IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. GARY WILLIAM FOWLER, Defendant.	ORDER CONTINUING SENTENCING Case No. 1:04CR-038JTG

Based upon motion of the defendant, the stipulation of the government and good cause appearing therefor;

IT IS HEREBY ORDERED that sentencing presently scheduled for September 26, 2006, at 11:00 a.m. is stricken and that the matter is reset for sentencing on the 8th day of November 2006, at 10:00 A.M.

DATED this 22nd day of September 2006.

J. Thomas Greene

J. THOMAS GREENE
U.S. District Court Judge

Bradford K. Newman (pro hac vice)
Stephen H. Wong (pro hac vice)
Shannon S. Sevey (pro hac vice)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
Five Palo Alto Square, Sixth Floor
Palo Alto, CA 94306-2155
Telephone: (650) 320-1800
Facsimile: (650) 320-1900

Scott M. Petersen, A7599
David N. Kelley, A9137
FABIAN & CLENDENIN,
A Professional Corporation
Twelfth Floor
215 South State Street
P.O. Box 510210
Salt Lake City, Utah 84151
Telephone: (801) 531-8900

Attorneys for Plaintiff
CorVel Corporation

IN THE UNITED STATES DISTRICT COURT
DISTRICT UTAH

CORVEL CORPORATION, Plaintiff, vs. FRANCINE JOHNSON, an individual, Defendant.	)	**ORDER OF DISMISSAL WITH PREJUDICE** Civil No. 1:05CV00110 Judge Dee V. Benson

The stipulation and motion of the parties having been carefully considered and with good cause appearing therefor:

IT IS THEREFORE ORDERED that the above-entitled action be and is hereby dismissed

with prejudice and upon the merits, each party to bear its own costs and attorney fees incurred herein.

DATED this 21st day of September 2006.

Dee V. Benson
United States District Judge

Approved as to form:

/s/ Perrin R. Love
Rodney G. Snow
Perrin R. Love
Christopher B. Snow
CLYDE SNOW SESSIONS & SWENSON
Attorneys for Defendant Johnson

ND: 4835-0325-2481, Ver 1

ND: 4835-0325-2481, Ver 1

Mark F. James (5295)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Attorneys for Defendants Doug Kearl and Karel Kearl

IN THE UNITED STATES DISTRICT COURT
THE DISTRICT OF UTAH

LINDA SHERMAN and CLINT KEARL, Individuals, Plaintiffs, vs. DOUG KEARL and KAREL KEARL, Individuals, Defendants.	**~~[PROPOSED]~~ ORDER GRANTING MOTION TO WITHDRAW MARK H. RICHARDS AS COUNSEL** Case No. 1:05CV00129 BSJ Judge Bruce S. Jenkins

Based on the Motion to Withdraw Mark H. Richards as Counsel filed by Defendants Doug Kearl and Karel Kearl, the Court hereby orders as follows:

Mark H. Richards is hereby withdrawn as counsel for Doug Kearl and Karel Kearl in the above-entitled action.

DATED this 20 day of September, 2006.

BY THE COURT:

Honorable Bruce S. Jenkins
U.S. District Court Judge

BRETT L. TOLMAN, United States Attorney (#8821)
JEANNETTE F. SWENT, Assistant United States Attorney (#6043)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111-1506
Telephone (801) 524-5682

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	O R D E R
Plaintiff,	)	
vs.	)	
	)	Case No. 1:06CV00040
JOAQUIN JORDI MORAN,	)	Honorable David Sam
Defendant.	)	

The Court, having received the Stipulation of the parties dated September 18, 2006, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. MORAN is indebted to the United States in the principal sum of $3,005.16, interest accrued to August 3, 2006 in the sum of $3,695.11, plus interest thereafter at the rate of 10.00% per annum.

2. MORAN has agreed to pay and the United States has agreed to accept in settlement of this case the sum of $4,505.16, payable by September 18, 2006. Said payment shall be made in the form of a cashier's check or money order made payable to the U.S. Department of Justice and sent to the office of the United States

Attorney, 185 South State Street, Suite 400, Salt Lake City, Utah 84111-1506.

3. In consideration for the mutual promises made in this Stipulation, the United States has agreed to file a "Notice Of Dismissal" with the Court if MORAN strictly complies with the agreement set forth in paragraph 2 above. MORAN has consented that in the event HE fails to strictly comply with the agreement set forth in paragraph 2 above, the United States may move the Court ex parte for a judgment for the full amount sought in the Complaint and may move the court for a Writ of Garnishment or any other appropriate order deemed necessary for the purpose of satisfying said judgment in full.

DATED this 29th day of September, 2006.

BY THE COURT:

Honorable David Sam, Senior Judge
United States District Court

Approved as to form:

JOAQUIN JORDI MORAN
Defendant

Rick L. Rose (5140)
Kristine M. Larsen (9228)
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500

Attorneys for Defendant Merck & Co., Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JOYCE MOWER, Individually, and in his capacity as the Personal Representative of the ESTATE OF DORIS RHOADES, and the heirs at law, Plaintiffs, v. MERCK & CO., INC., Defendant.	Civil No. 1:06cv00092 Judge: Dale A. Kimball **ORDER GRANTING MOTION TO STAY PROCEEDINGS**

Based upon the memoranda submitted by the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED that the proceedings in this action are stayed pending transfer of this action to the MDL-1657 in the Eastern District of Louisiana.

DATED this 21st day of September, 2006.

BY THE COURT:

Honorable Dale A. Kimball
U.S. District Court Judge

BEL-AMI DE MONTREUX, #6207
ATTORNEY AT LAW
MONTREUX FRÈRES, P.C.
370 EAST SOUTH TEMPLE, SUITE 580
SALT LAKE CITY, UTAH 84111

TELEPHONE (801) 359-6844

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MICHELLE BOYER, PLAINTIFF, VS. CORDANT TECHNOLOGY, INC., DEFENDANT.	:	**ORDER ON APPLICATION FOR RELEASE OF FUNDS TO ATTORNEY LIEN CLAIMANT** CASE NO. 1:99 CV 00070 BSJ HONORABLE BRUCE S. JENKINS
BEL-AMI DE MONTREUX, ATTORNEY LIEN CLAIMANT.	:	

On Application of Attorney Lien Claimant Bel-Ami de Montreux, and good cause appearing therefore,

IT IS HEREBY ORDERED that the application is granted.

IT IS FURTHER ORDERED that the Clerk of the Court shall release to Attorney Lien Claimant Bel-Ami de Montreux, 370 East South Temple, Suite 580, Salt Lake City, Utah 84111, the funds in the amount of Two Thousand Five Hundred and Fifty Dollars currently deposited with the Court.

DATED this 20 day of September 2006.

BY THE COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RANDY DEE HEINER, Defendant.	**ORDER** Case No. 2:03-CR-00389 Judge Dee Benson

On March 24, 2004, defendant Randy Dee Heiner appeared before this Court and was sentenced to a 15 month term of incarceration to be followed by 36 months of supervised release. On July 21, 2006, Mr. Heiner moved this Court to terminate his term of supervised release pursuant to 18 U.S.C. § 3563(c) and § 3553. Having considered the factors set forth in § 3553, the Court GRANTS Mr. Heiner's motion and hereby orders that his term of supervised release be terminated.

IT IS SO ORDERED.

DATED this 20th day of September 2006.

Dee Benson
United States District Judge

Charles A. Schultz, USB # 4760
Attorney for Plaintiff
222 West 700 South
Brigham City, Utah 84302
Telephone: 435.225.2636

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

---oooOooo---

KAREN REEDER,	:	Case Number: 2:03CV0226 DS
Plaintiff,	:	
vs.	:	Judge: Sam
THE WASATCH COUNTY SCHOOL DISTRICT,	:	
Defendant.	:	***FINAL SCHEDULING ORDER***

---oooOooo---

The parties hereby agree and stipulate that the initial Scheduling Order in this Matter should be modified as follows:

1. Final supplementations under Rule 26(e) are due October 15, 2006.

2. The Plaintiff shall designate her expert witnesses by November 1, 2006.

3. The defendant shall designate its expert witnesses by December 1, 2006.

4. Reports from retained experts under Rule 26(a)(3) are due November 1, 2006, for the Plaintiff and by December 1, 2006 for the defendant.

5. Discovery of expert witnesses shall be completed by March 1, 2007.

6. All fact discovery will be completed no later than January 1, 2007.

7. Dispositive motions shall be filed by May 1, 2007.

8. 5 day jury, dd

All other provisions of the Initial Scheduling Order shall remain the same.

9. Ready for trial in July or August 2007 dd

10. Settlement assessment poor at this time. dd

Dated this 21st day of September 2006.

Charles A. Schultz
Attorney for Karen Reeder

Dated this 14 day September 2006.

Richard D. Bissell
Attorney for Defendant

Dated this 21st day of September 2006.

BY THE COURT:

David Sam
United States District Court Judge

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

* *

TELECOM ITALIA S.p.A,	)	Case No. 2:03CV00641 DS
Plaintiff,	)	
vs.	)	ORDER
L-3 COMMUNICATIONS CORP., ET AL.,	)	
Defendants.	)	

* *

Pending before the Court for decision is Plaintiff's Motion to Reconsider the Court's August 9th Order on Attorney Fees. The basis of Plaintiff's Motion is that "it is unclear from the Court's Order whether the Plaintiff's Objection to Defendants' Attorney Fees was considered by the Court before issuing its order." Mot. p. 1.

Plaintiff's Motion is without merit. A cursory examination of the August 9th Order reflects that the Court indeed did consider Plaintiff's Objection. Plaintiff's further suggestion that somehow it was disadvantaged because one newly appearing attorney claims he did not receive electronic service of Defendants' responsive pleading, when it is undisputed that two other attorneys with the same law firm received copies of the pleading, is unpersuasive.

In short, for the reasons generally set forth in Defendants' responsive pleading the Court finds no basis in law or fact to grant the relief requested and Plaintiff Telecom Italia's Motion to Reconsider (Doc. # 83) is summarily denied. Because Plaintiff represents that it has now paid the fees as ordered, the Court declines Defendants' invitation to dismiss the Complaint.

IT IS SO ORDERED.

DATED this 21st day of September, 2006.

BY THE COURT:

DAVID SAM
SENIOR JUDGE
UNITED STATES DISTRICT COURT

MICHAEL F. SKOLNICK - #4671
J. KEVIN MURPHY - #5768
KIPP AND CHRISTIAN, P.C.
Attorneys for Defendant William H. Orton
10 Exchange Place
Fourth Floor
Salt Lake City, Utah 84111
Telephone: (801) 521-3773

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. WILLIAM H. ORTON; and BUCKLAND ORTON, DARGER, HANSEN, WALDO & BARTON, Defendants.	THIRD AMENDED SCHEDULING ORDER Civil No. 2:04CV00483 DS Judge David Sam

The court, having reviewed the parties' Stipulated Third Amended Attorneys' Planning Meeting Report, hereby orders that the dates set forth below are incorporated and adopted as the court's Third Amended Scheduling Order:

1. **DISCOVERY PLAN:**

   a. Fact discovery cutoff shall be extended to June 2, 2007.

   b. Plaintiff's expert reports shall be disclosed by July 6, 2007.

c. Defendants' expert reports shall be disclosed by September 7, 2007.

d. Expert discovery cutoff shall be extended to November 2, 2007.

e. Dispositive motion cutoff shall be extended to December 7, 2007.

