IN THE UTAH COURT OF APPEALS

OREM CITY / STATE OF UTAH, Plaintiff/Appellee, v. **DAVID AMMON JAKEMAN,** Defendant/Appellant.	Lead Appellate Case No: 20260698-CA ____ Consolidated with Nos: 20260700-CA, 20260702-CA, 20260704-CA, and 20260706-CA ____ District Court Nos: 221300408, 221300553, 231300069, 231300079, and 231300162

OPENING BRIEF OF APPELLANT

This Appeal is from the May 20, 2026 Ruling on Order to Show Cause Regarding Vexatious Litigant Findings and from the April 15, 2026 Ruling on Various Requests by Defendant and Vexatious Litigant Findings entered by Honorable Jared Eldridge of the Fourth Judicial District Court in and for Utah County, State of Utah.

D. JACOB SUMMERS (#12253)
56 North State Street
Orem, Utah 84057
(801) 229-7097
djsummers@orem.org

Attorney for Appellee

DAVID A. JAKEMAN (*pro se*)
2070 N 3930 W.
Lehi, UT 84048
(509) 306-2673
jakemandav@gmail.com

Appellant, pro se

LIST OF CURRENT AND FORMER PARTIES AND COUNSEL

David Ammon Jakeman is the defendant below and Appellant here. He appears self-represented.

Orem City is the plaintiff below and Appellee here. Counsel appearing for Orem City include D. Jacob Summers and Aliisa N. Leon of the Orem City Prosecutor's Office. Earlier district-court service lists also included Jonathan D. Ditto.

No other person or entity was a party below. The persons protected by the continuous protective orders were not parties. This brief identifies them only by role because their identities are unnecessary to decide this appeal.

Note regarding citations: All record citations ("R.####") are to the certified record in Case No. 221300408.

TABLE OF CONTENTS

INTRODUCTION 7
STATEMENT OF THE ISSUES 10
1. Defined Rule 83 claim 10
2. Rule 81(f) and Criminal Rule 33 10
3. Papers treated as the claim 11
4. Predicate findings and prior appellate decisions 11
5. Challenged restrictions and remedies 12
6. Category fit of the designated filings 13
STATEMENT OF THE CASE 13
A. Five criminal cases and postjudgment CPO proceedings 13
B. April 15 predicate order 16
C. May 20 hearing and final Rule 83 order 18
JURISDICTION 20
SUMMARY OF ARGUMENT 22
ARGUMENT 24
I. No Rule 83(a)(2)-defined claim 24
A. Predicate papers and the pending claim are separate requirements 24
B. No identified initiating pleading 26
C. *Watson* does not authorize redefining motions 27
II. Rule 81(f) and the applicable criminal rule 29
A. Criminal Rule 33 governed the identified conduct 29
B. Any imported Rule 83 had to be applied as written 31
III. Alternative no-probability findings 32
A. Two independent elements were merged 32
B. Shifting, unidentified predicate findings prevent review 33
C. Designated instances were rule-authorized filings 34
D. Prior appellate cases did not foreclose every later CPO issue 38
IV. Independent remedy defects and counsel-restriction scope 40
A. AOC notice after declining a prefiling order 40

B. Unauthorized retroactive blanket strike 41
C. Clerk-request ban lacked reviewable limits 43
D. Counsel provisions cannot exceed Rule 83(b)(2) and (b)(3) 44
V. No designated filing fits its assigned Rule 83(a)(1)(C) category 46
A. Enumerated acts and non-category labels 47
B. Three textual constructions 49
C. First instance: purpose and exhibits 50
D. Second instance: unique material adjudicated 52
E. Third instance: three distinct requests, one held timely 54
F. Fourth instance: narrower finding, single motion 55
G. Docket totals cannot backfill the predicates 57
ATTORNEY FEES 58
REQUEST FOR ORAL ARGUMENT 58
CONCLUSION 58
CERTIFICATE OF COMPLIANCE 59
CERTIFICATE OF SERVICE 60
ADDENDUM INDEX 61

Addendum items (separately filed):

1. May 20, 2026 Rule 83 ruling, R.5301–5309.

2. May 20, 2026 minutes, R.5299–5300.

3. April 15, 2026 ruling and Rule 83 findings, R.4912–4923.

4. September 25, 2025 deferral order, R.4383–4384.

5. July 25, 2025 CPO-hearing ruling, R.3286–3288.

6. June 30, 2025 ruling, R.2896–2902 (public-redacted copy).

7. May 20, 2026 hearing transcript, R.5392–5431.

8. June 1, 2026 appellate consolidation order.

9. Utah Rule of Civil Procedure 83.

10. Utah Rule of Civil Procedure 81(f).

11. Utah Rule of Criminal Procedure 33.

12. Utah Rule of Civil Procedure 7(l)(1)(E).

13. Utah Rule of Civil Procedure 11(b).

14. Utah Rule of Appellate Procedure 11(d)(1).

TABLE OF AUTHORITIES

Cases

Armstrong v. Manzo, 380 U.S. 545 (1965) 35
B.A.M. Development, L.L.C. v. Salt Lake County, 2012 UT 26 ..... 50, 53
Bill Johnson's Restaurants, Inc. v. NLRB, 461 U.S. 731 (1983) 36
Gillett v. Price, 2006 UT 24 36
Griffith v. Griffith, 1999 UT 78 ..... 13, 47, 49, 55, 57
IHC Health Services, Inc. v. D & K Management, Inc., 2008 UT 73 37
Liender v. Harris, 2025 UT App 2 ..... 45, 50
Lundahl v. Quinn, 2003 UT 11 37
McLaughlin v. Schenk, 2013 UT 20 37
Mid-America Pipeline Co. v. Four-Four, Inc., 2009 UT 43 37
Nelson v. Jacobsen, 669 P.2d 1207 (Utah 1983) 38
NPEC, LLC v. Miller, 2019 UT App 175 21
Orem City v. Jakeman, 2025 UT App 187 ..... 11, 19, 23, 38
Pang v. International Document Services, 2015 UT 63 ..... 49, 54
State v. Allred, 2026 UT App 1 ..... 11, 19, 23, 38–40
State v. Honorable Ann Boyden, 2019 UT 11 30
Strand v. Nupetco Associates LLC, 2017 UT App 55 .. 8, 10, 13, 22, 24–25, 27–28, 33–34, 47, 57
Taylor v. Lawlor, 2026 UT App 118 ..... 29, 42–43, 47
Tripati v. Beaman, 878 F.2d 351 (10th Cir. 1989) (per curiam) 38
Vashisht-Rota v. Howell Management Services, 2021 UT App 133 .... 8, 10–13, 21–22, 25, 27, 44, 47, 49
Watson v. Prestwich, 2026 UT App 122 ..... 8, 10–12, 22–23, 27–28, 34, 39, 49, 56
Widdison v. State, 2021 UT 12 37

Statutes

Utah Code § 78A-4-103 20
Utah Code § 78B-7-804 39

Rules

Utah Rule of Appellate Procedure 3 20–21
Utah Rule of Appellate Procedure 4 20–21
Utah Rule of Appellate Procedure 11 ..... 28, 36
Utah Rule of Appellate Procedure 21 60
Utah Rule of Appellate Procedure 24 59
Utah Rule of Civil Procedure 7 ..... 29, 42
Utah Rule of Civil Procedure 10 47
Utah Rule of Civil Procedure 11 49
Utah Rule of Civil Procedure 54 37
Utah Rule of Civil Procedure 59 ..... 15–16, 23, 28, 36, 38, 52–54
Utah Rule of Civil Procedure 60 30
Utah Rule of Civil Procedure 61 40
Utah Rule of Civil Procedure 81 ..... 8, 10, 18–19, 22, 28–32, 58
Utah Rule of Civil Procedure 83 ..... 7–14, 16–35, 38, 40–52, 56–58
Utah Rule of Criminal Procedure 22 30
Utah Rule of Criminal Procedure 30 ..... 36, 40
Utah Rule of Criminal Procedure 33 ..... 8–10, 14, 18–19, 22–23, 28–31, 35, 43, 48, 58
Utah Rule of Evidence 201 ..... 14, 16

Other Authorities

Order Denying Petition for Extraordinary Relief, *Jakeman v. Eldridge*, No. 20250611-CA (Utah Ct. App. July 23, 2025) 14

Memorandum from Timothy M. Shea to Advisory Committee on the Rules of Civil Procedure, *Rule 83. Vexatious litigants* (Jan. 18, 2012), https://legacy.utcourts.gov/committees/civproc/materials/2012-01-25.pdf 25, 47

INTRODUCTION

Rule 83 uses two different concepts. A litigant may engage in predicate conduct by filing "pleadings or other papers." Utah R. Civ. P. 83(a)(1)(C). But before imposing any restriction listed in Rule 83(b), a court must also find by clear and convincing evidence that there is no reasonable probability the litigant will prevail on "the claim." *Id*. R. 83(c)(1)(B). The rule defines that term to mean five initiating pleadings: "a petition, complaint, counterclaim, cross claim or third-party complaint." Id. R. 83(a)(2). No such pleading existed in these five closed misdemeanor cases. Confronting that gap, the district court wrote that it "construes Defendant's various filings and motions as 'claims' for the purposes of rule 83(c)(1)(B)." R.5306. That sentence decides this appeal. A definition is not a modifiable default; a court may not construe into existence the element the rule's drafters defined out of it.

What the court had before it were motions, responses, record-correction papers, requests for reconsideration, and objections filed in five criminal cases after judgment. Appellant raised the textual problem in writing and at the hearing. R.5091–5092, R.5096–5097; R.5397–5398. The court did not identify a petition, complaint, counterclaim, crossclaim, or third-party complaint; it reclassified the papers and then made a no-probability finding about each one. R.5306–5307. That construction does not interpret Rule 83's definition; it replaces it.

The order rests on a predicate order with problems of its own. On September 25, 2025, the district court ruled that it lacked jurisdiction to decide several of the deferred motions "until a decision is issued by the Court of Appeals," and it deferred them.

R.4383–4384. On April 15, 2026, the court denied those same motions—and converted them into Rule 83 predicates—on the opening premise that the prior appeals "have since resolved," although the lead appeal remained pending and undecided. R.4912; infra Statement A. Those motions are still the subject matter of live appeal 20250896-CA.

