⁵ Exhibit A attached to Plaintiff's Mot. for Court to Adopt Vexatious Litigant Order.

17. In another attachment, attached to Plaintiff's Motion, the Defendant says she "do[es] not want Judge Fennesbeck to be on this case. She is hostile." In this attachment, the Defendant states that she has "filed several motions from 11/19-11/21 to set aside default, leave to amend, and other post trial [motions] appropriate at this time," but that none of these motions appear on the docket.⁶
18. On February 14, 2023, the Defendant sent more than thirteen (13) emails containing dozens of attachments to counsel and the Court, which requested various forms of relief.

ANALYSIS

⁶ Exhibit A attached to Plaintiff's Mot. for Court to Adopt Vexatious Litigant Order.

I. Pursuant to Rule 83G) of Civil Procedure this Court Finds the Defendant a Vexatious Litigant.

Rule 83(i) states that after a litigant has been ordered vexatious, "any other court may rely upon that court's findings and order its own restrictions against the litigant any other court may rely upon that court's findings and order its own restrictions against the litigant as provided in paragraph (b)".

Utah R. Civ. P. 83(i). In order to be found vexatious, the court must "find by clear and convincing evidence that the pro se litigant committed three or more proscribed acts in any one action, though not necessarily the action in which the vexatious litigant motion is filed." *Strand v. Nupetco Assocs. LLC*, 2017 UT App 55, 'if 19,397 P.3d 724, 727

Rule 1 of the Utah Rules of Civil Procedure states, in relevant part, that the rules "govern the procedure in the courts of the state of Utah in all

actions of a civil nature, whether cognizable at law or in equity, and in all statutory proceedings, except as governed by other rules promulgated by this court or statutes enacted by the Legislature and except as stated in Rule 81." Utah R. Civ. Pro. 1.

In the absence of any restrictions provided by the rules of civil procedure, this Court will rely on its previous factual findings and decision affirmed by the Utah Appellate Court finding the Defendant a vexatious litigant. However, this Court will also find that the Defendant has engaged in and continues to engage in similar inappropriate conduct in this case as well. As discussed above, the Defendant has filed numerous pleadings or other papers that contain scandalous and immaterial content, has engaged in similar frivolous tactics against the Plaintiff through email, and has attempted to file papers on behalf of its co-defendant August Education Group

("AEG") despite a lack of evidence that the Defendant being a lawyer licensed in this state to represent AEG. *See* Utah R. Civ. P. 83(a)(1)(C); *see also DeBry v. Cascade Enterprises*, 879 P.2d 1353, 1362 (Utah 1994) ("A nonlawyer may not undertake legal representation of a corporate litigant."). Accordingly, based upon the language of rule 1, and in the absence of an inconsistent Court ruling on vexatious litigants, this Court concludes that the First District Court, as a Utah state court handling a civil matter, can rely on rule 83(j) and rely upon the findings of the First District Court to impose restrictions upon the Defendant as provided in rule 83(b) of the Utah Rules of Civil Procedure. Further, in reliance upon the findings contained in the Vexatious Litigant Order in case no. 200100119 and in this case above, this court adopts the filing restrictions imposed therein and will require the

Defendant to be represented by legal counsel in connection with any future proceedings in this action. Finally, this Court will not apply this rule retroactively where Rule 83(e)(1) states that the pre-filing restriction of "*future claims* shall submit an application seeking an order before filing." Utah R. Civ. P. 83(e)(1) (emphasis added). Accordingly, this Court adopts its previous order finding the Defendant a vexatious litigant, imposes the filing restrictions and will require the Defendant to be represented by legal counsel in connection with any future proceedings.

CONCLUSION

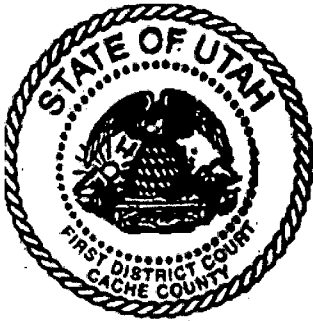
Based on the foregoing, IT IS HEREBY ORDERED that the Plaintiff's Motion to Adopt the Vexatious Litigant Order Pursuant to Rule 83(j) be GRANTED. This decision represents the order of the

Court. No further order is necessary to effectuate this
decision.

DATED this

Cf day

BY THE COURT:



Spæc D. Walsh
Spæc D. Walsh

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 170100325 by the method and on the date specified.

MANUAL EMAIL: ELIZABETH

BUTLER

LBUTLER@PARSONSBEHLE.COM

MANUAL EMAIL: NATHAN

THOMAS

NTHOMAS@PARSONSBEHLE.CO

M MANUAL EMAIL: KENNEDY

NATE KNATE@RQN.COM

MANUAL EMAIL: STEPHANIE

HANAWALT

SHANAWALT@RQN.COM

MANUAL EMAIL: JEFFREY

SHIELDS JSHIELDS@RQN.COM

MANUAL EMAIL: APARNA VASHISHT ROTA

aps.rota@gmail.com

06/09/2023

/s/ ANGELA BROWN

Date:

Signature