2. **OTHER ITEMS:**

a. The court orders that the the current 3-5 day trial beginning February 13, 2007 shall be stricken and that a final pretrial conference and trial be scheduled after January 1, 2008. final pretrial 1-15-08 at 2:30 pm DS
3-5 Day Jury Trial 1-29-08 at 8:30 am. DS

DATED this 21st day of September, 2006.

BY THE COURT:

David Sam

HONORABLE DAVID SAM
U.S. DISTRICT JUDGE

Mark F. James (5295)
Kevin W. Bates (4793)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Attorneys for Defendant The Wright Travel Agency, Inc.

IN THE UNITED STATES DISTRICT COURT
THE DISTRICT OF UTAH

JON C. JONES, Plaintiff/Counterclaim Defendant, vs. THE WRIGHT TRAVEL AGENCY, Defendant/Counterclaim Plaintiff.	**ORDER GRANTING MOTION TO WITHDRAW MARK H. RICHARDS AS COUNSEL** Case No. 2:04CV00724 DB Judge Dee Benson

Based on the Motion to Withdraw Mark H. Richards as Counsel filed by Defendant The Wright Travel Agency, Inc. the Court hereby orders as follows:

Mark H. Richards is hereby withdrawn as counsel for The Wright Travel Agency in the above-entitled action.

DATED this 21st day of September, 2006.

BY THE COURT:

Honorable Dee Benson
U.S. District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

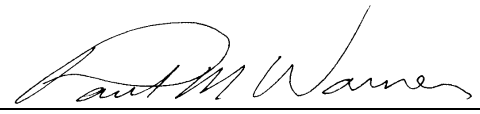
CENTRAL DIVISION

DOUGLAS TYLER WOODS, **Plaintiff,** **v.** **ADRIAN HILLIN,PHIL BARNERY, and TODD GARDNER,** **Defendants.**	**ORDER GRANTING MOTION TO QUASH SUBPOENA** **Case No. 2:04cv886** **Judge Dee Benson** **Magistrate Paul M. Warner**

This matter was referred to Magistrate Judge Paul M. Warner by District Judge Dee Benson pursuant to 28 U.S.C. § 636(b)(1)(A). Before the court is the Rape Recovery Center's Motion to Quash Subpoena. The Rape Recovery Center is a non-party movant in the matter. The motion is unopposed, and the date for filing an opposition has passed. Accordingly, having been advised in all the premises, and for other good cause shown, the court GRANTS the motion [docket no. 42].

DATED this 22nd day of September, 2006.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. $2,880 IN UNITED STATES CURRENCY, et al., Defendants.	CASE: # 2:04CV00888-BSJ DEFAULT JUDGMENT AND ORDER OF FORFEITURE JUDGE: BRUCE S. JENKINS

Plaintiff has filed an Application for Entry of Default in the above-captioned case against all persons and entities including Mark Wayne Cruz and Gary William Fowler, with respect to the following defendant properties:

- 1998 Audi A6 Quattro, VIN: WAUBA24B1WN081077
- $3,227.00 in United States Currency

This matter came before the Court on September 14, 2006. The United States was represented by Richard W. Daynes. Peter Goodall was present. Vernon Stejskal for the United States was also present. Based on the government's Application for Entry of Default, it appears that copies of the Complaint for Forfeiture *In Rem* was served on all known interested parties. Notice of Complaint for Forfeiture *In Rem* has appeared in a newspaper of general circulation within the District of Utah, and no responsive pleading has been filed in this action by any person or entity including Mark Wayne Cruz and Gary William Fowler, with respect to the above listed defendant properties.

Having considered the statements of Counsel, and based on the records of the Court with plaintiff's Application for Default, the Court finds that:

1. Process was duly issued in this case and served upon all known interested parties.

2. Public Notice of the Complaint for Forfeiture *In Rem* appeared in a newspaper of general circulation.

3. No person or entity including Mark Wayne Cruz and Gary William Fowler, has filed a claim, answer, or other responsive pleading in defense of this action with respect to the following defendant properties:

- 1998 Audi A6 Quattro, VIN: WAUBA24B1WN081077
- $3,227.00 in United States Currency

4. An Application for Entry of Default was submitted to the Clerk of the Court in this action against all persons or entities including Mark Wayne Cruz and Gary William Fowler on September 12, 2006.

Based on the above findings, and the Court being otherwise fully advised in the matter and good cause appearing:

IT IS HEREBY ORDERED AND ADJUDGED that:

Judgment of Default and Order of Forfeiture be entered against all persons and entities including Mark Wayne Cruz and Gary William Fowler with respect to the following defendant properties:

- 1998 Audi A6 Quattro, VIN: WAUBA24B1WN081077
- $3,227.00 in United States Currency

It is hereby ordered that the defendant properties and all right and title therein are hereby

forfeited to the United States of America to be disposed of according to law with respect to the defendant properties identified as:

- 1998 Audi A6 Quattro, VIN: WAUBA24B1WN081077
- $3,227.00 in United States Currency

The assets identified above are forfeited to the United States, with all right, title, and interest vested in the United States, and any interest of any person or entity in said assets is forever barred.

Dated this 25 day of September, 2006.

BY THE COURT:

BRUCE S. JENKINS, Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD WILLIAM FISCHER, Defendant.	**ORDER** Case No. 2:05CR00108 Judge Dee Benson

On June 6, 2006, defendant Edward William Fischer moved this Court to grant his release while he awaits a ruling on his appeal of his conviction (Dock. #50). Mr. Fischer fails to cite any legal authority or facts supporting his position. For this reason, the Court hereby DENIES Mr. Fischer's motion for early release.

IT IS SO ORDERED.

DATED this 20th day of September 2006.

Dee Benson
United States District Judge

LONI F. DeLAND (0862)
Lawyer for Defendant
43 East 400 South
Salt Lake City, Utah 84111
Telephone: (801) 364-1333

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	MOTION FOR RECONSIDERATION OF DETENTION
vs.	:	
ALAA RAMADAN,	:	Case No. 2:05CR00772
Defendant.	:	Judge Dale A. Kimball

ORDER

The defendant, Alaa Ramadan, through his lawyer, Loni F. DeLand, hereby moves this court to reconsider Mr. Ramadan's detention status. This motion is made on the grounds and for the reason that the government's argument and assertions with respect to defendant's immigration status and his bond ability by the immigration judge were contrary to the facts and the law.

DATED: September 21, 2006.

/s/ Loni F. DeLand
Loni F. DeLand
Lawyer for Defendant

DENIED
Brooke C. Wells
BROOKE C. WELLS
U.S. Magistrate Judge
Date 9/22/06

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. EUSEBIO AGUILERA-MEZA, JOSE ANTONIO AGUILERA-MEZA, SANDRA MEZA DE-CONTRERAS, Defendant.	: : : : : : : : : : :	2:05 CR 00887 DAK ORDER SETTING JURY TRIAL AND EXCLUDING TIME FROM SPEEDY TRIAL ACT COMPUTATION Magistrate Judge Brooke C. Wells

This matter came before the Court on August 29, 2006, for a status and scheduling conference. The defendants were present and represented by counsel, L. Clark Donaldson and Edwin S. Wall, The United States was represented by Assistant United States Attorney Robert A. Lund.

The Court heard discussion regarding the nature and status of the case, and being now fully advised, the Court hereby enters the following ORDER:

A jury trial in the instant case will commence on February 5, 2007 at 8:30 a.m. The trial is scheduled to last four weeks. Counsel shall file proposed jury instructions and voir dire questions with the court by February 2, 2007. An additional status conference is set for November 14, 2006 at 10:00 a.m.

It is further ORDERED pursuant to 18 U.S.C. § 3161(h)(1)(F) and (8)(A) and (B)(ii) that all time between January 20, 2006 and February 5, 2007, shall be excluded from computation of time under the Speedy Trial Act.

The Court finds that such time is excluded from computation under the terms of the Speedy Trial Act, and finds further that the ends of justice served by the continuance outweigh the best interests of the public and the defendants in a speedy trial based on the number of defendants and the fact that the nature of the prosecution is unusual and complex to a degree that it would be unreasonable to expect adequate trial preparation within the time limits established by the Speedy Trial Act.

DATED this 22 day of September, 2006.

Brooke C. Wells

BROOKE C. WELLS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. BAYLOR SINCLAIR STEVENS, Defendant.	**ORDER CONTINUING TRIAL** Case No. 2:05 CR 900 DB Honorable Dee Benson

Based upon the motion of the Defendant, Baylor Sinclair Stevens, through his attorney of record, Robert L. Steele, the Court hereby continues the 5-day trial date currently set for September 25, 2006, in the above-entitled matter until the 27 day of Nov, 2006, at 8:30 a.m.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h)(8)(A), the Court finds that the ends of justice served by a continuance in this case outweighs the interests of the public and the Defendant in a speedy trial. Accordingly, the time between September 25, 2006, and the new trial date listed above shall be excluded from speedy trial computation.

DATED this 20 day of September, 2006.

BY THE COURT:

Dee Benson

HONORABLE DEE BENSON
United States District Court Judge

WOOD CRAPO LLC
Mary Anne Q. Wood (#3539)
500 Eagle Gate Tower
60 East South Temple Street
Salt Lake City, Utah 84111
Telephone: (801) 366-6060

Attorneys for Defendant Albertson's, Inc.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

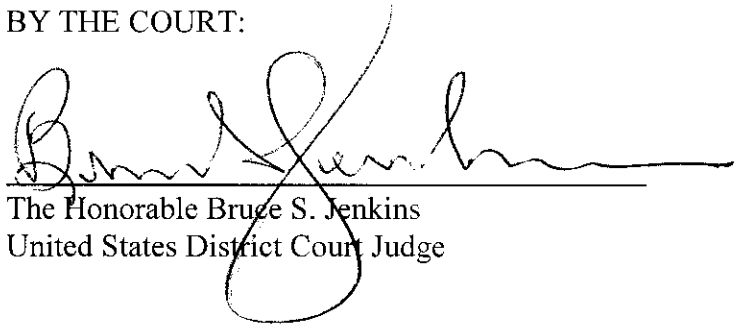
BRITA B. BURNETT, Plaintiff, v. ALBERTSON'S, INC., Defendant.	)))))))))))	***ORDER AND JUDGMENT*** Case No. 2:05CV00123 BSJ Judge Bruce S. Jenkins

This matter came before the Court on September 12, 2006 for oral argument on Defendant's Motion for Summary Judgment. The Plaintiff was represented by Philip C. Patterson. The Defendant was represented by Mary Anne Q. Wood. The Court, having reviewed the motions and memoranda on file and having heard argument of counsel and based on the record, the Court finds that there is no material issue of fact requiring a trial in this matter with respect to Plaintiff's cause of action under the Americans with Disabilities Act. The Court finds Defendant's motion with respect to Plaintiff's claim for punitive damages and Defendant's affirmative defenses to be moot.

It is therefore ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint be dismissed with prejudice, that Plaintiff take nothing thereby, and that Defendant be awarded its allowed costs.

DATED this 20 day of September, 2006.