The definition matters. The Utah Court of Appeals has twice explained that Rule 83(c)(1)(B) concerns "the litigant's claim pending before the court." *Strand v. Nupetco Associates LLC*, 2017 UT App 55, ¶ 5; *Vashisht-Rota v. Howell Management Services*, 2021 UT App 133, ¶ 15 (per curiam). *Vashisht-Rota* involved an actual complaint. Id. ¶¶ 3, 6, 8. The newly issued *Watson v. Prestwich*, 2026 UT App 122, upheld restrictions despite an omitted express probability finding because the "nebulous claims" in hundreds of incomprehensible sovereign-citizen filings had no discernible legal significance. *Id*. ¶¶ 20–22. But *Watson* did not quote or analyze Rule 83(a)(2), and no defined-term objection was presented or decided. Here that precise objection was preserved and decided, and the court expressly reclassified conventional motions to supply the missing element.

There is a second threshold problem. Civil rules govern an aspect of a criminal proceeding only "where there is no other applicable statute or rule." Utah R. Civ. P. 81(f). Criminal Rule 33 already governed burdensome, irrelevant, immaterial, scandalous, or uncivil papers and authorized the court to disregard or strike them and impose sanctions. The district court had used that rule. R.2896–2902. It imported Rule 83 because Rule 33 did not provide every prospective remedy the court wanted. R.5303–5304. But Rule 81(f) asks whether another rule is applicable, not whether that rule offers the same remedy. At

a minimum, importing Rule 83 could not authorize the court to discard Rule 83's own claim limitation.

Finally, even if Rule 83 applied and a defined claim existed, the designation fails on the rule's own terms. The labels that carried the four predicate findings—"burdensome," "irrelevant," "moot," "copied-and-pasted," and "failed to cite any legal authority"—are Criminal Rule 33's vocabulary or no rule's at all, and the Rule 83(a)(1)(C) categories the court did assign are contradicted by its own orders. Infra Part V.

The remedies confirm the problem. The court declined to enter either prefiling order described in Rule 83(b)(4) and (b)(5), then directed statewide notice that a "pre-filing order" had entered. R.5309. It retroactively struck every pro se filing after April 15 although no prefiling order then existed and no filing-specific Rule 33 findings were made. R.5309, R.5418–5419. And it barred all direct requests to clerks without identifying a single request, date, subject, or workable exception. R.5308, R.5418. It imposed those counsel gateways while simultaneously declining to appoint counsel for a litigant who told the court he could not afford one. R.5420–5422.

Courts have ample authority to address abusive papers and protect court staff. The question is whether this particular order satisfied the rule invoked. It did not. Appellant asks the Court to vacate the May 20, 2026 Rule 83 order and its restrictions, vacate the legal effect of the blanket strike and the Administrative Office of the Courts notice directive, vacate the April 15, 2026 order, vacate the vexatious litigant designation of the June 30, 2025 order, and remand for any filing-specific proceeding authorized by law.

STATEMENT OF THE ISSUES

1. Did the district court err by applying Rule 83(c)(1)(B) without a "claim" as Rule 83(a)(2) defines that term?

Standard of review. Whether the court correctly interpreted and applied Rule 83 is reviewed for correctness. *Watson v. Prestwich*, 2026 UT App 122, ¶ 13; *Vashisht-Rota*, 2021 UT App 133, ¶ 16; *Strand*, 2017 UT App 55, ¶ 4.

Preservation. Appellant's written opposition argued that Rule 83(a)(2) defines "claim" as one of five initiating pleadings, that he had filed none in these criminal cases, and that the April 15 order identified no operative claim. R.5091–5092, R.5096–5097, R.5111; see also R.4940, R.5010, R.5121, R.5150, R.5172 (same point in other struck papers). He repeated the objection at the hearing. R.5397–5398. The court ruled on it in writing and orally. R.5304–5307; R.5412–5417.

2. Did the district court err under Rule 81(f) by importing Civil Rule 83 into these postjudgment criminal proceedings when Criminal Rule 33 already governed the asserted paper misconduct?

Standard of review. The interpretation and applicability of procedural rules are reviewed for correctness. *Watson*, 2026 UT App 122, ¶ 13; *Strand*, 2017 UT App 55, ¶ 4. Subsidiary factual findings are reviewed for clear error. *Watson*, 2026 UT App 122, ¶ 13.

Preservation. Appellant raised Rule 81(f) and Criminal Rule 33 in his written opposition, which argued that Rule 33 already governs criminal papers of the kind identified and that Rule 81(f)'s conditions were not met, R.5091, R.5102, R.5107–5109, R.5111, and again at the hearing, R.5397–5401. The district court decided the issue. R.5303–5304; R.5412–5413.

3. Alternatively, did the district court err in its Rule 83(c) findings—by treating the predicate papers themselves as the "claim," by resting on shifting, unidentified predicates, and by designating rule-authorized filings as acts specified in Rule 83(a)(1)(C)?

Standard of review. The court's interpretation of Rule 83 and subsidiary legal conclusions are reviewed for correctness; factual findings are reviewed for clear error. *Watson*, 2026 UT App 122, ¶ 13; *Vashisht-Rota*, 2021 UT App 133, ¶ 16.

Preservation. Appellant disputed each predicate and the no-probability element in writing—identifying each designated filing by docket number and procedural function, contesting the categories assigned, and arguing that no claim-specific no-probability finding could be made—and orally. R.5093–5094, R.5096–5097, R.5100–5105, R.5109–5112; R.5398–5402. He also moved separately to vacate each designation, R.5133–5155 (Dkt. 385); R.5156–5176 (Dkt. 359); R.5177–5196 (Dkt. 368); R.5197–5219 (Dkt. 358), and the April 15 ruling as a whole, R.4993–5015; R.5063–5084. The court ruled on those points. R.5304–5307; R.5413–5417.

4. Did the district court err by reading *Orem City v. Jakeman* and *State v. Allred* as establishing, by clear and convincing evidence, that every later continuous-protective-order issue was legally hopeless?

Standard of review. The legal effect of prior appellate decisions is reviewed for correctness; factual findings are reviewed for clear error. *Watson*, 2026 UT App 122, ¶ 13; *Vashisht-Rota*, 2021 UT App 133, ¶ 16.

Preservation. Appellant disputed the court's treatment of later continuous-protective-order issues in writing, arguing that his pending as-applied CPO challenge defeated any no-probability finding, R.5109–5111, and separately moving to vacate or

clarify the April 15 denial of that challenge, R.5113–5132; he disputed the point orally as well. R.5398–5402. The court ruled on the point. R.5307; R.5416–5417.

5. Were the statewide notice directive, retroactive blanket strike, clerk-request ban, and unqualified counsel restrictions legally authorized and within the court's discretion?

Standard of review. Legal authority for a remedy is reviewed for correctness. The choice and tailoring of an authorized Rule 83 restriction are reviewed for abuse of discretion. *Watson*, 2026 UT App 122, ¶ 13; *Vashisht-Rota*, 2021 UT App 133, ¶ 16.

Preservation. In writing, Appellant argued that the April 15 order identified no Rule 83(b) restriction, that the listed remedies "are not interchangeable," and that a pending order to show cause "is not itself a Rule 83 order" and cannot operate as a filing restriction or a reason to strike papers. R.5091, R.5095, R.5097–5098, R.5105–5107, R.5109; see also R.5127. He argued that any order must preserve notices of appeal and papers necessary to obtain review. R.4943, R.4989, R.5121, R.5215. He also moved for more definite notice identifying the Rule 83(a) definition, the filings, the operative claim, and the specific Rule 83(b) restriction under consideration, and for a continuance or stay. R.4926, R.4928, R.4941–4943, R.4945; R.4975, R.4985–4986. At the hearing he opposed all requested restrictions, the strike, and the absence of exceptions, and explained the effect on pending appeals and other proceedings. R.5403–5408; R.5420–5422. The court imposed the disputed remedies. R.5308–5309; R.5418–5422.

6. Accepting, for arguments sake only, the district court's descriptions of the four designated filings as true, do those descriptions place each filing within the Rule 83(a)(1)(C) category the court assigned to it, when the labels that carried the designations do not appear in the rule?

Standard of review. Whether findings are legally sufficient to establish an act specified in Rule 83(a)(1)(C) is a subsidiary legal conclusion reviewed for correctness; underlying findings of fact are reviewed for clear error. *Vashisht-Rota*, 2021 UT App 133, ¶ 16; *Griffith v. Griffith*, 1999 UT 78, ¶ 10; *Strand*, 2017 UT App 55, ¶ 4.

Preservation. Appellant's written opposition argued that Rule 83(a)(1)(C)'s terms must be construed according to their text and do not fit the designated filings, that "burdensome" is not a Rule 83 category, and that a denied or repetitive motion is not thereby unmeritorious or redundant. R.5099–5105. His motions directed to each designation made the same category arguments. R.5137, R.5140; R.5158, R.5163; R.5178, R.5180–5182; R.5204, R.5208. He had earlier contested the first designation by motion, R.3073–3082, and disputed each designation at the hearing. R.5398–5402. The court assigned categories to each instance in writing and orally. R.5304–5305; R.5413–5416.

STATEMENT OF THE CASE

A. The five criminal cases and postjudgment protective-order proceedings

This appeal arises from five related misdemeanor cases prosecuted by Orem City: district-court case numbers 221300408, 221300553, 231300069, 231300079, and 231300162. The Utah Court of Appeals consolidated the five current appeals—20260698-CA, 20260700-CA, 20260702-CA, 20260704-CA, and 20260706-CA—under

20260698-CA by orders entered June 1, 2026. The separate, but related, 20260699-CA appeal is not part of this consolidated merits appeal.

The district court sentenced Appellant in November 2023. Continuous protective orders later remained in effect. Appellant successfully completed probation, and the court terminated it on November 20, 2025. Its May 20, 2026 order states that the "criminal portion" of the cases then closed, criminal-sanctions jurisdiction ended, and the only outstanding issue was the statutory continuous protective order. R.5309. This brief uses "CPO" as shorthand for those orders and omits protected persons' names.

On October 24, 2024, Appellant moved to correct errors in the CPOs. R.1885–1895. The motion remained undecided for months, and Appellant petitioned this Court for relief in the nature of mandamus directing a ruling. In denying that petition as moot on July 23, 2025, this Court noted that the target motions "had remained pending for several months" and that the district court "has now ruled" on them. Order Denying Petition for Extraordinary Relief, *Jakeman v. Eldridge*, No. 20250611-CA (Utah Ct. App. July 23, 2025). The Court may take notice of its own docket. Utah R. Evid. 201(b)(2), (c), (d).

