

Exhibit A

APR - 7 2017

ROGIER BRYNER,
Appellant,
v.
CLEARFIELD CITY AND
UTAH STATE RECORDS COMMITTEE,
Appellees.

ORDER OF SUMMARY DISMISSAL

Case No. 20161089 -CA

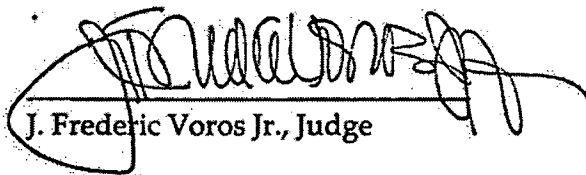
Roger Bryner appeals the district court's December 15, 2016 order. This matter is before the court on our own motion for summary disposition. We dismiss the appeal for lack of jurisdiction.

The December 15, 2016 order does not constitute a final, appealable order as the order does not resolve all claims pending before the district court. Furthermore, the appeal does not qualify for any exception to the final judgment rule. Thus, we are required to dismiss this appeal for lack of jurisdiction. *See Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Accordingly, IT IS HEREBY ORDERED that the appeal is dismissed without prejudice. IT IS FURTHER ORDERED that Bryner's March 30, 2017 motion to stay and further extend time is denied.

Dated this 7th day of April, 2017.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "J. Frederic Voros Jr.", is written over a horizontal line. The signature is stylized with loops and flourishes.

J. Frederic Voros Jr., Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2017, a true and correct copy of the foregoing ORDER OF SUMMARY DISMISSAL was sent by electronic mail to be delivered to:

Roger Bryner
roger.bryner@yahoo.com

BRENT A. BURNETT
brentburnett@utah.gov

PAUL H. TONKS
ptonks@utah.gov

STUART E. WILLIAMS
stuart.williams@clearfieldcity.org

SECOND DISTRICT, FARMINGTON
ATTN: KIMBERLY SHEFFIELD
kimberlys@utcourts.gov

By 
Jeffrey Ricks
Judicial Assistant

Case No. 20161089
SECOND DISTRICT, FARMINGTON, 150701062

Exhibit B

The Order of the Court is stated below:
Dated: September 20, 2017 10:10:26 AM

/s/ Thomas R. Lee
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. 20170574-SC

Court of Appeals No. 20161089-CA

Trial Court No. 150701062

----ooOoo----

This matter is before the Court upon a Petition for Writ of Certiorari, filed on July 17, 2017.

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

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

---oo0oo---

Appellate Case No. 20170574-SC

---ooOoo---

September 21, 2017
Date

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2017, true and correct copies of the foregoing ORDER and NOTICE OF DECISION were deposited in the United States mail or was sent by electronic mail to be delivered to:

Roger Bryner
roger.bryner@yahoo.com

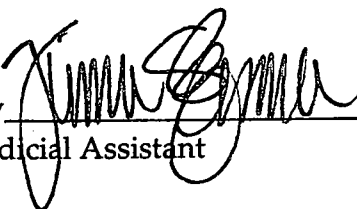
BRENT A. BURNETT
brentburnett@agutah.gov

PAUL H. TONKS
phtonks@agutah.gov

STUART E. WILLIAMS
stuart.williams@clearfieldcity.org

and a true and correct copy of the foregoing ORDER and NOTICE OF DECISION was sent by electronic mail to the court(s) listed below:

SECOND DISTRICT, FARMINGTON
ATTN: KIMBERLY SHEFFIELD
kimberlys@utcourts.gov

By _____
Judicial Assistant

Case No.: 20170574-SC
SECOND DISTRICT, FARMINGTON, #150701062
Court of Appeals Case No. 20161089-CA

Exhibit C

FILED

DEC 15 2016

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 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
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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:

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(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).

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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.

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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, impenitent, 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

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

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-

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 filling to be frivolous.

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 "demonstate[] 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.

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-parte 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, Allphin and Morris for collusion to Decide Motions to Extend Time Improperly Between the 3 of Them Prior o 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 finding of vexatious litigant under Utah R. Civ. P. 83(a)(1)(C).

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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
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- 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
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Date signed: 12-15-16

A handwritten signature in black ink, appearing to read "Michael Allphin", written over a horizontal line.

DISTRICT COURT JUDGE
MICHAEL G. ALLPHIN

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

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of December, 2016 I sent a true and correct copy of the foregoing **RULING AND ORDER ON ORDER TO SHOW CAUSE** to the parties as follows:

Roger Bryner
General Delivery
Kaysville, Utah 84037


Deputy Court Clerk