BY THE COURT:



The Honorable Bruce S. Jenkins
United States District Court Judge

APPROVED AS TO FORM:

/s/ Philip C. Patterson
Attorney for Plaintiff

(Signed copy of document bearing signature of Philip C. Patterson is being maintained in the office of Filing Attorney)

C:\Documents and Settings\usdc\Local Settings\Temp\notes6030C8\ALBERTSONS.BURNETT.ORDER AND JUDGMENT.wpd

Kevin N. Anderson (A0100)
kanderson@fabianlaw.com
FABIAN & CLENDENIN,
a Professional Corporation
215 South State Street, 12th Floor
P.O. Box 510210
Salt Lake City, Utah 84151-0210
Telephone: (801) 531-8900
Facsimile: (801) 596-2814

Attorneys for Systems & Services Technologies, Inc., and JPMorgan Chase Bank

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

AMERICAN INVESTMENT BANK, N.A., and AMERICAN INVESTMENT HOLDINGS, LLC, a Utah limited liability company, Plaintiffs, vs. SYSTEMS & SERVICES TECHNOLOGIES, INC. and JPMORGAN CHASE BANK, Defendants.	**ORDER OF DISMISSAL WITH PREJUDICE** Case No. 2:05CV00241 BSJ Judge Bruce S. Jenkins

Pursuant to the stipulation of the parties, and good cause appearing,

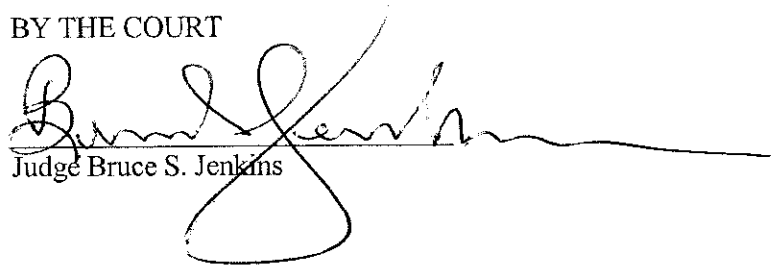
IT IS HEREBY ORDERED THAT:

The parties having settled this litigation without any admission of fault or wrongdoing, the above entitled action is hereby dismissed, with prejudice and on the merits, each party to bear its own attorney fees and costs.

2:05-cv-241 J

ENTERED this 20 day of Sept, 2006.

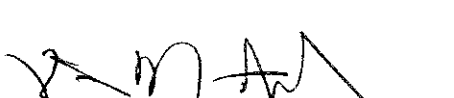
BY THE COURT



Judge Bruce S. Jenkins

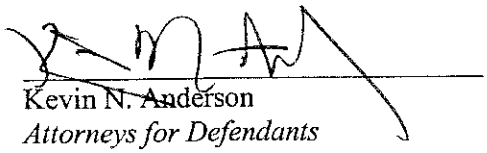
STIPULATED AND APPROVED AS TO FORM AND SUBSTANCE:

RAY QUINNEY & NEBEKER P.C.



James S. Jardine
John W. Mackay
Attorneys for Plaintiffs

FABIAN & CLENDENIN



Kevin N. Anderson
Attorneys for Defendants

Peter M. de Jonge, Utah Bar No. 7185
Nathan S. Winesett, Utah Bar No. 9556
THORPE NORTH & WESTERN, L.L.P.
8180 South 700 East, Suite 200
Sandy, Utah 84070-0562
Telephone: (801) 566-6633
Facsimile: (801) 566-0750
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

LA PUENTE, INC., a Utah Corporation, LA PUENTE RESTAURANT, INC., Utah DBA, and LA PUENTE RESTAURANT FRANCHISING, INC., a Utah DBA, and VIOLA TOVAR, an individual, Plaintiffs, vs. BP EXPRESS, INC., a Utah Corporation, LA PUENTE WEST JORDAN, a Utah DBA, PAUL SERRANO, an individual, AMANDA SERRANO, an individual, BLAKE PAGE, an individual, and PAT PAGE, an individual, Defendants.	**~~[PROPOSED]~~ ORDER GRANTING MOTION TO WITHDRAW JED H. HANSEN AS COUNSEL** Case No. 2:05CV00526 Judge David Sam
BP EXPRESS, INC. a Utah corporation, Counterclaim Plaintiff, vs. LA PUENTE, INC., a Utah Corporation, LA PUENTE RESTAURANT, INC., A Utah dba, LA PUENTE RESTAURANT FRANCHISING, INC., a Utah dba, and VIOLA TOVAR, an individual. Counterclaim Defendants.	

Based on the Motion to Withdraw Jed H. Hansen as Counsel filed by Plaintiff La Puente, Inc., La Puente Restaurant, Inc., doing business as La Puente Restaurant Franchising, Inc., the court hereby orders as follows:

Jed H. Hansen is hereby withdrawn as counsel for Plaintiff La Puente, Inc., La Puente Restaurant, Inc., doing business as La Puente Restaurant Franchising, Inc. in the above-entitled matter.

DATED this 21st day of September, 2006.

BY THE COURT:

Honorable Judge Sam
U.S. District Court Judge

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

	Case No. 02:05-CV-0638-DB
Summum, Plaintiff, v. Pleasant Grove City, et al., Defendants.	ORDER GRANTING DEFENDANTS' PROTECTIVE MOTION FOR EXTENSION OF TIME TO ANSWER OR RESPOND TO COMPLAINT PENDING RESOLUTION OF DEFENDANTS' APPLICATIONS RELATED TO THE STIPULATION OF DISMISSAL Chief Judge Dee Benson Magistrate Judge Nuffer

---

Before this court is defendants' motion[1] for an order granting them an extension of time of twenty days from the entry of the last order resolving the last of the following three applications that defendants have filed and that relate to the stipulation of counsel to dismiss all personal capacity claims:[2] (1) defendants' motion for reconsideration and stay of court order denying motions to dismiss;[3] (2) defendants' motion to enforce the stipulation of dismissal;[4] and (3) defendants' objection and appeal of the magistrate judge's June 27, 2006, order.[5]

---

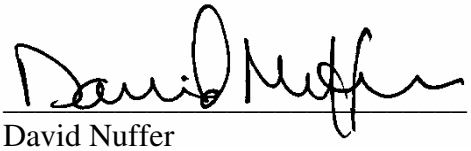
[1] Docket no. 93, filed July 24, 2006.
[2] Defendants first raised the stipulation in their motion for a scheduling conference (docket no. 56), but the magistrate judge's order (docket no. 74) on that motion did not address the stipulation, because it has a dispositive effect. *See* Defendants' Protective Motion for Extension of Time (docket no. 93) at 5. Defendants then filed their motion to enforce the stipulation of dismissal.
[3] Docket no. 77, filed on July 7, 2006.
[4] Docket no. 79, filed on July 7, 2006.
[5] Docket no. 83, filed on July 11, 2006.

ORDER

IT IS HEREBY ORDERED that defendants' motion for extension of time[6] is GRANTED. Any answer or response to the complaints served on defendants shall be due twenty-days after the entry of the last order resolving the last of the following three applications: (1) defendants' motion for reconsideration and stay of court order denying motions to dismiss,[7] (2) defendants' motion to enforce stipulation of dismissal,[8] and (3) defendants' objection and appeal of magistrate judge's June 27, 2006, order.[9]

Dated: September 22, 2006

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

[6] Docket no. 93, filed July 24, 2006.
[7] Docket no. 77, filed on July 7, 2006.
[8] Docket no. 79, filed on July 7, 2006.
[9] Docket no. 83, filed on July 11, 2006.

Brent O. Hatch (5715)
Mark F. James (5295)
Phillip J. Russell (10445)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
THE DISTRICT OF UTAH

3-FORM HOLDINGS, INC. A Utah Corporation, Plaintiff, vs. LIVINGLASS, INC., a California Corporation; and MICHAEL SKURA, an individual, Defendants.	**[~~PROPOSED~~] ORDER GRANTING MOTION TO WITHDRAW MARK H. RICHARDS AS COUNSEL** Case No. 2:05CV00641 DS Judge David Sam

Based on the Motion to Withdraw Mark H. Richards as Counsel filed by Defendants Livinglass, Inc. and Michael Skura, the Court hereby orders as follows:

Mark H. Richards is hereby withdrawn as counsel for Livinglass, Inc. and Michael Skura in the above-entitled action.

DATED this 20th day of September, 2006.

BY THE COURT:

Honorable David Sam
U.S. District Court Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

* * * * * * * * *

BRITNEE CARLI FAIRCLOUGH, an individual; and PAMELA A. CHAFFIN, an individual,	)	Civil No. 2:05-CV-0803J
	)	**ORDER**
Plaintiff(s),	)	
vs.	)	
HOLMES HOMES, INC., a Utah Corporation,	)	
Defendant(s).	)	

* * * * * * * * *

Based upon the Stipulated Motion for Extension of Time filed on September 15, 2006, Plaintiff shall have an extension until October 4, 2006 to file an opposition to Defendant's Motion for Summary Judgment.

SO ORDERED.

DATED this 20 day of September, 2006.

BY THE COURT:

Bruce S. Jenkins
United States Senior District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2006 SEP 21 P 2:04

KEVIN LYNN THAYER,	)	
	)	
Plaintiff,	)	Case No. 2:05-CV-1004 DB
	)	
v.	)	District Judge Dee Benson
	)	
STATE OF UTAH et al.,	)	**O R D E R**
	)	
Defendants.	)	

Plaintiff filed a prisoner civil rights complaint *in forma pauperis*.[1] On December 2, 2005, the Court ordered Plaintiff to pay an initial partial filing fee (IPFF) of $36.49. Plaintiff's first motion to have that amount reduced was denied for want of supporting documentation. Plaintiff again asked the Court to reduce his IPFF, supporting his request with a current inmate account statement. On March 6, 2006, the Court granted Plaintiff's motion and reduced Plaintiff's IPFF to 8¢, giving him 30 days in which to pay it. Plaintiff has not complied.

IT IS THEREFORE ORDERED that Plaintiff's complaint is dismissed without prejudice.

DATED this 20th day of September, 2006.

BY THE COURT:

DEE BENSON, CHIEF JUDGE
United States District Court

[1] *See* 42 U.S.C.S. § 1983 (2006); 28 *id.* § 1915(b).

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	ORDER TO EXTEND TIME TO SURRENDER
Plaintiff,	:	
vs.	:	
JOE HOLM ,	:	Case No. 2:06 CR 156 JTG
Defendant.	:	

BASED UPON the Motion to Extend Time to Surrender filed by Defendant, Joe Holm, and good cause appearing, the Court hereby extends Defendant's surrender date from September 26, 2006 to November 14, 2006.

Dated this 22nd day of September, 2006.

J. Thomas Greene
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN ANTHONY GINES, Defendant.	: : : : :	Case No. 2:06CR167 TS ORDER GRANTING LEAVE OF COURT TO FILE A DISMISSAL OF THE INDICTMENT

Based upon the motion of the United States of America and for good cause, the Court hereby grants the Government leave under Rule 48(a) of the Federal Rules of Criminal Procedure to dismiss the Indictment against defendant JOHN ANTHONY GINES.

DATED this 21st day of September, 2006.