The ruling came on June 30, 2025, when the court decided four papers. It granted in part the motion to correct the CPOs, denied other requests, denied a record-correction motion, and struck a response Appellant had filed after the March 28, 2025 hearing (the "Response," Dkt. 326) under Criminal Rule 33 as burdensome, irrelevant, and immaterial. It also labeled the Response the first act toward a Rule 83 determination. R.2896–2902. The Response consisted of an eight-page memorandum, including a three-

page appendix index stating each exhibit's title, filing date, and purpose, followed by 313 pages of exhibits. R.2465–2472; R.2474–2786. Its memorandum stated that it listed the filings Appellant had asked prior counsel to submit, and their purposes, "so the reader can judge for themselves whether they believe his filings were frivolous or not." R.2467. One exhibit was the proposed order for the still-pending October 2024 motion to correct the CPOs. R.2556–2564.

Appellant moved to alter or amend the June 30 ruling's characterization of the Response and its first-act label (the "Motion to Alter or Amend," Dkt. 359). R.3073–3082. That motion invoked Rules 59(e), 59(a)(7), and 7(g), cited four decisions with explanatory parentheticals, and asked the court to "remove the designation of Defendant's March 29, 2025 filing as the first act of vexatious litigation." R.3073, R.3075–3076, R.3080–3081.

On July 25, 2025, the court denied a request for another hearing concerning the CPOs. R.3286–3288. Appellant then filed a Rule 59 motion challenging that ruling (the "Rule 59 Motion," Dkt. 368). R.3289–3298. He also moved to alter or amend the June 30 denial of record correction (Dkt. 358) and filed a second motion to correct the record (Dkt. 385) (together, the "Record-Correction Motions"). R.3058–3072; R.3569–3583. Appellant appealed the June 30 and July 25 rulings; that appeal, consolidated under No. 20250896-CA, is taken from the same orders the pending motions asked the district court to alter. On September 25, 2025, the district court stated that it lacked jurisdiction to decide those motions "until a decision is issued by the Court of Appeals," and it deferred them. R.4383–4384.

The official appellate docket shows that appeal 20250897-CA was consolidated into 20250896-CA on August 11, 2025 and closed only for that reason. As of August 11, 2026, the lead appeal, 20250896-CA, remains "At Issue." The Court may take notice of its own docket. See Utah R. Evid. 201(b)(2), (c), (d).

B. The April 15 predicate order

On April 15, 2026, the court returned to the deferred papers. Its opening premise was that the prior appeals "have since resolved." R.4912.[1] It denied the Rule 59 Motion and labeled it a second Rule 83 instance. R.4913–4914. It denied the Record-Correction Motions and grouped them as a third instance. R.4915–4918. It denied the Motion to Alter or Amend and called that a fourth instance. R.4918–4920. It then stated that Rule 83(a)(1)(C) had been triggered and set an order-to-show-cause hearing to consider restrictions. R.4921–4922.

Three features of the April 15 order's filing-by-filing discussion bear on the questions in Part V. While finding that the Rule 59 Motion made "the exact same arguments" as earlier briefing, the order identified "[t]he only material unique to" that motion and resolved it, concluding that "any error in ruling prior to a Request to Submit was harmless error." R.4913. It held part of the second record-correction motion "timely"—filed "eleven and twelve days after the transcripts were filed"—and denied it on the merits because the requested documents were "identical to those which have already been uploaded." R.4916. And as to the Motion to Alter or Amend, it found that

[1] The court did not identify the appeals by case number or otherwise. As of this writing, the prior appeals—20250896-CA (consolidated with cases 20250897-CA to 20250905-CA)—have not yet been resolved.

Appellant had "failed to cite any legal authority demonstrating he has a right to respond to such statements within the context of the hearing itself" or afterward. R.4919.

The April 15 order's narrative and operative paragraphs do not consistently identify two later papers. The narrative refers to docket numbers 466 and 475, while the operative order disposes of docket numbers 465 and 463. R.4922–4923. The operative paragraph summarily denied various motions, including a motion to vacate the CPOs as unconstitutional applications of Utah Code § 78B-7-804. R.4923.

After April 15, Appellant filed papers seeking a continuance and more definite notice, reconsideration and clarification, remote appearance, and appellate or record access; he also filed a written opposition addressing the asserted Rule 83 predicates and proposed restrictions. R.4924–5296. Those papers include a conditional motion for more definite Rule 83 notice and a continuance of the show-cause hearing (R.4924–4948); an emergency motion to continue or temporarily stay the show-cause proceeding (R.4970–4992); a motion to reconsider, alter, amend, and vacate the April 15 ruling as a whole (R.4993–5015; amended at R.5063–5084); a request for clarification of which docket entries that ruling had decided (R.5016–5040); a motion to appear remotely (R.5057–5059); the written opposition and request to discharge the order to show cause (R.5090–5112); a motion to vacate or clarify the denial of the as-applied CPO challenge (R.5113–5132); separate motions to vacate the second, third, and fourth designations (R.5177–5196; R.5133–5155; R.5197–5219, duplicated at R.5220–5242; R.5156–5176); and requests for docket access (R.5263–5281). Every one was filed in opposition to, or in preparation for, the show-cause proceeding the May 20 order resolved, so this brief cites

them alongside the hearing transcript wherever preservation is at issue. (The pages remain physically in the certified record; the dispute is over the strike's legal effect, not reinsertion.)

C. The May 20 hearing and final Rule 83 order

The court held the Rule 83 hearing on May 20, 2026. R.5299–5300; R.5392–5431. Appellant first asked for a continuance or more definite notice identifying the proposed restrictions and operative claim, as he had by motion. R.5395–5397; R.4926, R.4928, R.4945; R.4975, R.4985–4986. He then argued, as his written opposition had, that Rule 81(f) did not authorize wholesale importation of Civil Rule 83, that Criminal Rule 33 governed improper criminal papers, and that motions and record-correction papers were not a "claim" under Rule 83(a)(2). R.5397–5398; R.5091–5092, R.5096, R.5102, R.5107–5108. He addressed each asserted predicate, again as the opposition had. R.5398–5402; R.5093–5094, R.5100–5105.

Orem City responded that Rule 83 filled a gap and requested counsel requirements, pending-action and future-claim prefiling restrictions, other curbing measures, and a strike of filings after April 15. R.5402–5405. Appellant replied that denial and volume were not Rule 83 predicates, that the City had not identified its other alleged papers, and that all requested restrictions should be denied. R.5405–5408; see R.5097, R.5100–5101 (opposition: a filing is not a predicate "merely because it is lengthy, denied, repetitive in part, forceful, pro se, critical of prior rulings, procedurally imperfect, or unsuccessful").

The court found four Rule 83(a)(1)(C) instances. R.5413–5416. It reasoned that Rule 81(f) permitted Rule 83 because Criminal Rule 33 did not supply a comprehensive framework for chronic abuse or prospective restrictions. R.5412–5413. On the separate Rule 83(c)(1)(B) element, the written order stated that the court "construes Defendant's various filings and motions as 'claims'" and found no reasonable probability of success on each. R.5306–5307. It alternatively relied on *Orem City v. Jakeman*, 2025 UT App 187, and *State v. Allred*, 2026 UT App 1, to reject CPO-related theories. R.5307; R.5416–5417.

The court imposed the following restrictions and consequences:

1. Appellant must obtain counsel before proceeding further in a pending action under Rule 83(b)(2). R.5308.
2. Appellant must obtain counsel before filing a future claim for relief under Rule 83(b)(3). R.5308.
3. Appellant may not make any request directly to a court clerk; any request must come through counsel. R.5308.
4. The court declined to impose Rule 83(b)(1), (b)(4), or (b)(5). R.5309.
5. Although it declined (b)(4) and (b)(5), it directed the clerk to notify the Administrative Office of the Courts that "a pre-filing order has been entered." R.5309.
6. It struck all pro se pleadings filed after April 15 and required counsel to refile it. R.5309.

After the ruling, Appellant stated that he lacked funds to hire counsel and requested an appeal exception or a short stay. R.5420–5421. His pre-hearing motions had recited that the court found him indigent and appointed counsel for a separate show-cause matter in September 2025. R.4978; R.5003. The court denied appointed counsel, declined to limit the order's application, and left other courts to decide its reach. R.5421–5422. It confirmed that the written ruling would be a final order on the vexatious-litigant issue. R.5423. The signed order likewise says it finally resolves that discrete issue. R.5309.

Appellant signed and served his notice of appeal five days later, on May 25, 2026. R.5310–5321. The official docket for 20260698-CA records the notice as filed that day. The current docket also records the August 6 filing of the record and sets September 15, 2026 as the opening-brief deadline.

JURISDICTION

This Court has appellate jurisdiction over appeals from courts of record in criminal cases other than first-degree or capital felonies. Utah Code § 78A-4-103(3)(e). A timely notice of appeal invokes review of a final order. Utah R. App. P. 3(a), 4(a).

The May 20 order is final and appealable, and it left nothing interlocutory behind it. In a criminal case, the judgment of conviction and sentence is final, and a later order that completely resolves a discrete postjudgment proceeding is itself final and appealable as to that proceeding. The May 20 order fits that description. It completely resolved the discrete Rule 83 proceeding, immediately imposed continuing restrictions, ordered statewide administrative notice, and finally disposed of the City's strike request. R.5308–5309. By then, every other postjudgment matter had likewise been resolved: probation

terminated and the criminal portion of the cases closed on November 20, 2025; the motions the court had deferred on September 25, 2025 were decided on April 15, 2026; and the May 20 order declared itself "a final order on the question of whether Defendant is a vexatious litigant," identifying "the only outstanding issue" as the continuous protective order itself—an operative order, not an undecided motion or pending proceeding. R.5309; R.4383–4384; R.4912–4923. An order's continuing operation is the ordinary consequence of finality, not its negation. After May 20, no motion, request, or proceeding remained pending before the district court, so nothing about the orders designated in the notice remained interlocutory to any future ruling. Vashisht-Rota similarly exercised jurisdiction over a post-dismissal Rule 83 order and treated the vexatious-litigant proceeding as a collateral matter the district court retained authority to decide after the underlying civil claim ended. 2021 UT App 133, ¶¶ 1, 9–15.

NPEC, LLC v. Miller is not to the contrary. It held only that a later order denying a litigant permission to file a particular paper under an already-existing prefiling restriction was not appealable as of right. 2019 UT App 175, ¶¶ 3–8 (per curiam). This appeal challenges the initial order that finally made the Rule 83 determination and imposed the restrictions, the same procedural posture reviewed in *Vashisht-Rota*. See 2021 UT App 133, ¶ 1 & n.1.