BY THE COURT:

Ted Stewart
United States District Judge

PROB 12B (1/05)

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

SEP 22 2006

MARKUS B. ZIMMER, CLERK
BY _____ DEPUTY CLERK

United States District Court
for the District of Utah

Request and Order for Modifying Conditions of Supervision With Consent of the Offender

(Waiver of hearing attached)

Name of Offender: **Jade Mary Bailey** Docket Number: **2:06-CR-00307-001-DON**

Name of Sentencing Judicial Officer: **Honorable David O. Nuffer**
United States Magistrate Judge

Date of Original Sentence: **May 25, 2006**

Original Offense: **Possession of a Controlled Substance - Marijuana**
Original Sentence: **12 Months Probation**
Type of Supervision: **Probation** Supervision Began: **May 25, 2006**

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The defendant shall participate in a mental health treatment program under a copayment plan, as directed by the United States Probation Office, take any mental health medications as prescribed, and not possess or consume alcohol nor frequent businesses where alcohol is the chief item of order during the course of treatment or medication.

CAUSE

In reviewing Ms. Bailey's evaluation from the federally contracted treatment provider, it is recommended that the defendant undergo a psychiatric evaluation and ongoing medical management. The United States Probation Office is respectfully requesting the Court to add the condition of mental health treatment and medication monitoring in order to further assist Ms. Bailey to successful navigate through probation and life.

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

Theresa Del Casale-Merino
United States Probation Officer
September 20, 2006

THE COURT ORDERS:

[✓] The modification of conditions as noted above
[ ] No action
[ ] Other

Honorable David O. Nuffer
United States Magistrate Judge

Date: 9/22/06

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE

WAIVER OF RIGHT TO HEARING PRIOR TO MODIFICATION OF CONDITIONS OF SUPERVISION

I have been advised by United States Probation Officer Theresa Del Casale-Merino that she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No. 2:06-CR-00307-001-DON. The modification would be:

> ***The defendant shall participate in a mental health treatment program under a copayment plan, as directed by the United States Probation Office, take any mental health medications as prescribed, and not possess or consume alcohol nor frequent businesses where alcohol is the chief item of order during the course of treatment or medication.***

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.

Jade Bailey
Jade Mary Bailey

9/20/06
Date

Witness: Theresa Del Casale-Merino
United States Probation Officer

Sam Meziani (#9821)
VAN COTT BAGLEY CORNWALL & McCARTHY
50 South Main Street, Suite 1600
Salt Lake City, UT 84144-0450
Phone: (801) 532-3333
Facsimile: (801) 534-0058

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA Plaintiff, v. ARTURO SALGADO-VICTORIANO Defendant.	**ORDER ON MOTION TO OBTAIN INVESTIGATION SERVICES** Docket No. 2:06cr418 TS Judge Ted Stewart

Before the Court is Defendant Arturo Salgado-Victoriano's Motion to Obtain Investigation Services. The motion is made pursuant to 18 U.S.C. §3006A(e)(1). For good cause appearing, the motion is GRANTED. Counsel for Mr. Arturo Salgado-Victoriano is authorized to obtain the services of an investigator in the above-captioned action. IT IS SO ORDERED.

DATED this 22nd day of September, 2006.

BY THE COURT

By: _____

TED STEWART
United States District Court Judge

STEVEN B. KILLPACK, Federal Defender (#1808)
VANESSA M. RAMOS, Assistant Federal Defender (#7963)
Utah Federal Defender Office
American Towers Plaza
46 West Broadway, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	)	ORDER
	)	MODIFYING CONDITIONS
Plaintiff,	)	OF RELEASE
	)	
v.	)	Case No. 2:06 CR 441 PGC
	)	
STEVEN NAISBITT,	)	
	)	Magistrate Judge Brooke Wells
Defendant.	)	

BASED upon the motion of the defendant, Steven Naisbitt, stipulation of the Government and Pre-Trial Services, and good cause having been shown,

IT IS HEREBY ORDERED that the conditions of his release be modified to allow him to travel to the state of Washington for two weeks, and that Pre-Trial Services has the discretion to determine specific dates upon which to leave and return.

SIGNED BY MY HAND this __22_____ day of September, 2006.

Brooke C. Wells

BROOKE WELLS
United States Magistrate Judge

STEVEN B. KILLPACK, Federal Defender (#1808)
L. CLARK DONALDSON, Assistant Federal Defender (#4822)
UTAH FEDERAL DEFENDER OFFICE
Attorney for Defendant
46 West Broadway, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010
Facsimile: (801) 524-4060

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JULIO TORRES-FLORES, Defendant.	**ORDER TO CONTINUE JURY TRIAL** Case No. 2:06-CR-470 TS

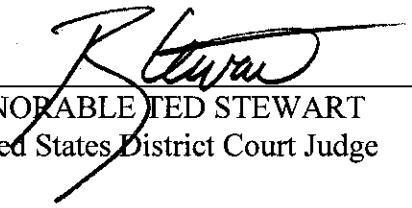
Based on the motion to continue trial filed by defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the trial previously scheduled for Monday, September 18, 2006, is hereby continued to this 27th day of November, 2006, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant to a speedy trial because the parties need additional time to complete negotiations and clarify the parameters of the newly adopted Fast Track Policy which the United States Attorney's Office has gained approval for in this District. The time of the delay shall constitute excludable time under the Speedy Trial Act.

It is further ordered that this matter is set for a status conference on Tuesday, October 10, 2006 at 1:30 p.m. before this Court.

Dated this 18th day of September, 2006.

BY THE COURT:



HONORABLE TED STEWART
United States District Court Judge

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA
V.

ORDER SETTING CONDITIONS OF RELEASE

William Dobson

Case Number: 2:06CR563TC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

(1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.

(2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.

(3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified) US District Court
PLACE

350 South Main, SLC on **as directed**
DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

(✔) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

_____ dollars ($)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

SEP 22 2006

MARKUS B. ZIMMER, CLERK

BY _____ DEPUTY CLERK

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)
who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:_____
Custodian or Proxy

( ) (7) The defendant shall:
(✔)(a) maintain or actively seek employment.
( ) (b) maintain or commence an educational program.
(✔)(c) abide by the following restrictions on his personal associations, place of abode, or travel: maintain current residence; may not move without prior permission of PTS; may travel within the United States for purposes of employment. Must inform PTS of travel itineraries.

(✔)(d) avoid all contact with persons who are considered either alleged victims or potential witnesses unless through legal counsel
(✔)(e) report on a regular basis to the supervising officer as directed.
( ) (f) comply with the following curfew:
( ) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
( ) (h) refrain from excessive use of alcohol.
( ) (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C.§802 unless prescribed by a licensed medical practitioner.
( ) (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:

( ) (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property

( ) (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:

( ) (m) execute a bail bond with solvent sureties in the amount of $
( ) (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of) _____ o'clock for employment, schooling or the following limited purpose(s):

(✔)(o) surrender any passport to Clerk of Court, Room 150
( ) (p) obtain no passport
( ) (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
( ) (s) submit to an electronic monitoring program as directed by the supervising officer.
( ) (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a $250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a $250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness. victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years of more, you shall be fined not more than $250,000 or imprisoned for not more than 10 years, or both;
(2) an offense punishable by imprisonment for a tem of five years or more, but less than fifteen years, you shall be fined not more than $250,000 or imprisoned for not more than five years, or both;
(3) any other felony, you shall be fined not more than $250,000 or imprisoned not more than two years, or both.
(4) a misdemeanor, you shall be fined not more than $100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release , to appear as directed , and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

x W. Kurt Dobson
Signature of Defendant

Address

City and State Telephone

Directions to the United States Marshal

( ) The defendant is ORDERED released after processing.
( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 9/22/06

Brooke C. Wells
Signature of Judicial Officer

Magistrate Judge Brooke C. Wells
Name and Title of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SOUTHERN UTAH WILDERNESS ALLIANCE, Plaintiff, vs. BUREAU OF LAND MANAGEMENT, *et al.*, Defendants.	Case No. 06CV00065 PGC Honorable Paul G. Cassell

ORDER STAYING PROCEEDINGS

Based on the parties' Joint Motion to Stay Proceedings, IT IS HEREBY ORDERED that proceedings in the above captioned matter are STAYED until October 23, 2006. On or before October 23, 2006 the parties will either submit a second amended scheduling order for orderly briefing and argument in this matter or notify the Court that the parties have reached a settlement.

DATED this 21st day of September, 2006.

BY THE COURT:

HONORABLE PAUL G. CASSELL
UNITED STATES DISTRICT JUDGE

Dale J. Lambert, #1871
CHRISTENSEN & JENSEN, P.C.
50 South Main, Suite 1500
Salt Lake City, UT 84144
Telephone: (801) 355-3431
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LYLE J. KIRKWOOD, DONOVAN W. BLACK and JESSICA L. JAMES, individuals, Plaintiffs, v. GOODYEAR TIRE & RUBBER CORPORATION, an Ohio corporation, Defendant.	**STIPULATED PROTECTIVE ORDER** Case No.: 2:06CV00155 DAK Judge Dale A. Kimball

Plaintiffs, Lyle J. Kirkwood, Donovan W. Black and Jessica L. James ("plaintiffs"), by and through their attorney of record, and defendant Goodyear Tire & Rubber Corporation, ("Goodyear"), by and through their attorneys of record, hereby stipulate as follows:

1. Confidential Protected Documents. The word "confidential," "confidential information" and "confidential documents" describe information which is or contains trade secrets and other confidential research, development, formulas, compilations, programs, devices, methods, techniques, testing, processes and designs, evaluation and testing which have actual or economic value to Goodyear, from not being generally known to other persons or entities who can obtain economic value from its disclosure or use, or the disclosure of

which could cause Goodyear commercial disadvantage or competitive disadvantage

2. Non-Disclosure of Stamped Confidential Documents. The documents meeting the definitions set forth in paragraph 1 may be stamped as a confidential document. A stamped "confidential document" shall bear the legend "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER IN THE CASE OF "LYLE J. KIRKWOOD, DONOVAN W. BLACK and JESSICA L. JAMES, individuals, vs. GOODYEAR TIRE & RUBBER CORPORATION", or substantially similar legend, to signify that it contains information believed to be subject to protection. For purposes of this stipulation and order, the term "document" means all written, recorded, or graphic material, whether produced or created by a party or another person. Interrogatory answers, responses to request for admissions, deposition transcripts and exhibits, pleadings, motion affidavits, and briefs that quote, summarize or contain material entitled to protection may be accorded status as a stamped confidential document, but to the extent feasible, shall be prepared in such a manner that the confidential information is bound separately from that not entitled to protection.

3. Permissible Disclosures.

a. Subject to the provisions of paragraph 2, stamped confidential documents may be disclosed only to:

(1) counsel and law firms for the parties in this action, including the secretaries, paralegals, assistants, and employees of such law firms to the extent reasonably necessary to render professional services in the litigation;

(2) to court officials involved in this litigation (including court reporters, and persons operating video recording equipment at depositions);

(3) to persons noticed for depositions or designated as trial witnesses to the extent reasonably necessary in preparing to testify;

(4) to outside consultants or experts retained for the purpose of assisting counsel in the litigation; and

(5) parties in this case.

b. Such persons identified in paragraphs 3a shall sign the recital set forth in Exhibit A.

c. Before disclosing a stamped confidential document to any person listed in paragraphs 3a who is a competitor (or an employee of a competitor) of the party that so designated the document, the party wishing to make such disclosure shall give at least twelve days' advance notice in writing to the counsel who designated such information as confidential, stating the names and addresses of the person(s) to whom the disclosure will be made, identifying with particularity the documents to be disclosed, and stating the purpose of such disclosure. If, within the ten-day period, a motion is filed objecting to the proposed disclosure, disclosure is not permissible until the court has denied such motion. The court will deny the motion unless the objecting party shows good cause why the proposed disclosure should not be permitted.