The notice was filed on May 25, five days after entry, and was timely under Rule 4(a). R.5310–5321. The notice was effective although filed self-represented. Neither Rule 83(b)(2) nor (b)(3) reaches a notice of appeal, see infra Part IV.D, and a district court may not insulate its own order from appellate review by striking the paper that invokes

this Court's jurisdiction under Rules 3 and 4. The order's counsel, clerk-contact, strike, and AOC consequences continue, so the controversy is live.

SUMMARY OF ARGUMENT

First, every Rule 83(b) restriction required a clear-and-convincing finding that Appellant lacked a reasonable probability of prevailing on a defined "claim." The district court had no petition, complaint, counterclaim, crossclaim, or third-party complaint before it. It had "pleadings or other papers" that could be examined as possible predicates under Rule 83(a)(1)(C), but a predicate paper is not automatically the pending claim required by Rule 83(c)(1)(B). The court's express decision to "construe" motions as claims contradicts Rule 83(a)(2), *Strand*, and *Vashisht-Rota*. *Watson* upheld an implicit finding concerning facially incomprehensible assertions; it did not consider Rule 83(a)(2) or a preserved objection to an express redefinition of conventional motions.

Second, Rule 81(f) permits civil rules in criminal proceedings only when no other rule or statute is applicable. Criminal Rule 33 directly governed the alleged misconduct and authorized striking, disregarding, and sanctioning noncompliant papers. The district court imported Rule 83 because Rule 33 did not offer every prospective tool it preferred. That is not Rule 81(f)'s test. Even if Rule 83 could supplement Rule 33 for some purpose, it had to be applied as written—including the defined-claim prerequisite.

Third, the alternative no-probability rationale is insufficient. The court equated an unsuccessful or repetitive paper with a claim that could not prevail. The rule makes those separate inquiries. The predicate findings also shifted among docket numbers between the April 15 and May 20 orders and relied on unidentified "other instances," preventing

meaningful review. Each designated instance was, on the order's own description, a rule-authorized filing—a response, a Rule 59 motion, record-correction motions, and a motion to alter or amend—and three of the four were papers the court itself had deferred as intertwined with a pending appeal. And the prior appellate decisions did not hold that every later, preserved CPO motion was barred. *Orem City v. Jakeman* applied invited-error and preservation rules and expressly described the constitutional law as unsettled. *Allred* addressed a different record and did not create a categorical ban on later statutory modification requests. Unlike the claims in *Watson*, these filings were comprehensible, rule-based, and at least partly concerned issues no appellate merits ruling had foreclosed.

Fourth, several remedies were independently unauthorized or inadequately tailored. Rule 83(f) requires AOC notice of a prefiling order, yet the court declined both forms of prefiling order. The blanket strike could not be justified by a prefiling order that did not exist, and Criminal Rule 33 did not authorize striking every paper based solely on filing date and self-represented status. The clerk ban rested on no identified request and contained no exception for records, appeals, or ordinary ministerial access. The counsel provisions cannot be extended beyond the pending action and defined future claims described in Rule 83(b)(2) and (b)(3).

Fifth, and independently, none of the four designated filings fits the Rule 83(a)(1)(C) category the court assigned to it. The labels that carried the designations are Criminal Rule 33's words or no rule's at all, and where the court did invoke a Rule 83 category, its own findings—unique material adjudicated as harmless error, a request held timely and decided on the merits, a rebuttal purpose recorded before a sole purpose of

harassment was inferred, a "no legal authority" finding narrower than its restatement—contradict the fit. Because any two failures defeat the three-act minimum, the designation cannot stand on any theory.

ARGUMENT

I. THE RULE 83 ORDER FAILS BECAUSE THERE WAS NO "CLAIM" AS RULE 83(a)(2) DEFINES THAT TERM.

A. Rule 83 makes predicate papers and the pending claim separate requirements.

Interpretation begins with the text. Courts "are... bound by the text of the rule" and ordinarily construe a procedural rule "to mean exactly what it says." *Strand*, 2017 UT App 55, ¶¶ 4, 17 (cleaned up).

Rule 83(a)(1)(C) permits a finding of vexatiousness based on three or more specified acts in "any action." Those acts include filing "unmeritorious pleadings or other papers," filing papers containing "redundant, immaterial, impertinent or scandalous matter," unnecessary or disproportionate discovery, and tactics that are frivolous or solely for harassment or delay. Utah R. Civ. P. 83(a)(1)(C)(i)–(iv).

That is only the first prerequisite to a restrictive order. Before entering any order under Rule 83(b), the court must find by clear and convincing evidence both that the person is a vexatious litigant and "there is no reasonable probability that the vexatious litigant will prevail on the claim." Id. R. 83(c)(1)(A)–(B). Rule 83(a)(2) then supplies an exclusive definition: "'Claim' and 'claim for relief' mean a petition, complaint, counterclaim, cross claim or third-party complaint."

The vocabulary is deliberate. Paragraph (a)(1)(C) reaches "pleadings or other papers." Paragraph (a)(2) defines the narrower term "claim." Paragraph (c)(1)(B) uses that narrower term. And paragraphs (d) and (e) reinforce the distinction: a pending-action prefiling order regulates a "paper, pleading, or motion," while a future-claim order requires a copy of the proposed "petition, complaint, counterclaim, cross-claim, or third party complaint." *Id*. R. 83(d)(1), (e)(2)(D). The drafting history is consistent: the advisory committee's staff memorandum explained that the rule "uses 'claim for relief,' as that term is defined in URCP 8, instead of the terms 'litigation' or 'action,' which are used in the other states." Memorandum from Timothy M. Shea to Advisory Committee on the Rules of Civil Procedure, *Rule 83. Vexatious litigants* 3 (Jan. 18, 2012), in Advisory Committee materials for January 25, 2012, Tab 2, https://legacy.utcourts.gov/committees/civproc/materials/2012-01-25.pdf.

Thus a court may look at motions and other papers to decide whether predicate conduct occurred. But before imposing a Rule 83(b) restriction, it must separately identify the defined claim pending before it and determine the probability of success on that claim. *Strand* says exactly that: the second finding concerns "the litigant's claim pending before the court." 2017 UT App 55, ¶ 5. *Vashisht-Rota* repeats the same formulation. 2021 UT App 133, ¶¶ 6, 15.

This is not a technicality. Rule 83(c)(2) says the no-probability finding is preliminary rather than an ultimate merits decision, and Rule 83(c)(3) authorizes dismissal of the litigant's claim if ordered security is not furnished. Those provisions presuppose an actual claim capable of succeeding or being dismissed. A paper that

requests no relief cannot be a claim with a probability of success; a court may disregard or strike it under an applicable rule, but it cannot manufacture Rule 83(c)(1)(B)'s separate element by calling the paper a claim.

B. The court identified no petition, complaint, counterclaim, crossclaim, or third-party complaint.

The district court's own wording resolves the issue. Appellant argued that the identified filings were motions, record-correction filings, reconsideration filings, continuous-protective-order-review papers, and preservation filings—not any item listed in Rule 83(a)(2). R.5397–5398. The written opposition made the same point. R.5091–5092, R.5096–5097, R.5111.

The court did not identify a qualifying pleading. It responded that Rule 83(a)(1)(C) can be satisfied by unmeritorious or redundant papers. R.5304–5306. That answers whether papers can supply predicate acts under paragraph (a); it does not answer whether a defined claim existed for paragraph (c). The court then acknowledged the gap by announcing that it "construes Defendant's various filings and motions as 'claims' for the purposes of rule 83(c)(1)(B)." R.5306.

A construction that erases an express definition is not available. The rule's drafters knew how to say "pleadings or other papers" and used that phrase in (a)(1)(C). They used "paper, pleading, or motion" in (b)(4) and (d). They chose the defined word "claim" in (c)(1)(B). Treating every predicate paper as the claim collapses two mandatory findings into one: once a court calls a paper unmeritorious under (a)(1)(C), the same label

automatically proves no probability under (c)(1)(B). *Strand* forbids that collapse by requiring two findings and tying the second to the pending claim. 2017 UT App 55, ¶ 5.

The ordinary Rule 83 cases show what compliance looks like. In *Vashisht-Rota*, the litigant initiated a civil case with a complaint. 2021 UT App 133, ¶ 3. The district court separately identified unmeritorious papers as predicates and found no reasonable probability that the Complaint would prevail because it was barred as a matter of law. *Id*. ¶¶ 6–8. This case had predicates but no complaint or equivalent defined claim. The court cannot infer the element; it expressly rewrote it.

C. Watson does not authorize courts to redefine motions as claims.

Watson v. Prestwich, issued August 6, 2026, affirms Rule 83 restrictions in an active civil parentage action. 2026 UT App 122, ¶¶ 2–8, 20–22. The opinion repeats that the court must find no reasonable probability the litigant will prevail "on the claim," and quotes *Strand*'s reference to "the claim before that court." *Id*. ¶ 20.

Watson rejected an argument that the district court omitted an express no-probability finding. Id. ¶ 22. On that record, hundreds of filings advanced incomprehensible sovereign-citizen assertions—among them claimed freedom from "maritime admiral law," refusal to acknowledge "Satan's courts," and ownership of a fictional legal entity. *Id*. ¶ 21. The Court called them "nebulous claims in her filings" and held that their incomprehensibility left no doubt about the absent express finding. *Id*. ¶ 22.

This case is different in three decisive ways.

First, *Watson* arose in a civil parentage action initiated by a petition. *Id*. ¶ 2. It did not address whether a motion in a closed criminal case falls within Rule 83(a)(2).

Second, *Watson* neither quoted nor analyzed Rule 83(a)(2). Its opinion notes that Prestwich supplied no intelligible record citations and made no effort to establish preservation. *Id*. ¶ 13 n.5. No defined-term issue was presented or decided. Here, Appellant squarely raised the definition, and the court responded by construing "filings and motions" as claims. R.5090–5112; R.5306–5307; R.5397–5398. *Watson*'s shorthand reference to "claims in her filings" is not a holding that an express rule definition may be disregarded when the issue is preserved.

Third, Appellant's papers were comprehensible procedural filings. They cited Rule 59, Rule 11 of the Utah Rules of Appellate Procedure, Criminal Rule 33, Rule 81(f), and the CPO statute. R.4913–4923; R.5091, R.5102, R.5107–5108, R.5110; R.5397–5402. The court disputed their merit and redundancy, but it did not find them unintelligible or based on sovereign-citizen ideology. *Watson*'s record-specific implicit-finding conclusion does not permit bypassing the claim element whenever a court views a conventional motion as weak.

Extending *Watson*'s implicit-finding rationale to a preserved definitional objection would read Rule 83(a)(2) out of the rule in every case: any paper a court deemed weak would automatically become the "claim" it could not win. A construction that renders an express definition surplusage is foreclosed by the interpretive principle *Strand* applied—procedural rules "mean exactly what they say." 2017 UT App 55, ¶ 17 (cleaned up).