4. Declassification. A party (or aggrieved entity permitted by the court to intervene for such purpose) may apply to the court for a ruling that a document (or category of documents) stamped as confidential is not entitled to such status and protection. The party or other person that designated the document as confidential shall be given notice of the application and an opportunity to respond. To maintain confidential status, the proponent of confidentiality must show by a preponderance of the evidence that there is good cause for the document to have such Protection.

5. Confidential Information in Depositions.

a. A deponent may during the deposition be shown, and examined about, stamped confidential documents if the deponent already knows the confidential information contained therein or if the provisions of paragraph 3(c) are complied with. Deponents shall not retain or copy portions of the transcript of their depositions that contain confidential information not provided by them or the entities they represent unless they sign the form prescribed in paragraph 2(c). A deponent who is not a party or a representative of a party shall be furnished a copy of this Order before being examined about, or asked to produce, potentially confidential documents.

b. Parties (and deponents) may, within 15 days after receiving a deposition, designate pages of the transcript (and exhibits thereto) as confidential. Confidential information within the deposition transcript may be designated by underlining the portions of the pages that are confidential and marking such pages with the following legend: "Confidential -- Subject to protection pursuant to Court Order", or similar legend. Until expiration of the 15-day period, the entire deposition will be treated as subject to protection against disclosure under this Order. If no party or deponent timely designates confidential information in a deposition, then none of the transcript or its exhibits will be treated as confidential; if a timely designation is made, the confidential portions and exhibits shall be filed under seal separate from the portions and exhibits not so marked.

6. Confidential information at Trial. Stamped confidential documents and other confidential information may be offered in evidence at trial or any court hearing, provided that the proponent of the evidence gives five days' advance notice to counsel for the party or other person treat designated the information as confidential. Any party may move the court for an order that the evidence be received in camera or under other conditions to prevent

unnecessary disclosure. The court will then determine whether the proffered evidence should continue to be treated as confidential information and, if so, what protection, if any, may be afforded to such information at the trial.

7. Subpoena by Other Courts or Agencies. If another court or an administrative agency subpoenas or orders production of stamped confidential documents which a party has obtained under the terms of this order, such party shall promptly notify the party or other person who designated the document as confidential of the pendency of such subpoena or order.

8. Filing. Stamped confidential documents need not be filed with the Clerk except when required in connection with motions or other matters pending before the court. If filed, they shall be filed under seal and shall remain sealed while in the office of the Clerk so long as they retain their status as stamped confidential documents.

9. Use. Persons obtaining access to stamped confidential documents under this Order shall use the information only for preparation and trial of this litigation (including appeals and re-trials), and shall not use such information for any other purpose, including business, governmental, commercial, or administrative or judicial proceedings.

10. Non-Termination. The provisions of this order shall not terminate at the conclusion of these actions.

11. Return of Confidential Documents. Within 60 days after final conclusion of all aspects of this litigation, stamped confidential documents and all copies of same (other than exhibits of record) shall be returned to the party or person which produced such documents. All counsel of record shall make certification of compliance herewith and shall deliver the same to counsel for the party who produced the documents not more than 90 days after final termination of this litigation.

12. Modification Permitted. Nothing in this order shall prevent any party or other person from seeking modification of this order.

13. Responsibility of Attorneys. The attorneys of record are responsible for employing reasonable measures to control, consistent with this order, duplication of, access to, and distribution of, copies if stamped "confidential documents."

14. Objections to Discovery. Nothing contained herein shall limit the rights of the parties to tender objections to discovery on various grounds or to object to the admissibility of any evidence at trial.

15. Continuing Jurisdiction. After termination of this litigation, the provisions of this Order shall continue to be binding, except with respect to those documents and information that become a matter of public record. This Court retains and shall have jurisdiction over the parties and recipients of the protected documents for the enforcement of the provisions of this Order following termination of this litigation.

Dated this 21st day of September, 2006.

By the Court:

Judge Dale A. Kimball

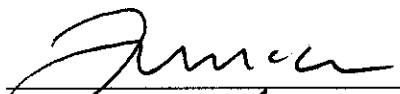
CHRISTENSEN & JENSEN, P.C.

Dale J. Lambert
Attorneys for Defendants Goodyear Tire & Rubber Corporation

EISENBERG, GILCHRIST & MORTON

David A. Cutt
Attorneys for Plaintiffs

ROBERT J. DEBRY & ASSOCIATES



~~Bradley C. Harr~~ Leonard E. McGee
Attorneys for Plaintiffs

"Exhibit A"

Written Assurance and Consent to be Bound

I hereby acknowledge and affirm that I have read the terms and conditions of the Stipulation and Protective Order entered in the case of Lyle J. Kirkwood, Donovan W. Black and Jessica l. James, individuals, vs. Goodyear Tire & Rubber Corporation, and I understand the terms of the Order and under oath consent to be bound by the terms of the Order as a condition to being provided access to confidential documents or information derived there from. Further, by executing this Written Assurance, I hereby consent to the jurisdiction to the above captioned Court for the special and limited purpose of enforcing the terms of the Protected Order.

Dated this _____ day of _____, 2006.

_____

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH - CENTRAL DIVISION

PAUL FURSE,

Plaintiffs,

vs.

FREEMONT INVESTMENT & LOAN,

Defendant.

ORDER OF DISMISSAL

Civil No. 2:06-cv-237 DAK

On August 3, 2006, this Court issued an order requiring counsel for plaintiffs to show cause why the above-entitled case should not be dismissed for lack of prosecution. No response to that order has been received.

Wherefore, good cause appearing, the Court hereby ORDERS this case DISMISSED for failure to prosecute.

Dated this 21st day of September, 2006.

Dale A. Kimball
United States District Judge

Andrew D. Wright, #8857
STRONG & HANNI
Attorneys for Plaintiffs
3 Triad Center, Suite 500
Salt Lake City, Utah 84180
Telephone: (801) 532-7080
Facsimile: (801) 323-2037

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

THE PRIME INSURANCE SYNDICATE, INC. and GARAGE SERVICE AND EQUIPMENT DEALERS LIABILITY ASSOCIATION OF AMERICA, INC.,	)	**ORDER OF DEFAULT JUDGMENT**
Plaintiffs,	)	
v.	)	Case No.: 2:06CV00278 BSJ
TOP CLASS TOWING,	)	Judge Bruce S. Jenkins
Defendants.	)	

The above-referenced matter came before the Court on Plaintiffs' Motion for Default Judgment. On September 12, 2006, the Court held a hearing on the Motion, with Andrew D. Wright appearing for Plaintiffs. Defendant Top Class Towing ("Top Class") has not answered the Complaint or responded to the Motion and did not appear at the scheduled hearing.

Having considered the briefing on the Motion and having considered arguments of counsel and the documents submitted to the Court, Plaintiffs' Motion for Default Judgment is hereby granted on the following grounds:

1. On June 26, 2005, Top Class employee Terrence Jordan ("Jordan") was driving a Chevrolet Tow Truck owned by Top Class when he allegedly rear-ended a stopped vehicle, injuring its driver and passenger.

2. Jordan was cited for negligent operation of his vehicle and driving on a suspended license. Furthermore, the investigating officer determined that he was under the influence of narcotics at the time of the accident.

3. Top Class reported this accident to Plaintiffs and tendered defense and indemnification of any claims arising from Jordan's accident to them.

4. Prior to the above accident, Top Class failed to notify Plaintiffs that it had hired Jordan and that it wanted to add him to its insurance policy. As such, he was not a scheduled driver under the Top Class Coverage Contract, nor were any premiums paid for his coverage. Therefore, he was not entitled to any coverage.

5. Even if Jordan had been scheduled as a driver, coverage would be precluded under Exclusions 11, 20, and 31 of the Top Class Coverage Contract because, at the time of the accident, he was willfully using illegal drugs.

Based on the reasons set forth above, the Court finds as follows:

1. An entry of default has been issued by this Court as Defendant failed to respond to Plaintiffs' Complaint.

2. Under the undisputed facts of this case, the Court finds that Plaintiffs have no duty to defend or indemnify Top Class Towing or Terrence Jordan for any claims arising from the June 26, 2005 accident.

3. Under the undisputed facts of this case, the Court finds that Top Class Towing and Terrence Jordan have no right of recovery against Plaintiffs for any claims made against them arising from the June 26, 2005 accident.

Accordingly, it is:

HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs are entitled to declaratory judgment as requested and specified in the Complaint.

DATED this 20 day of September, 2006.

BY THE COURT

By _____
Judge Bruce S. Jenkins
United States District Court

MAILING CERTIFICATE

I HEREBY CERTIFY that on this _____ day of September, 2006 a true and correct copy of the foregoing **ORDER OF DEFAULT JUDGMENT** was served by the method indicated below, to the following:

TOP CLASS TOWING 1715 South 25th Street Philadelphia, PA 19145	(x) ( ) ( ) ( )	U.S. Mail, Postage Prepaid Hand Delivered Overnight Mail Facsimile

Electronically signed by hms on 9/14/06

_____

5406.00035

Arthur B. Berger (6490)
John W. Mackay (6923)
Samuel C. Straight (7638)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
Salt Lake City, Utah 84111
Telephone: (801) 532-1500
Facsimile: (801) 532-7543

Attorneys for Defendants and Counterclaim Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

NOVATIONS GROUP INC. et al., Plaintiffs, v. ZENGER FOLKMAN COMPANY et al., Defendants.	**STIPULATED PROTECTIVE ORDER** Civil No. 2:06-CV-347 PGC
ZENGER FOLKMAN COMPANY et al., Counterclaim Plaintiffs, v. NOVATIONS GROUP INC. et al., Counterclaim Defendants.	

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and based on the Stipulated Motion for Entry of Protective Order of Plaintiff/Counterclaim Defendant

Novations Group, Inc., and Plaintiffs The Training Company, Inc., and Garrett Galley (collectively "Plaintiffs"), and Defendants/Counterclaim Plaintiffs Zenger Folkman Company, Joseph R. Folkman, John H. Zenger, and Kurt Sandholtz, and Defendants Kathy Buckner, Lynn Nicholson, and Kerri Price (collectively "Defendants"), and good cause appearing,

IT IS HEREBY ORDERED that a party or a non-party disclosing or producing information, documents, or things in this matter ("producing party") may designate such information, documents, or things as Confidential or Confidential—Attorneys' Eyes Only under the following terms and conditions:

1. Any document, information, or thing may be designated Confidential if it is in good faith determined by the producing party to contain confidential or proprietary information, including information in written, oral, electronic, graphic, pictorial, audiovisual, or other form, whether it is a document,[1] information contained in a document, item produced for inspection, information revealed during a deposition, information revealed in an interrogatory answer, or otherwise.