Because the required claim did not exist, every Rule 83(b) restriction must be vacated. The Court need not decide whether the same papers could support filing-specific action under Criminal Rule 33, Rule 7, or inherent authority. Nor does vacatur leave courts without tools. This Court recently catalogued what remains available against litigants who disregard procedural rules: statutory and inherent contempt power, and the inherent authority to strike a party's pleadings for conduct designed to improperly influence the court. *Taylor*, 2026 UT App 118, ¶ 22. The question is not whether courts may act; it is whether this order satisfied the rule it invoked.

II. RULE 81(f) DID NOT AUTHORIZE THE COURT TO DISPLACE AN APPLICABLE CRIMINAL RULE OR TO IMPORT ONLY THE PARTS OF RULE 83 IT PREFERRED.

This Part presents two independent points. Section A shows that Rule 81(f)'s condition was never met, because Criminal Rule 33 was an applicable rule governing the identified paper conduct. Section B shows that even if Rule 83 could fill some gap Rule 33 leaves, the imported rule carries its own prerequisites with it—so the defined-claim defect in Part I is dispositive under either answer to the Rule 81(f) question.

A. Criminal Rule 33 directly governed the conduct the district court identified.

Rule 81(f) provides that the civil rules "govern in any aspect of criminal proceedings where there is no other applicable statute or rule," provided there is no statutory or constitutional conflict. Utah R. Civ. P. 81(f). The condition is absence of another *applicable* rule.

The Utah Supreme Court applies that condition by asking whether a criminal rule already reaches the matter. In *State v. Honorable Ann Boyden*, the Court allowed Civil Rule 60(b) to fill a postjudgment criminal gap only after determining that Criminal Rule 22(e)—the only identified criminal mechanism—did not apply to the asserted fraud. 2019 UT 11, ¶¶ 32–34. The civil rule could operate because the criminal rules left the particular challenge uncovered. *Id*.

Criminal Rule 33 was directly applicable. It requires all pleadings, written motions, and other papers to be free from "burdensome, irrelevant, immaterial, scandalous, or uncivil matters." Utah R. Crim. P. 33(a). A noncompliant paper may be "disregarded or stricken, in whole or in part," and the court may impose sanctions. *Id*. The overlap with the asserted Rule 83(a)(1)(C) predicates is nearly exact: both address unmeritorious, redundant, immaterial, impertinent, scandalous, frivolous, burdensome, or abusive papers.

The district court had already used Rule 33 to disregard and strike the first predicate paper. R.2896–2902. At the May hearing, Orem City again invoked Rule 33 to request a strike. R.5404–5405. The rule was not hypothetical; it governed the identified papers and supplied enforcement authority.

The court nevertheless concluded that Rule 33 did not provide a "comprehensive framework" for a chronic pattern or prospective restrictions, and imported Rule 83 to obtain those additional remedies. R.5303–5304; R.5412–5413. That reframes Rule 81(f)'s condition. The rule does not say that a civil rule applies whenever the criminal rule lacks

equally broad remedies. It says the civil rule applies where no other rule is "applicable." Rule 33 was applicable to the precise paper conduct the court described.

This Court need not announce that Rule 83 can never apply to any collateral aspect of a criminal proceeding. The narrower holding is enough: when a criminal rule directly governs the paper conduct and authorizes disregard, strike, and sanctions, Rule 81(f) does not permit a court to displace it merely to obtain a different package of prospective civil remedies.

B. Even if Rule 83 could supplement Rule 33, the court had to apply Rule 83 as written.

The Rule 81 question cannot save the order for a simpler reason. Assume some prospective-management "aspect" lacked a criminal analogue and Rule 83 could fill that gap. The imported rule would still bring its prerequisites with it. Rule 81(f) does not authorize a court to borrow Rule 83(b)'s restrictions while dropping Rule 83(a)(2)'s definition and Rule 83(c)(1)(B)'s finding.

That is what occurred. The court invoked Rule 83(a)(1)(C) because it reaches "other papers," but when paragraph (c) required a probability finding about a defined claim, the court expanded "claim" to include those papers. R.5304–5307. The textual limitation is especially important in a criminal setting. Rule 83 was designed around civil claims: petitions, complaints, counterclaims, crossclaims, and third-party complaints. Its security provision contemplates dismissal of such a claim with prejudice. Utah R. Civ. P. 83(c)(3). Its future-claim procedure requires a proposed initiating pleading. Id. R.

83(e)(2)(D). Rule 81(f) cannot make those provisions fit postjudgment motions by changing their meaning.

Nor does Rule 83(i) support the order. That paragraph preserves authority under other statutes, rules, and inherent power. It confirms that a court may use other lawful tools; it does not relax the findings required before an order *under Rule 83(b)*. The May 20 order expressly invoked Rule 83(b) for the counsel and clerk restrictions and Rule 83(f) for statewide notice. R.5308–5309. Those remedies rise or fall on Rule 83's prerequisites.

III. THE ALTERNATIVE NO-PROBABILITY FINDINGS DO NOT CURE THE ABSENCE OF A DEFINED CLAIM.

A. Calling each predicate paper unwinnable merged two independent elements.

The order made a no-probability finding as to each alleged predicate paper. The first paper requested no relief, so the court said it could not prevail. The second repeated arguments, so the court said it could not prevail. The record-correction motions concerned matters the court viewed as moot. The fourth asked the court to reconsider a prior ruling without new authority. R.5306–5307.

Those observations may bear on whether a paper was unmeritorious, redundant, or immaterial under Rule 83(a)(1)(C). They do not identify the pending "claim" required by Rule 83(c)(1)(B). A no-relief response has no success probability because it is not a claim at all. Treating that absence as proof against the litigant converts the rule's missing element into a reason to impose restrictions. Similarly, an unsuccessful motion may be a

weak paper, but Rule 83(a)(2) does not convert motions into claims based on their likelihood of success.

B. The predicate findings shifted among filings and relied on unidentified volume, preventing meaningful review.

The predicate findings contain material identification problems. The April 15 order identified the record-correction track as docket numbers 313, 358, and 385. R.4915–4918. The May 20 written order instead listed docket numbers 385–387 and 399 in its background as "successive motions," while later describing a different combination in the analysis. R.5302, R.5305–5306. The certified record index identifies entries 386 and 387 as the "Addenda" and "Addendum C" filed with the second record-correction motion, and entry 399 as a later "Addendum" to it—exhibits, not motions. Record Index (Dkts. 385–387, 399). Before the hearing, Appellant asked the court to clarify which entries it had decided, noting that "the body of the ruling appears to refer to Dkt. 466 and Dkt. 475, while the decretal portion appears to rule on Dkt. 465 and Dkt. 463." R.5029; see R.5016–5040. The request was struck with the rest. R.5309. The fourth instance likewise shifted among the underlying response, the June 30 order, the reconsideration motion, and the April 15 order. R.4918–4920; R.5302, R.5306. The April 15 order's own opening premise—that the earlier appeals "have since resolved"—was likewise unsupported: the lead appeal remained pending and "At Issue." R.4912; supra Statement A. Appellant raised that point below as well. R.5138, R.5153.

Rule 83(a)(1)(C) is not a three-loss rule. The court must find three specified acts by clear and convincing evidence. *Strand*, 2017 UT App 55, ¶¶ 5, 18–19. Volume may

supply context, but unidentified docket entries cannot substitute for reviewable findings. And the record presents a difficult circularity: the first paper was labeled a Rule 83 strike in the June 30 order, and the motion challenging that label then became the fourth strike. R.2899–2902; R.4918–4920. A reconsideration motion is not immune from Rule 83, but the court still had to explain with filing-specific accuracy why it independently satisfied the rule.

The Court need not decide every predicate dispute if it agrees that no defined claim existed. If the Court reaches Rule 83(c)(1)(A), however, the shifting docket identifications and reliance on unidentified volume warrant remand for findings tied to the actual papers.

C. The four designated instances were not shown, by clear and convincing evidence, to be acts specified in Rule 83(a)(1)(C).

Rule 83(a)(1)(C) requires three or more specified acts, found by clear and convincing evidence. *Strand*, 2017 UT App 55, ¶¶ 5, 18–19. This challenge is legal rather than factual. Accepting the order's own description of each designated paper as true, the question is whether those descriptions identify the acts the rule specifies—unmeritorious papers, papers containing redundant or immaterial matter, or frivolous tactics—or instead describe ordinary, rule-authorized litigation steps that did not succeed. That question is reviewed for correctness. *Watson*, 2026 UT App 122, ¶ 13. Appellant does not ask this Court to hold that any of the underlying motions should have been granted. He asks whether losing rule-authorized motions is the conduct Rule 83(a)(1)(C) proscribes.

A threshold fact infects the second, third, and fourth designations together. Each rests on a motion the district court itself deferred on September 25, 2025, ruling that it "does not have jurisdiction" to decide them "until a decision is issued by the Court of Appeals." R.4383–4384. On April 15, 2026, the court denied those same deferred motions—and converted them into predicates—on the premise that the appeals "have since resolved," although the lead appeal remained pending. R.4912; supra Statement A; supra Part III.B. A paper the court treated for seven months as bound up with a live appellate proceeding was not shown, clearly and convincingly, to be a frivolous act when filed. The designations cannot rest on a premise the docket contradicts.

Each designation also fails on its own terms.

The first instance was a response to statements made during the March 28, 2025 hearing. Responding to what is said in court is participation, not predation; the opportunity to be heard "at a meaningful time and in a meaningful manner" is the core of procedural fairness. *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). The order faulted the paper's length and its failure to request relief. R.5306. But a response is not supposed to request relief, and at the May 20 hearing the court acknowledged that the three hundred pages "largely were exhibits to the Defendant's filing." R.5410. The court had already disregarded and struck the paper under Criminal Rule 33. R.2896–2902. Carrying a completed Rule 33 sanction forward as the first step toward Rule 83 restrictions—without any finding the rule's own terms require—doubles one disposition into two consequences.

The second instance was a single, timely Rule 59 motion challenging the July 25, 2025 denial of a CPO hearing. R.3289–3298. The Utah Supreme Court has directed that "the rules provide the source of available relief," and that a party seeking relief from a ruling "must turn to the rules" and invoke the specific vehicle available. *Gillett v. Price*, 2006 UT 24, ¶ 8. That is what Appellant did: one authorized motion, directed at one ruling, filed once—and, when the court designated it, one motion to vacate the designation. R.5177–5196. The order's descriptors—that the motion repeated arguments the court had already rejected—describe every Rule 59 motion to some degree, because Rule 59 by design asks the same court to revisit the same subject. Overlap with the underlying request is a feature of the vehicle, not clear and convincing evidence of frivolousness. Invoking an authorized procedure to press a genuine grievance is protected petitioning, not abuse. See *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 741–43 (1983).