2. Any document, information, or thing may be designated Confidential—Attorneys' Eyes Only if it is in good faith determined by the producing party to contain confidential, commercially sensitive, or proprietary information related to any of the following: technical data, research and development information, marketing or other business plans, product or service information, customer information, trade secrets,

[1]The term "document" shall be synonymous in meaning and equal in scope to the usage of that term in Rule 34 of the Federal Rules of Civil Procedure, and shall include every writing and recording within the meaning given those terms in Rule 1001 of the Federal Rules of Evidence.

competitive information, or financial information of the party, or any other information of such sensitivity to warrant Confidential—Attorneys' Eyes Only treatment, including information in written, oral, electronic, graphic, pictorial, audiovisual, or other form, whether it is a document, information contained in a document, item produced for inspection, information revealed during a deposition, information revealed in an interrogatory answer, or otherwise.

3. A producing party may designate any document or other tangible information or thing as Confidential or Confidential—Attorneys' Eyes Only by stamping some conspicuous place thereof with the legend CONFIDENTIAL or CONFIDENTIAL—ATTORNEYS' EYES ONLY, respectively. For example, in the case of a document, a producing party may so mark each page of a multipage document. In the case of other tangible items, a producing party may so mark any appropriate location. For example, in the case of a computer disk, a producing party may so mark the disk cover.

4. A non-producing party may also designate any document, information, or thing produced during the course of this proceeding, not already designated Confidential or Confidential—Attorneys' Eyes Only, as Confidential or Confidential—Attorneys' Eyes Only as if it were a producing party. The non-producing party shall accomplish such designation by notifying all parties in writing of the specific item so designated, within ten business days of the production of such document, information, or thing, during which period said items shall be presumed Confidential. At the end of this ten day period, such documents, information, or things not designated as Confidential or

Confidential—Attorneys' Eyes Only shall automatically revert to non-Confidential status.

5. A producing party may designate documents, information, or things disclosed at a deposition of a producing party or one of its present or former officers, directors, employees, agents, or independent experts retained for purposes of this proceeding as Confidential or Confidential—Attorneys' Eyes Only on the record during the deposition or by notifying all parties in writing of the specific item so designated, within ten business days of receiving a copy of the deposition transcript, of the specific exhibits or lines and pages of the transcript that are Confidential or Confidential—Attorneys' Eyes Only.

a. If a producing party designates such materials as Confidential or Confidential—Attorneys' Eyes Only on the record, the court reporter shall indicate on the cover page of the transcript that the transcript includes Confidential or Confidential—Attorneys' Eyes Only information, shall list the pages and lines numbers and/or exhibits of the transcript on or in which such information is contained, and shall bind the transcript in separate portions containing Confidential, Confidential—Attorneys' Eyes Only, and non-Confidential material. Further, during the period in which such Confidential or Confidential—Attorneys' Eyes Only information is discussed during the deposition, any person present during the deposition who is not a Qualified Person, as defined below, or the court reporter, shall be excluded from that portion of the deposition.

b. A deposition transcript and the exhibits thereto shall be presumed Confidential—Attorneys' Eyes Only in their entirety until ten business days after receipt of the transcript by the producing party. If, after the deposition is taken, the producing party designates any portion of the deposition transcript or exhibits as Confidential or Confidential—Attorneys' Eyes Only by giving written notice as described above, all persons receiving notice of such designation shall affix the same to the face of their copy or copies of the transcript. At the expiration of the ten day period, the transcript and exhibits shall automatically revert to non-Confidential status, except those portions that have been designated on the record or in writing as Confidential or Confidential—Attorneys' Eyes Only.

c. A non-producing party may designate documents, information, or things disclosed at a deposition as Confidential or Confidential—Attorneys' Eyes Only in the same manner as a producing party.

6. Should any party object to a designation of any information, documents, or things as Confidential or Confidential—Attorneys' Eyes Only, the parties and/or the producing party shall attempt to resolve such objection in good faith on an expedited and informal basis. If the objection is not thereby resolved, the objecting party may apply for a ruling from the Court determining whether the materials in question are properly designated under the terms of this Protective Order. Where the objecting party objects that the materials constitute neither Confidential nor Confidential—Attorneys' Eyes Only designations, and the objection is not thereby resolved, then the objecting party may apply for a ruling from the Court determining whether the materials in question would, in

the absence of this protective order, be entitled to coverage by a protective order. The burden of establishing that a protective order would be appropriate shall remain on the party seeking to have the information, documents, or things designated as Confidential or Confidential—Attorney Eyes Only. In the event the court determines the information, documents, or things, are subject to such protection, they shall be categorized as Confidential or Confidential—Attorney Eyes Only in accordance with the provisions of paragraphs 1 and 2 above. Until the Court makes such determination, all material designated as Confidential or Confidential—Attorneys' Eyes Only shall be treated as such.

7. All information, documents, or things produced, exchanged, or inspected in the course of this proceeding shall be used solely for the purposes of this proceeding and disclosure thereof shall be solely for the purpose of resolving disputes between the parties.

8. All documents, information, or things designated as Confidential shall be made available only to the following Qualified Persons:

a. the parties to the proceeding, and the employees of the parties;

b. counsel of record in this proceeding, the employees of such counsel, outside vendors employed by such counsel for purposes of scanning, reproducing, or numbering documents, information, or things, and independent testifying or non-testifying experts or trial consultants retained by such counsel or by the parties in connection with this proceeding;

c. the person producing such materials;

d. the person who is the proprietor or source of such materials; and

e. the Court.

9. All documents, information, or things designated as Confidential—Attorneys' Eyes Only shall be made available only to the following Qualified Persons:

a. counsel to the parties, the employees of such counsel, outside vendors employed by such counsel for purposes of scanning, reproducing, or numbering documents, information, or things, and independent testifying or non-testifying experts or trial consultants retained by such counsel or by the parties in connection with this proceeding;

b. the person producing such materials;

c. the person who is the proprietor or source of such materials; and

d. the Court.

10. Materials designated as Confidential or Confidential—Attorneys' Eyes Only shall not be made available to persons other than those enumerated in paragraphs 8 and 9 above, respectively, even if attached to or contained within otherwise non-Confidential materials, such as transcripts, memoranda, or affidavits; the Confidential and Confidential—Attorneys' Eyes Only information must be removed before the remaining materials may be made available to those other persons.

11. No information, documents, or things designated as Confidential or Confidential—Attorneys' Eyes Only shall be disclosed to testifying or non-testifying experts or consultants pursuant to the terms of paragraphs 8 and 9 above unless and until such experts or consultants have first been supplied with and have read a copy of this

Order and have executed an Undertaking in the form annexed hereto. Where the expert or consultant is reasonably expected to testify during the trial of this matter, counsel for the party obtaining the Undertaking shall retain the original of the Undertaking and forward a copy to the opposing party's counsel within five business days of its execution. Where the expert or consultant will not testify during the trial of this matter, counsel obtaining the Undertaking shall retain the original, but no copy need be given to the opposing party's counsel.

12. No documents, information, or things designated as Confidential or Confidential—Attorneys' Eyes Only shall be filed with the Court, including that contained in pleadings, motions, briefs, declarations, or exhibits, except in sealed envelopes. Such sealed envelopes shall bear the caption of the case and shall recite a concise, non-disclosing inventory of their contents for docketing purposes. Additionally, in the case of materials or information designated Confidential, such sealed envelopes shall prominently bear the legend: CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER, TO BE OPENED ONLY BY OR AS ORDERED BY THE COURT. In the case of materials or information designated Confidential—Attorneys' Eyes Only, the envelopes shall prominently bear the legend: CONTAINS CONFIDENTIAL—ATTORNEYS' EYES ONLY INFORMATION SUBJECT TO PROTECTIVE ORDER, TO BE OPENED ONLY BY OR AS ORDERED BY THE COURT. To the extent possible, only those portions of a filing with the Court that contain material designated as Confidential or Confidential—Attorneys' Eyes Only shall be filed under seal. The Court and its staff shall maintain

under seal all filings so designated pending further order or direction from the Court. To the extent that no Confidential or Confidential—Attorneys' Eyes Only information is disclosed, the parties may refer to, and quote from, documents designated as Confidential or Confidential—Attorneys' Eyes Only in pleadings, motions, briefs, affidavits, or exhibits filed with the Court, without the need to file such pleadings, motions, briefs, affidavits, or exhibits under seal.

13. Nothing in this Order shall preclude any party to the proceeding or their attorneys from:

a. Showing materials designated as Confidential or Confidential—Attorneys' Eyes Only to an individual who either prepared or reviewed the document prior to the filing of this action, or is shown by the document to have received the document.

b. Disclosing or using, in any manner or for any purpose, any information, documents, or things from the party's own files that the party itself designated as Confidential or Confidential—Attorneys' Eyes Only.

c. Disclosing or using, in any manner or for any purpose, any information, documents, or things obtained from a source other than discovery or to which a party has a right of access independent of discovery.

d. Disclosing or using, in any manner or for any purpose, any information, document, or thing that is at the time of production or disclosure, or subsequently becomes, through no wrongful act or failure to act on the part of the receiving party, generally available to the relevant public through publication or

otherwise, or is already rightfully in the possession of the receiving party at the time of production.

e. Disclosing or using, in any manner or for any purpose, any information, document, or thing at the trial of this matter. However, if a party intends to use or offer into evidence at such trial any materials designated as Confidential or Confidential—Attorneys' Eyes Only, that party shall, unless otherwise ordered by the Court, so inform the producing party in a reasonable time in advance in order that the producing party may take such steps reasonably necessary to preserve the confidentiality of such information or documents.

14. If either party is served with a subpoena or similar process, from any entity whatsoever, directing that party to produce any materials designated as Confidential or Confidential—Attorneys' Eyes Only not so designated by that party, counsel for that party shall immediately give counsel for the designating party written notice of the fact of such service so that the designating party may seek a protective order or otherwise act to protect the confidentiality of the designated materials.

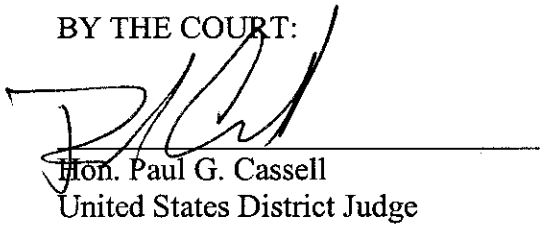
15. Within sixty days of the conclusion of this action, including any appeals, all originals and reproductions of any materials designated as Confidential and Confidential—Attorneys' Eyes Only shall be returned to the producing party or destroyed. However, counsel for the parties may retain one complete set of pleadings and motion papers filed with the Court, and one complete copy of deposition testimony given in this action. Counsel for the receiving party shall provide written verification to the producing party that all copies of such materials produced to the receiving party have

been returned or destroyed, other than as indicated in this paragraph. Materials designated as Confidential or Confidential—Attorneys' Eyes Only that are in the custody of the Court are excepted from the terms of this paragraph.

16. The terms of this Order shall remain in effect after the action and any related appeals are concluded, except that there shall no longer be any restriction on use of materials designated as Confidential or Confidential—Attorneys' Eyes Only that are used as exhibits at trial (unless such exhibits were used under seal or protective order at trial).

DATED this 21st day of September, 2006.