The third instance grouped record-correction motions. The appellate rules commit record accuracy to the trial court: when a dispute arises whether the record is complete and accurate, it is submitted to and resolved by that court, which "will ensure that the record accurately reflects the proceedings." Utah R. App. P. 11(d)(1) (formerly Rule 11(f)); see also Utah R. Crim. P. 30(b) (clerical errors and omissions may be corrected at any time). Appellant moved in writing to vacate the third designation on that basis. R.5133–5155; R.5197–5219. A motion invoking that machinery is the rule-designated method of raising a record dispute. The order's answer was that the underlying subject was "moot." R.5306. But mootness has a legal standard: a matter is

moot only when the decision "cannot affect the rights of the parties." *Widdison v. State*, 2021 UT 12, ¶ 12. The court made no finding under that standard, and while the lead appeal remained at issue, a corrected record could still affect appellate rights. Supra Statement A. Disagreement about whether a record item mattered is a merits dispute; it is not clear and convincing evidence that requesting correction was itself a vexatious act.

The fourth instance was a motion to alter or amend the June 30 order's characterization of the first paper. Utah law expressly contemplates that request. While a case is pending, a district court "remains free to reconsider" its prior decisions, "sua sponte or at the suggestion of one of the parties." *IHC Health Services, Inc. v. D & K Management, Inc.*, 2008 UT 73, ¶ 27; accord *McLaughlin v. Schenk*, 2013 UT 20, ¶¶ 22–23 (tracking Utah R. Civ. P. 54(b)). Reconsideration is not merely tolerated; it is mandatory when a prior decision was clearly erroneous and would work manifest injustice. *Mid-America Pipeline Co. v. Four-Four, Inc.*, 2009 UT 43, ¶ 14. A party who makes the "suggestion" the supreme court's cases invite performs a recognized litigation function. The order's stated ground—that the motion cited no new authority—goes to persuasiveness, not to whether the filing type is a specified act. And this designation carries the circularity described above: the paper sanctioned in June became the first strike, and the motion challenging that label became the fourth. Supra Part III.B. A rule that counts the challenge to a strike as the next strike insulates every designation from the ordinary means of testing it.

Lundahl v. Quinn marks the boundary this record never approached. There, leniency ended for a litigant "embroil[ed]" in dozens of proceedings whose filings were

"routinely frivolous" and brought to harass parties and judges alike. 2003 UT 11, ¶¶ 3–5. The baseline it reaffirmed remains: a self-represented litigant is held to the practice standards of the bar but "accorded every consideration that may reasonably be indulged." *Nelson v. Jacobsen*, 669 P.2d 1207, 1213 (Utah 1983). The four designated acts here are a response, a Rule 59 motion, record-correction motions, and a motion to alter or amend—each a filing type the rules name and authorize, each filed in the litigant's own criminal cases, and three of the four deferred by the court itself as intertwined with a pending appeal. Cf. *Tripati v. Beaman*, 878 F.2d 351, 353 (10th Cir. 1989) (per curiam) (litigiousness alone does not support filing restrictions). If the Court reaches Rule 83(c)(1)(A), the designations should be reversed; at a minimum, the shifting identifications described in Section III.B require remand for findings tied to the actual papers and the acts the rule specifies. Part V, infra, independently demonstrates that the categories the court assigned do not fit the filings as the court itself described them.

D. The prior appellate cases did not make every later CPO issue legally hopeless.

The order offered an alternative: even if the CPO motions were treated as a claim, *Orem City v. Jakeman* and *State v. Allred* foreclosed them. R.5307. That reading is too broad.

Orem City v. Jakeman reviewed the original CPO proceedings. It held that Appellant invited one procedural issue by stating that the orders were continuous, and that other theories were unpreserved and did not satisfy plain-error review. 2025 UT App 187, ¶¶ 10–16. In rejecting plain error, this Court observed that "the law in this matter is

far from settled." Id. ¶ 15. A preservation disposition is not a merits holding that a later issue, first presented to the district court, is barred as a matter of law. Nor does invited error concerning the initial request resolve every later application of an ongoing order.

Allred likewise does not announce that a person may never seek later modification or dismissal. It addressed the record and preservation in that case, including a hearing on a motion to modify. 2026 UT App 1, ¶¶ 23–29, 33–42. The CPO statute itself contemplates modification or dismissal when its standard is satisfied. Utah Code § 78B-7-804(4). Whether Appellant could prove that standard is a merits question. The prior decisions did not categorically eliminate every later statutory or as-applied theory.

The record illustrates why a categorical finding was unwarranted. In June 2025, the district court partially corrected the CPOs because one protected person lacked an evidentiary basis for inclusion. R.2896–2897. Appellant later presented a motion challenging the ongoing CPOs as applied, and the April 15 order disposed of it. R.4922–4923; see also R.5113–5132. One need not conclude that the motion should win to recognize that prior preservation and invited-error holdings did not establish, by clear and convincing evidence, that every later issue was barred.

Watson again marks the contrast. There, incomprehensible sovereign-citizen assertions had no discernible legal significance. 2026 UT App 122, ¶¶ 21–22. Here, the court identified ordinary procedural and statutory disputes, and the controlling prior opinion described relevant law as unsettled. A disagreement over merit is not the same as facial unintelligibility.

The alternative findings therefore cannot save the order. They address papers outside Rule 83(a)(2), and to the extent they address a possible CPO theory, they overread the prior decisions.

The errors are not harmless. See Utah R. Civ. P. 61; Utah R. Crim. P. 30(a); *State v. Allred*, 2026 UT App 1, ¶¶ 23–24. The court imposed every challenged Rule 83 consequence only after reclassifying Appellant's motions and other papers as the missing claim. R.5306–5309. Without that legal step, there was no Rule 83(c)(1)(B) finding on a claim as the rule defines it and thus no basis for the counsel restrictions, clerk ban, statewide notice directive, or blanket strike. The strike separately nullified the legal effect of papers containing Appellant's notice, preservation, and merits responses. R.4924–5296. Those continuing consequences affected both the proceeding and Appellant's ability to seek review.

IV. THE AOC DIRECTIVE, BLANKET STRIKE, AND CLERK BAN WERE INDEPENDENTLY DEFECTIVE; THE COUNSEL PROVISIONS CANNOT EXCEED THEIR TEXTUAL SCOPE.

A. The court directed notice of a prefiling order after declining to enter one.

Rule 83 distinguishes counsel requirements from prefiling orders. Paragraphs (b)(2) and (b)(3) authorize orders to obtain counsel. Paragraph (b)(4) authorizes a pending-action "prefiling order," and paragraph (b)(5) authorizes a future-claim "prefiling order." The detailed procedures in paragraphs (d) and (e) implement those two prefiling orders.

Rule 83(f)(1) then directs clerks to notify the Administrative Office of the Courts "that a pre-filing order has been entered or vacated." The resulting list is a list of litigants "subject to a prefiling order." *Id*. R. 83(f)(2).

The district court expressly declined to enter either prefiling order. R.5309. In the next paragraph, it directed the clerk under Rule 83(f)(1) to notify AOC that "a pre-filing order has been entered." *Id*. Both propositions cannot be true. The counsel requirements are restrictive orders, but Rule 83 does not call them prefiling orders or direct AOC notice for them.

The contradiction has consequences beyond terminology. Rule 83(j) permits another court to rely on a Rule 83 order and impose its own restrictions. Rule 83(f) circulates the AOC list to clerks statewide. An erroneous notice may therefore affect proceedings that never examined this record. The directive should be vacated. If notice was transmitted, the remand should direct the clerk to send notice of vacatur through the same channel. Appellant had asked, before the hearing, that any prefiling order under consideration be identified precisely because such an order "may be disseminated to other courts." R.4943; see R.4985–4986.

B. No rule authorized the retroactive, filing-date-based blanket strike.

The written order struck "any pleadings" Appellant filed pro se after April 15 and required counsel to refile them. R.5309. The oral ruling granted the City's request to strike all post-April 15 filings. R.5418–5419. The affected papers span R.4924–5296 and include requests for a continuance and more definite notice, reconsideration and

clarification papers, appellate and record-access requests, the written Rule 83 opposition, and other preservation filings. Supra Statement B. Appellant's opposition anticipated the strike: it argued that a pending order to show cause "is not itself a Rule 83 order," and that treating it "as a reason to deny, strike, reject, or refuse to adjudicate filings reverses Rule 83's sequence." R.5105–5106.

Taylor adds two cautions. Courts "should be especially cautious in imposing penalties that amount to *terminating* sanctions for rule violations regarding the form of papers," and the supreme court "has required a showing of prejudice before any such sanction should be considered." 2026 UT App 118, ¶ 23. The strike nullified, among other papers, the written opposition in the very proceeding under review, R.5090–5112—a terminating sanction within that proceeding—yet the court identified no prejudice to the City from any affected paper, and the City argued its position fully at the hearing. R.5402–5405.

No pending-action prefiling order existed when those papers were filed. The April 15 order set a future hearing; it did not impose Rule 83(b)(4). R.4921–4923. The May 20 order later declined (b)(4). R.5309. A paper filed between April 15 and May 20 therefore could not violate a prefiling order that did not exist.

Civil Rule 7 confirms the ordinary mechanism. A court may act without waiting for a response on a motion to strike "a document filed by a vexatious litigant in violation of Rule 83(d)." Utah R. Civ. P. 7(l)(1)(E). Rule 83(d) applies only when a litigant is already subject to a pending-action prefiling order. The court did not enter one.

The newly issued *Taylor v. Lawlor* reinforces the source-of-authority requirement. It reversed orders striking memoranda because the procedural rules the court invoked did not authorize that consequence and the court had not identified a valid alternative source. 2026 UT App 118, ¶¶ 13–24. Here too, neither Rule 83(d) nor Rule 33 supplied authority for a filing-date-based strike of every paper.

Criminal Rule 33 also does not sustain the blanket. It authorizes disregard or strike of a paper that contains burdensome, irrelevant, immaterial, scandalous, or uncivil matter. Utah R. Crim. P. 33(a). The May 20 order did not identify the affected papers or find that each contained prohibited matter. It used only two facts: the paper was filed after April 15 and filed pro se. R.5309. Neither fact is a Rule 33 violation.

This is not harmless because the pages remain in the appellate record. The strike purports to nullify their legal effect, prevent the district court from considering them, and condition any reassertion on counsel. Some contain the preservation arguments now before this Court. The proper relief is to vacate the strike's legal effect—not to order physical reinsertion of pages already at R.4924–5296.

C. The clerk-request ban lacked reviewable findings and workable limits.

Rule 83(b)(6) permits "any other action reasonably necessary to curb the vexatious litigant's abusive conduct." A restriction under that catchall still requires the findings in Rule 83(c), notice and an opportunity to be heard under (b), and a fit between the found conduct and the remedy.

The order recites that Appellant had made "extremely burdensome requests" consuming "many clerk hours." R.5308. It identifies no request, date, recipient, subject, frequency, response, or misuse. The oral ruling is equally general. R.5418. Appellant therefore could not test whether the requests involved certified records, transcript access, appellate transmission, copies, filing receipts, or repetitive nonministerial assistance.

The remedy is absolute. It bars any direct request to "the court clerks," with no geographic limit, duration, records exception, appellate exception, or emergency procedure. R.5308. And it makes counsel the exclusive conduit even though the court simultaneously declined to appoint counsel and was told Appellant lacked funds. R.5420–5422.

Courts may protect staff from abusive communications. A tailored order could regulate channel, frequency, subject, or duplicative requests. But Rule 83(b)(6) requires action "reasonably necessary" to curb identified conduct. A statewide, subject-matter-free ban based on a conclusory sentence is not reviewable for necessity. At minimum, it should be vacated and remanded for specific findings and workable exceptions.

D. The counsel provisions fall with the missing prerequisites and cannot be expanded beyond Rule 83(b)(2) and (b)(3).

Rule 83 expressly authorizes a court, after satisfying paragraph (c), to require counsel before proceeding in a pending action or before filing a future claim for relief. Utah R. Civ. P. 83(b)(2)–(3). *Vashisht-Rota* affirmed such a restriction where an actual civil complaint was pending and the litigant did not preserve her prejudice objection. 2021 UT App 133, ¶¶ 8, 16–23.

Liender v. Harris likewise affirmed a future-claim counsel requirement and held that financial impact alone did not make an otherwise authorized restriction excessive. 2025 UT App 2, ¶¶ 9–13. Appellant does not ask this Court to depart from *Liender*. The objection here is anterior: the May 20 order lacked the mandatory Rule 83(c) prerequisites and left the statutory scope undefined.

Appellant also preserved the order's practical effect. After the ruling, he said he lacked funds, asked how the order affected his appeals, requested an appellate exception or stay, and explained that a counsel gateway could forfeit review. R.5420–5421. The court denied counsel and declined to limit the order. R.5421–5422. Those facts show concrete prejudice from ambiguity; they are not offered as a free-standing right to appointed counsel or an exception from an otherwise valid Rule 83(b)(3) order.

Appellant does not claim a right to appointed counsel for every collateral matter, and he does not ask this Court to invalidate Rule 83(b)(2) or (b)(3). The narrower points are these:

1. The counsel restrictions cannot stand without the mandatory findings in Rule 83(c).
2. Rule 83(b)(2) reaches only "a pending action."
3. Rule 83(b)(3) reaches only a future "claim for relief," carrying Rule 83(a)(2)'s definition.
4. Neither provision authorizes a district court to condition a notice of appeal, appellate brief, record request, or motion that is not a defined future claim on counsel. The rule's structure confirms the point: even the pending-action prefiling order—the most restrictive filing control Rule 83 contains—expressly exempts "a

notice of or petition for permission to appeal." Utah R. Civ. P. 83(b)(4), (d)(1). The counsel provisions should not be read to accomplish indirectly what the prefiling provisions expressly forbid.

These defects reach the vexatious-litigant finding itself, not only the restrictions built on it. Rule 83(j) permits any other court to rely on the issuing court's findings and impose its own restrictions. A finding assembled from a construed claim, shifting docket identifications, and unidentified aggregate volume should not remain available as a foundation for restrictions in courts that never examined this record. The finding should be vacated together with the order it supports.

Vacating the May 20 order resolves the immediate problem. If any restriction is considered on remand, the court must identify its source, scope, duration, and exceptions and tie it to findings the governing rule requires.

V. EVEN IF RULE 83 APPLIED AND A DEFINED CLAIM EXISTED, THE COURT'S OWN DESCRIPTIONS DO NOT PLACE ANY DESIGNATED FILING WITHIN THE RULE 83(a)(1)(C) CATEGORY ASSIGNED TO IT.

This Part is independent of Parts I through IV. It assumes for argument sake only that Rule 83 governs these proceedings, that a defined claim existed, and that each predicate ruling was otherwise within the court's power, and it asks a narrower question: whether the reasons the court gave place each designated filing within the subsection of Rule 83(a)(1)(C) the court assigned to it. Part III.C showed that each designation describes a rule-authorized filing type. This Part shows that the categories the court invoked do not fit the filings as the court itself described them, and that the labels that

actually carried the designations are not Rule 83 categories at all. Whether findings are legally sufficient to establish a specified act is a subsidiary legal conclusion reviewed for correctness. *Vashisht-Rota*, 2021 UT App 133, ¶ 16 (adopting the framework of *Griffith v. Griffith*, 1999 UT 78, ¶ 10). The court identified four instances and confined itself to them. R.5304 & n.1. If any two fail, the "three or more" minimum fails. Utah R. Civ. P. 83(a)(1)(C); *Strand*, 2017 UT App 55, ¶ 19. All four fail.

A. Rule 83(a)(1)(C) enumerates four acts, and the labels that carried the designations are not among them.

Rule 83(a)(1)(C) is satisfied only when a person, in an action, three or more times "(i) files unmeritorious pleadings or other papers, (ii) files pleadings or other papers that contain redundant, immaterial, impertinent or scandalous matter, (iii) conducts unnecessary discovery or discovery that is not proportional to what is at stake in the litigation, or (iv) engages in tactics that are frivolous or solely for the purpose of harassment or delay." Courts "are, in short, bound by the text of the rule." *Strand*, 2017 UT App 55, ¶ 4. The rule's drafters said the same of its application: classifying someone as a vexatious litigant "should not be a routine reaction to a party who zealously uses established procedures." Shea Memorandum, supra, at 3. This Court recently applied that discipline to the same four terms. Rule 10(h) authorizes a court to strike a paper, "but only if the paper 'contains redundant, immaterial, impertinent, or scandalous matter,'" and where the district court "did not invoke rule 10(h) or make any determination" that the papers contained such matter, the rule supplied no authority for the sanction. *Taylor v.*

Lawlor, 2026 UT App 118, ¶ 20. A sanction that depends on an enumerated condition requires a finding that the condition exists.

Measured against that text, the vocabulary that carried the four designations comes from elsewhere. "Burdensome" appears in every designation. R.2901; R.4914; R.4918; R.4920; R.4922. "Irrelevant" appears in the first and fourth. R.2901; R.4920. Both are Criminal Rule 33's words: papers "must be free from burdensome, irrelevant, immaterial, scandalous, or uncivil matters." Utah R. Crim. P. 33(a). The June 30 order quoted that rule, disregarded the response "as permitted by Rule 33," and only then announced that the filing was "effectively Defendant's first of three instances of vexatious litigation." R.2900–2901. The remaining labels—"moot" (first and third instances), "failed to request any relief" (first), "copied-and-pasted" (second), "failed to cite any legal authority" and "persistent refusal to accept finality" (fourth)—appear nowhere in Rule 83. R.5304–5305. A Rule 33 finding authorizes what Rule 33 authorizes: disregarding or striking that paper. It is not a finding that the paper was "unmeritorious," that it "contain[ed] redundant . . . matter," or that it was filed "solely" to harass or delay.

Equally telling is what the court did not find. No order finds that any filing contained "impertinent" or "scandalous" matter, or that any filing was uncivil, threatening, or directed at opposing counsel, the protected persons, court staff, or the court. Subsection (C)(iii) was never invoked; there was no discovery. The April 15 order's omnibus conclusion recites that Appellant "filed pleadings or other papers that contain redundant, immaterial, impertinent, or scandalous matter three times," R.4921, but that sentence quotes the subsection's full disjunctive text without applying any part of

it to any paper. A finding that "simply paraphras[es] the language of" the rule and stands "by itself without any detailed factual findings particularizing its conclusions is insufficiently specific as a matter of law to support the imposition of" sanctions. *Griffith*, 1999 UT 78, ¶ 10. In contrast, previously affirmed designations involved "threatening emails to court staff" and hundreds of unintelligible filings, *Watson*, 2026 UT App 122, ¶ 21, or papers containing "disrespectful language" and "baseless conspiracy theories," *Vashisht-Rota*, 2021 UT App 133, ¶ 7. Nothing of the kind was found here.

B. Three constructions follow from the text.

First, "unmeritorious" under subsection (C)(i) cannot mean "denied." The Utah Supreme Court treats an argument as frivolous only if it is "obviously without merit" or has "no reasonable likelihood of success," and it has cautioned: "This is a high bar. Even bad arguments are not necessarily frivolous." *Pang v. International Document Services*, 2015 UT 63, ¶ 13. Rule 11 protects contentions "warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law," Utah R. Civ. P. 11(b)(2), and that protection does not lapse when the motion loses. Rule 83 itself draws the same line: its prefiling procedures require a restricted litigant to show only that a proposed paper "is warranted under existing law or a good faith argument for the extension, modification, or reversal of existing law." *Id*. R. 83(d)(1)(B), (e)(2)(B). A paper that clears that bar is not "unmeritorious" under the same rule merely because it does not prevail. If losing were the test, every litigant would stand three adverse rulings from designation, and the clear-and-convincing screen would become a tally.

Second, subsection (C)(ii) reaches papers "that contain redundant . . . matter." The overlap inherent in a motion to alter or amend is not that. Such a motion must restate the argument the court rejected in order to explain why the rejection was error, and the Utah Supreme Court has said as much: although a movant's arguments "were unconvincing and repetitive, neither rule 4(b) nor rule 59 require that a posttrial motion make winning arguments to be procedurally proper." *B.A.M. Development, L.L.C. v. Salt Lake County*, 2012 UT 26, ¶ 14. Rule 83 addresses re-litigation directly, in subsection (a)(1)(B), which requires a claim or issue "finally determined" and "two or more additional" attempts. See *Liender v. Harris*, 2025 UT App 2, ¶ 10. The court never invoked subsection (B). Reading (C)(ii)'s "redundant matter" to reach a single reconsideration motion would let the general subsection reach conduct the specific subsection governs while bypassing its thresholds.