BY THE COURT:



Hon. Paul G. Cassell
United States District Judge

APPROVED AS TO FORM AND SUBSTANCE:

FILLMORE SPENCER LLC

/s/ Matthew R. Howell
Barnard N. Madsen
Matthew R. Howell
Jennifer K. Gowans

Attorneys for Plaintiffs and Counterclaim Defendants

[Signed by filing attorney with permission of Matthew R. Howell]

UNDERTAKING

I, _____ (name), of _____

_____ (employer and business address), am about to receive information, documents, or things designated as Confidential and/or Confidential—Attorneys' Eyes Only under the Stipulated Protective Order dated _____, 2006, entered by the United States District Court for the District of Utah, in *Novations Group, Inc. et al. v. Zenger Folkman Company et al.*, Civil No. 2:06-CV-347 PGC ("Protective Order").

I hereby represent and certify that I have been given a copy of and read said Protective Order, and that I understand the same. I hereby further certify that I am one of the persons allowed under paragraphs 8 or 9 of the Protective Order to receive access to information, documents, or things designated Confidential and/or Confidential—Attorneys' Eyes Only. I also agree to be bound by the terms of the Protective Order, specifically including the requirement that information, documents, and things I may receive that are designated as Confidential and/or Confidential—Attorneys' Eyes Only, as well as all copies, notes, summaries, and other records made regarding such information, documents, and things, shall be disclosed to no one other than persons specifically allowed by paragraphs 8 and/or 9 of the Protective Order, as applicable, to have access to such information.

I further understand that violation of the Protective Order may be punishable by contempt of Court, and I consent and submit to the jurisdiction of the United States District Court for the District of Utah, Central Division, with respect to the enforcement of any of the terms of the Protective Order.

_____ _____

Date Signature

885067

BERMAN & SAVAGE, P.C.
Daniel L. Berman (0304)
Kenneth W. Yeates (3577)
Samantha J. Slark (10774)
170 South Main Street. Suite 500
Salt Lake City, Utah 84101
Telephone: (801) 328-2200

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SYSTEMS WEST COMPUTER RESOURCES, INC. and NANCY HALVERSON, an individual, Plaintiffs, vs. BRIAN PATTERSON, an individual, Defendant.	**[~~PROPOSED~~] ORDER GRANTING APPLICATION FOR BERMAN & SAVAGE TO WITHDRAW AS COUNSEL FOR DEFENDANT AND COUNTERCLAIM PLAINTIFF BRIAN PATTERSON** Civil No. 2:06-CV-00390 DS Judge David Sam

Pursuant to Rule 83 - 1.4 of the Rules of Practice in the United States District Court for the District of Utah, the Court hereby orders the application for Berman & Savage, P.C. to withdraw as counsel for defendant and counterclaim plaintiff Brian Patterson granted.

DATED this 20th day of September, 2006.

Honorable David Sam
United States District Court Judge

PHILLIP Wm. LEAR, # 1914
DENNIS C. FARLEY, #1034
Lear & Lear L.L.P.
299 South Main, Suite
Wells Fargo Center
Salt Lake City, UT 84111
Telephone: (801) 538-5000
Fax: (801) 538-5001
phillip.lear@learlaw.com
dennis.farley@learlaw.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

CHRISTIAN F. MURER Plaintiff, v. PLATEAU RESOURCES LIMITED, INC. Defendant.	FIRST AMENDED SCHEDULING ORDER Civil No. 2:06cv00393 BSJ Judge Bruce S. Jenkins

Pursuant to stipulation of the parties and good cause appearing, the Scheduling Order is hereby amended as shown in bold typeface:

1. **INITIAL DISCLOSURES**. The initial disclosures required by Rule 26(a)(1) will be made by September 15, 2006.

2. **AMENDMENTS AND JOINDER**. **Joinder of additional parties shall occur and motions seeking leave to amend pleadings shall be filed no later than fourteen (14) days following the court's ruling on Defendant's Motion for Judgment on the Pleadings.**

3. **DISCOVERY PLAN**.

(a) Discovery is necessary on all issues raised in the pleadings and within the scope of permissible discovery under Rule 26 of the Federal Rules of Civil Procedure.

(b) Discovery may begin immediately and shall be completed on or before January 31, 2007.

4. **LIMITATIONS ON DISCOVERY**. The limitations on discovery posed by the Federal Rules of Civil Procedure are unaltered, unless otherwise agreed by the parties or ordered by the court.

5. **MOTIONS**. Dispositive motions shall be filed on or before February 15, 2007.

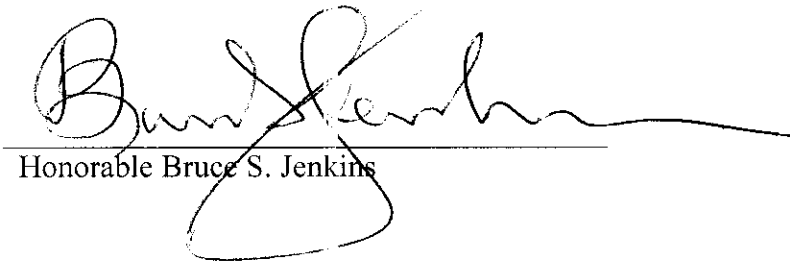
6. **DEADLINE FOR ALLOCATING FAULT TO A NON-PARTY**. The deadline for filing the description of the factual and legal basis for allocating fault to a non-party and the identity of the non-party shall be November 1, 2006.

7. **FINAL PRETRIAL HEARING**. A final pretrial hearing is set for Friday, April 13, 2007, at 9:30 a.m. A proposed pretrial order will be filed by the parties no later than Thursday, April 11, 2007.

8. **SETTLEMENT**. The potential for settlement is fair.

DATED this 20 day of Sept, 2006.

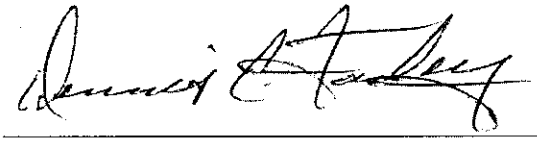
BY THE COURT:



Honorable Bruce S. Jenkins

Approved as to form:

LEAR & LEAR, L.L.P



September 15, 2006

Philip Wm. Lear
Dennis C. Farley

Date

PARR WADDOUPS BROWN GEE
& LOVELESS

/s/ Daniel E. Barnett

September 15, 2006

Daniel A. Jensen
Daniel E. Barnett
(Signed by Filing Attorney with permission of Defendant's Attorney)

Date

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

SOUTH VALLEY DERMALASE, INC., MARYLYNN BUONOCORE, MERILYN HARRIS, **Plaintiffs,** **v.** **CUTERA, INC., STANDARD CAPITAL CORP., PHYSICIAN SALES AND SERVICE, INC., U.S. BANCORP,** **Defendants.**	**ORDER** **Case No. 2:06cv569** **Judge Ted Stewart** **Magistrate Paul M. Warner**

This matter was referred to Magistrate Judge Paul M. Warner by District Judge Ted Stewart pursuant to 28 U.S.C. § 636(b)(1)(A). Before the court is Plaintiffs' Ex Parte Motion to Withdraw as Attorney. The court, having considered the moving papers, and finding good cause therefore, hereby GRANTS the request of James E. Ellsworth, Jason W. Beutler, Terry L. Fund, and Kirton & McConkie to withdraw as counsel for Plaintiffs.

DATED this 22nd day of September, 2006.

BY THE COURT:

PAUL M. WARNER
United States Magistrate Judge

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT
2006 SEP 22 P 1:49
DISTRICT OF UTAH
BY: DEPUTY CLERK

Joseph Alexander Anderson and Arva Anderson,
Plaintiff

v.

Ford Motor Company, et al.
Defendant

ORDER FOR PRO HAC VICE ADMISSION

Case Number 2:06-cv-00741-TS

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of G. Patterson Keahey in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 22nd day of September, 2006.

T. Stewart

U.S. District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

* * * * * * * * *

CANDLE WARMERS ETC., INC. a Nevada Corporation,	)	Civil No. 2:06-CV-0760J
Plaintiff,	)	**ORDER OF DISMISSAL**
vs.	)	
MANILA INDUSTRIES, INC.,	)	
Defendant.	)	

* * * * * * * * *

Based on the Notice of Voluntary Dismissal filed by plaintiff on September 19, 2006,

IT IS ORDERED that the above-entitled action is **dismissed**, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure as amplified by Local Rule DUCivR 54-1(d).

DATED this 20 day of September, 2006.

BY THE COURT:

Bruce S. Jenkins
United States Senior District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

PRESTON SCOTT WALLACE, Plaintiff, vs. SCOTT CARVER, et al. Defendants.	ORDER OF REFERENCE Civil No. 2:06-CV-780 DS

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(B) and the rules of this Court, the above entitled case is referred to Magistrate Judge Samuel Alba. The magistrate judge is directed to manage the case, receive all motions, hear oral arguments, conduct evidentiary hearings as deemed appropriate, and to submit to the undersigned judge a report and recommendation for the proper resolution of dispositive matters presented.

DATED this 20th day of September, 2006.

BY THE COURT:

DAVID SAM
United States District Judge

MEMORANDUM

TO: Markus Zimmer
Clerk of the Court

FROM: Bruce S. Jenkins
U.S. Senior District Judge

DATE: September 20, 2006

SUBJECT: Campbell v. Atlantic City, et al.,
Case No. 2:06-CV-789

I find I must recuse myself from this case.

Would you please see that this case is reassigned to another judge pursuant to our computer program.

BRUCE S. JENKINS
U.S. Senior District Judge

Judge Tena Campbell
DECK TYPE: Civil
DATE STAMP: 09/22/2006 @ 13:58:30
CASE NUMBER: 2:06CV00789 TC

MEMORANDUM

TO: Markus Zimmer
Clerk of the Court

FROM: Bruce S. Jenkins
U.S. Senior District Judge

DATE: September 21, 2006

SUBJECT: Campbell v. Township of Brick, N.J.
Case No. 2:06-CV-802

I find I must recuse myself from this case.

Would you please see that this case is reassigned to another judge pursuant to our computer program.

BRUCE S. JENKINS
U.S. Senior District Judge

AO 240A (Rev. 12/03)

UNITED STATES DISTRICT COURT

FILED
DISTRICT COURT
2006 SEP 21 P 4: 51
DISTRICT OF UTAH
BY: DEPUTY CLERK

Central District of UTAH

Robert Reedy

Plaintiff

V.

~~Merck & Co.~~
Jo Anne B. Barnhart
Defendant

ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

Judge Dee Benson
DECK TYPE: Civil
DATE STAMP: 09/21/2006 @ 16:52:55
CASE NUMBER: 2:06CV00805 DB

Having considered the application to proceed without prepayment of fees under 28 USC §1915;

IT IS ORDERED that the application is:

☑ GRANTED.

☑ The clerk is directed to file the complaint.

☐ IT IS FURTHER ORDERED that the clerk issue summons and the United States marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.

☐ DENIED, for the following reasons:

ENTER this 20 day of Sept, 2006.

Brooke C. Wells
Signature of Judge

Magistrate Judge Brooke C. Wells
Name and Title of Judge

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH - CENTRAL DIVISION

In re Holli Lundahl	**ORDER** Case No. 2:06 MC 619 DB

On July 8, 2004, this Court signed an order placing Ms. Holli Lundahl on the restricted filer list for the District of Utah. The order provides that any purported filings by Ms. Lundahl will be reviewed by a magistrate judge and then forwarded to the Chief District Judge. Only if the Chief Judge consents to a particular filing is Ms. Lundahl permitted to file pleadings. On July 5, 2006, Ms. Lundahl attempted to remove a case from state to federal court. In accordance with the terms of the 2004 order, Ms. Lundahl's purported removal was scrutinized by Magistrate Judge Alba, who recommended that the case not be filed. The Court adopted Magistrate Judge Alba's recommendation on August 22, 2006. A flurry of purported filings has been the result. Ms. Lundahl's request for a writ of mandamus is denied and she is reminded that the restrictions on her ability to file remain in place.

IT IS SO ORDERED

DATED this 20th day of September, 2006.

Dee Benson
United States District Judge

AO 94 (Rev. 8/97) Commitment to Another District

UNITED STATES DISTRICT COURT

District of

UNITED STATES OF AMERICA
V.
David Glenn Cox

COMMITMENT TO ANOTHER DISTRICT

DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest	District of Offense	District of Arrest	District of Offense
	06-01206-MJW	WE-06-295	

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
SEP 21 2006
MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☒ Complaint ☐ Other (specify)

charging a violation of 18 **U.S.C. §** 2113 (a)

DISTRICT OF OFFENSE Colorado

DESCRIPTION OF CHARGES: Bank Robbery

CURRENT BOND STATUS:

☐ Bail fixed at and conditions were not met
☐ Government moved for detention and defendant detained after hearing in District of Arrest
☒ Government moved for detention and defendant detained pending detention hearing in District of Offense
☐ Other (specify)

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ None

Interpreter Required? ☒ No ☐ Yes Language:

DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

9/20/06
Date

Brooke C. Wells
United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED

DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL

AO 245D (Rev. 12/03) Judgment in a Criminal Case for Revocations
Sheet 1

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
SEP 21 2006
MARKUS B. ZIMMER, CLERK
BY Utah DEPUTY CLERK

UNITED STATES DISTRICT COURT

Central Division District of Utah

UNITED STATES OF AMERICA
V.
Jose Luis Haro-Salcedo

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)

Case Number: DUTX296000008-001
USM Number: 05825-081
Mark J. Gregersen, Esq.
Defendant's Attorney

THE DEFENDANT:

☑ admitted guilt to violation of condition(s) 1 of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
1	The defendant illegally re-entered the United States, and was found in the country on or about 12/26/2002.	

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's Residence Address:

Defendant's Mailing Address:

9/20/2006
Date of Imposition of Judgment

David Sam
Signature of Judge

David Sam — Sr US District Judge
Name of Judge — Title of Judge

September 21, 2006
Date

DEFENDANT: Jose Luis Haro-Salcedo
CASE NUMBER: DUTX296000008-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

8 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☑ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jose Luis Haro-Salcedo
CASE NUMBER: DUTX296000008-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

52 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☑ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jose Luis Haro-Salcedo
CASE NUMBER: DUTX296000008-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally re-enter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the USPO in the District of Utah within 72 hours of arrival in the United States.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – CENTRAL DIVISION

THE STATE OF UTAH, ex rel., MARK L. SHURTLEFF, in his capacity as ATTORNEY GENERAL OF THE STATE UTAH Plaintiff, vs. R.J. REYNOLDS TOBACCO COMPANY, et al., Defendants.	**ORDER** Case No. 2:96CV829 Judge Dee Benson

Having reviewed the motion for joinder (Doc. #418) submitted by Subsequent Participating Manufacturer Compania Industrial de Tabacos Monte Paz, S.A., the Court hereby GRANTS the Subsequent Participating Manufacturers motion to join the Original Participating Manufacturers' motion to compel arbitration and to dismiss, or in the alternative to stay, this litigation.

IT IS SO ORDERED.

DATED this 20th day of September, 2006.

Dee Benson
United States District Judge

Gregory G. Skordas (#3865)
SKORDAS, CASTON & HYDE, LLC
9 Exchange Place, #1104
Salt Lake City, Utah 84111
Telephone: (801) 531-7444
Facsimile: (801) 531-8885

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	**ORDER FOR EARLY RELEASE**
vs.	:	
		Case No.2:97-CR-00115
DAVID ANTILLON-MENDEZ,	:	
Defendant.	:	

Based upon the Defendant's Motion for Early Release and good cause appearing,

IT IS HEREBY ORDERED:

1. The Defendant is ordered released from his remaining commitment at the Cornel Community Correction Center and is placed back on ~~probation~~ supervised release through the Office of Federal Probation.

2. The Defendant is allowed to reside in a location approved by his probation officer, including the Unitah Basin if approved by the Federal probation Department.

DATED this 20th day of Sept., 2006.

BY THE COURT:

Judge Benson
District Court Judge

CERTIFICATE OF MAILING/HAND DELIVERY

I hereby certify that on the 19th day of September, 2006, a true and correct copy of the foregoing Motion to Continue Jury Trial was electronically delivered, hand delivered or mailed, postage prepaid, addressed as follows:

United States Attorney's Office
185 South State Street, Suite 400
Salt Lake City, Utah 84111

s/ Gregory G. Skordas

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. CODY JAY BERTELSEN, Defendant.	:	ORDER OF RECUSAL Case No. 2:98-CR-00521-002 DKW

I recuse myself in this criminal case, and ask that the appropriate reassignment card be drawn by the clerk's office.

Dated this 22nd day of September, 2006.

BY THE COURT:

David K. Winder

David K. Winder
Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

STEVEN J. KADONSKY,	)	
	)	Civil No. 2:98-CV-00852 BSJ
Plaintiff,	)	
vs.	)	
	)	**ORDER**
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

On July 11, 2006, Plaintiff Steven J. Kadonsky, an inmate at New Jersey State Prison, filed a Notice of Appeal to the United States Court of Appeals for the Tenth Circuit. The filing fee is $455.[1] However, Plaintiff asserts he is unable to prepay the filing fee and wishes to proceed *in forma pauperis*. He thus applied to proceed without prepaying the filing fee and submitted a supporting affidavit.[2]

The Court grants Plaintiff's request to proceed without prepaying the entire filing fee. Even so, Plaintiff must eventually pay the full $455.[3] Plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his prison] account . . . or the average monthly balance in [his prison] account for the 6-month period

[1]*See* 28 U.S.C.A. § 1913 note (Supp. July 2006); Deficit Reduction Act of 2005, Pub.L. No. 109-171, Title X, § 10001(b), 120 Stat.183 (Feb. 8, 2006); *see also* United States Court of Appeals for the Tenth Circuit fee schedule presenting a $450 filing fee and a $5 docketing fee. (http://www.ck10.uscourts.gov/index.php).

[2]*See id.* § 1915(a)(1).

[3]*See id.* § 1915(b)(1).

immediately preceding the filing of the . . . notice of appeal."[4] Under this formula, Plaintiff must pay $ 9.92, which is 20 percent of the average monthly deposits to his prison account for the period from November 1, 2005 to April 30, 2006. If this initial partial fee is not paid within 30 days, or if Plaintiff has not shown he has no way to pay it, the Notice of Appeal will be dismissed. Therefore,

IT IS ORDERED that:

(1) Plaintiff may proceed without prepaying his filing fee; however, he must eventually pay the full filing fee of $455.00;

(2) Plaintiff must pay an initial partial filing fee of $9.92 within thirty days of the entry of this order;

(3) Plaintiff must thereafter make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.[5] The agency having custody of the Plaintiff shall forward payments from the Plaintiff's account to the clerk for the U.S. District Court for the District of Utah each time the amount in the account exceeds $10.00 until the balance of the $455.00 filing fee is paid;[6]

(4) Plaintiff shall make the necessary arrangement to furnish a copy of this Order to the inmate fund accounting officer or other appropriate officer at the Plaintiff's correctional facility; and

(5) Plaintiff must complete the consent to collect of fees and submit it to his correctional

---

[4] *Id.*

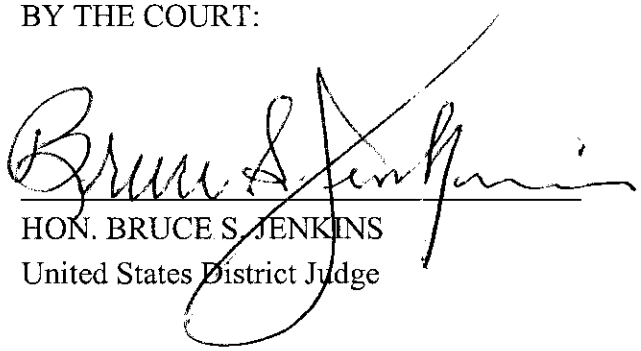
[5] *See id.* § 1915(b)(2)

[6] *Id.*

institution's inmate funds accounting office and also submit a copy of the signed consent to this Court within thirty days from the entry of this Order.

DATED this 22 day of September, 2006.

BY THE COURT:



HON. BRUCE S. JENKINS
United States District Judge

IN THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF UTAH, CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, STEVEN J. KADONSKY, understand that even though the Court has granted my application to proceed *in forma pauperis* and filed my Notice of Appeal, I must still eventually pay the entire filing fee of $455.00. I understand that I must pay the complete filing fee even if my appeal is later dismissed.

I, STEVEN J. KADONSKY, hereby consent for the appropriate institutional officials to withhold from my inmate account and pay to the court an initial payment of $9.92, which is 20% of the greater of:

(a) the average monthly deposits to my account for the 6-month period immediately preceding the filing of the my notice of appeal; or

(b) the average monthly balance in my account for the 6-month period immediately preceding the filing of the my notice of appeal.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account exceeds $10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the $455.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

DATED this ____ day of September, 2006.

_____

Signature of Inmate
Steven J. Kadonsky

United States Probation Office
for the District of Utah

Report on Offender Under Supervision

Name of Offender: **Gerald Bell** Docket Number: **2:99-CR-00687-001-DAK**

Name of Sentencing Judicial Officer: **Honorable Dale A. Kimball**
United States District Judge

Date of Original Sentence: **August 21, 2000**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **57 Months Custody Bureau of Prisons; 36 Months Supervised Release**

Type of Supervision: **Supervised Release** Supervision Began: **October 8, 2004**

SUPERVISION SUMMARY

On November 7, 2005, a Petition was filed in U.S. District Court alleging the following violation of supervised release:

Allegation No.1: On October 21, 2005, the defendant was arrested by the Taylorsville City Police Department and Charged with Convicted Felon in Possession of a Firearm.

On August 31, 2006, Mr. Bell was sentenced by the Honorable Dee Benson to 56 months custody of the Bureau of Prisons for the above offense followed by 24 months supervised release under docket number 2:05-CR-00888-001-DB. Accordingly, the probation office is recommending the violation petition under docket number 2:99-CR-00687-001-DAK before this Court be dismissed and all further proceedings terminated. Assistant U.S. Attorney Wade Farraway concurs in this recommendation.

If the Court desires more information or another course of action, please contact me at 535-3726.

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

Karl L. Richins
U.S. Probation Officer
Date: September 20, 2006

THE COURT:
[X] Terminates the case unsuccessfully and all further proceedings.
[ ] Denies the request noted above
[ ] Other

Honorable Dale A. Kimball
United States District Judge

Date: September 21, 2006