Third, subsection (C)(iv)'s second alternative requires tactics "solely for the purpose of harassment or delay." "Solely" is exclusive. Any legitimate purpose the court itself identifies—response, preservation, reconsideration—defeats the finding as a matter of law, without weighing which purpose predominated. The May 20 order's own paraphrase of the rule omitted the word, describing the subsection as reaching a person who "engages in frivolous tactics." R.5304. The rule does not stop there.

C. First instance: the court's own findings supply the filing's purpose and confirm that its length was exhibits.

The May 20 order designated the Response (Dkt. 326) under subsections (C)(ii) and (C)(iv): it was "immaterial because it 'included over 300 pages of information that

failed to request any relief'" and addressed moot issues, and its "excessive length . . . constitutes a tactic 'solely for the purpose of harassment or delay.'" R.5304.

The (C)(iv) finding cannot stand beside the court's other findings. The June 30 order—the order that actually reviewed the filing—made no purpose finding. It recorded that the response included "over 300 pages of information apparently intending to show that filings he requested his attorney submit were not frivolous, in contrast to representations made by Orem City and Defendant's former counsel." R.2900. The response said the same of itself: it listed each filing and stated its purpose "so the reader can judge for themselves whether they believe his filings were frivolous or not." R.2467. The April 15 order recounted those representations: former counsel described Appellant's proposed filings as inappropriate, the City described a "lengthy history" involving "frivolous motions and documents," and Appellant "wished to respond to these assertions but was denied the opportunity." R.4918–4919. A paper the court itself understood as an attempt to rebut on-the-record characterizations of its author's filings had a purpose other than harassment. The May 20 order's inference of sole improper purpose from page count, entered ten months later, does not follow, and the "delay" alternative is irreconcilable with the companion finding that the paper "failed to request any relief": a paper that seeks nothing postpones nothing. No order identifies whom the filing harassed or what it delayed.

The (C)(ii) finding rests on length and mootness, and neither is "immaterial matter." At the Rule 83 hearing the court acknowledged that "the 300 pages largely were exhibits to the Defendant's filing." R.5410. The memorandum itself was six pages, eight

with an appendix index that stated each exhibit's title, filing date, and purpose. R.3078–3079; see R.2468–2470 (the index). One exhibit, Exhibit E, was the proposed order for Appellant's motion to correct the protective orders, filed October 24, 2024 and still pending when the Response was docketed. R.1885–1895; R.2556–2564. The June 30 ruling that struck the Response as immaterial granted that motion in part in the same order. R.2896–2897; R.2902. When the accusation a filing answers is that certain documents were frivolous, the documents themselves are the responsive matter; their volume tracks the accusation. The mootness rationale reached only reattached self-representation requests that the March 28 ruling had granted. R.2901; R.4918. Those are Exhibits N and P—a request to appoint conflict counsel and a motion for permission to file directly—seven pages of the 313. R.2745–2747; R.2777–2780. A resolved motion may present no live request while remaining material as evidence of what its author had asked counsel to file, which is the only use the response made of it. R.2900. And "failed to request any relief" describes what a response is: a paper that answers rather than asks. The April 15 order dismissed the preservation purpose as serving only "the hypothetical situation that a factfinder needs to evaluate the quality of his filings." R.4919. The court became that factfinder when it built a Rule 83 proceeding on the character of those same filings. The first designation fails.

D. Second instance: the order that designated the Rule 59 motion identified its unique material and adjudicated it.

The court designated the Rule 59 Motion (Dkt. 368) under subsections (C)(i) and (C)(ii) because Appellant made "the exact same arguments" already rejected, "appearing

to have 'copied-and-pasted' from previous filings." R.5305; R.4913. The motion identified three asserted errors of law or fact—whether Appellant had ever received a modification hearing, whether a material change of circumstances was required or had occurred, and whether any victim's right was implicated—and a procedural error in ruling before a request to submit was filed. R.3289–3290. The April 15 order's own text defeats "redundant." It identifies "[t]he only material unique to Defendant's Rule 59 Motion"—an objection that the court ruled before a request to submit was filed, and a second complaint—and resolves the first on its merits, concluding that "any error in ruling prior to a Request to Submit was harmless error." R.4913. An order that isolates a motion's unique content and disposes of it by harmless-error analysis cannot also find, by clear and convincing evidence, that the motion was "the exact same" as what came before. Appellant made that point below. R.5180, R.5189. Harmless-error analysis presupposes a cognizable claim of error.

What remains is overlap with the pre-ruling reply, R.4913, which is the overlap *B.A.M.* describes: a post-ruling motion restates the position the court rejected because that is the position the court must reconsider. 2012 UT 26, ¶ 14; supra Part III.C. "Copied-and-pasted" describes drafting economy, not a category; identical arguments retyped in different words would be no less repetitive on the court's theory, which shows that the theory measures the device rather than any "matter" the paper contains. And "unmeritorious" here reduces to "denied": the stated ground was that the arguments had "already" been "submitted to and considered by the Court." R.4921. That describes every

unsuccessful Rule 59 motion, and under *Pang* it does not clear the bar the word requires. The second designation fails.

E. Third instance: the court's own inventory shows three different requests, one of which it held timely.

The court designated the Record-Correction Motions (Dkts. 358 and 385) together under subsection (C)(ii) as "repeated requests for the same relief, involving a moot issue," which it called "redundant and burdensome." R.5305. The April 15 order describes those motions differently. Docket 358 sought reconsideration of the June 30 denial of the original record-correction motion. R.4915. Docket 385 sought four categories of material, three of which the earlier motions had never requested: transcripts of the August 22, 2023 hearing for these and related case numbers—uploaded to several of those cases only on July 26 and 27, 2025—and consolidation of a new-trial motion with its supporting evidence. R.4915–4916. The motion rested in part on documents obtained from prior counsel's files on July 28, 2025, after the earlier motions were decided. R.3570. As to those transcripts, the court held the request "timely," filed "eleven and twelve days after the transcripts were filed," and denied it on the merits because the documents were "identical to those which have already been uploaded." R.4916. Only then did the order summarize the two motions as requests for "the same relief." R.4917. Appellant's motion to vacate the third designation identified the same timeliness finding and the same distinct requests. R.5137–5138. The May 20 order's reference to "successive motions to correct the court record," citing "Docket Nos. 385-387, 399,"

R.5302, counts the second motion together with its three sets of addenda. Record Index (Dkts. 385–387, 399).

An original motion, a single reconsideration of its denial, and a differently grounded motion addressed to newly uploaded material are three procedural acts, not one request made three times. A motion the court adjudicated as timely and resolved on a contested premise about record contents is ordinary record practice decided against its proponent; it cannot, as a matter of law, be "redundant . . . matter." Bundling it with an assertedly repetitive motion as a single "instance," without per-filing findings identifying which matter in which paper qualifies, leaves nothing to review. *Griffith*, 1999 UT 78, ¶ 10. And "moot" is not a subsection (C) category; Part III.C explains why the label did not satisfy the legal standard for mootness in any event. The third designation fails.

F. Fourth instance: the "no legal authority" finding was narrower than its restatement, and one motion is not "persistent."

The court designated the Motion to Alter or Amend (Dkt. 359) under subsections (C)(i) and (C)(iv) because it asked the court to "reconsider facts and issues it has already considered and adjudicated," because Appellant "failed to cite any legal authority" demonstrating error, and because that "persistent refusal to accept finality in the face of settled law" was an "unmeritorious" filing and a "frivolous" tactic. R.5305.

The April 15 order's finding was narrower than the May 20 restatement. It found that Appellant had "failed to cite any legal authority demonstrating he has a right to respond to such statements within the context of the hearing itself" or "after the hearing itself." R.4919. That is a finding about authority for one proposition, not a finding that

the motion cited none. Appellant's motion to vacate the fourth designation said so, and listed the authorities. R.5161, R.5168. The same order devotes two pages of point-by-point analysis to the motion's arguments before rejecting them, R.4918–4920, which is difficult to reconcile with frivolousness. Compare *Watson*, 2026 UT App 122, ¶ 21 (filings "any person with legal training would find to be unintelligible"). Citation density is a briefing critique, not a category, and a motion contesting a court's characterization of a filing's length, purpose, and composition is argued from the record the characterization describes. The motion itself invoked Rules 59(e) and 59(a)(7), R.3073, R.3075; cited four decisions, each with an explanatory parenthetical, for the propositions it advanced, R.3076; and separately invoked Rule 7(g), R.3080. Whether those authorities carried every point is not what the court found; it found that none was cited. The premise of the "unmeritorious" classification is contradicted by the pages of the motion.

"Persistent" describes repetition. This was one motion, the first and only challenge to a designation the June 30 order had entered without a Rule 83 motion pending and without a hearing. R.2901; R.3081 (requesting that the court "remove the designation of Defendant's March 29, 2025 filing as the first act of vexatious litigation"). Rule 83's re-litigation concept lives in subsection (a)(1)(B), with its "finally determined" and "two or more additional times" thresholds, which the court did not invoke. And the designation carries the circularity Part III.B describes: the paper sanctioned in June became strike one, and the rule-authorized attempt to contest that label became strike four. A litigant told that a filing counts toward future restrictions has every legitimate reason to seek

reconsideration once, before the predicate ripens. Under the court's approach, the designation generates the evidence for its own validation. The fourth designation fails.

G. Docket totals and unidentified instances cannot supply what the designations lack.

The May 20 order notes 410 docket entries since sentencing while acknowledging that Appellant "is not responsible for all of those entries," adds without citation that he "has a history of making extremely burdensome requests from the court clerks," and states that the record "demonstrates many other instances" it does not identify. R.5303–5304 & n.1. None of this is a subsection (C) category, and none can backfill a failed predicate. Rule 83 proscribes specified acts proven by clear and convincing evidence, *Strand*, 2017 UT App 55, ¶¶ 18–19, and unparticularized findings are insufficient as a matter of law, *Griffith*, 1999 UT 78, ¶ 10. The designation stands or falls on the four instances the court chose.

The Court need not resolve the first designation to reverse. The second, third, and fourth designations each fail on the district court's own findings: the "unique" material it identified and adjudicated as harmless error, R.4913; the request it held timely and decided on the merits before calling the motions repetitive, R.4915–4917; and a "no legal authority" finding that its restatement broadened and the motion's pages contradict, R.4919; R.5305; R.3073–3076. Any two of those failures leave fewer than three instances.

Because the categories the court assigned do not fit the filings as the court itself described them, and because the labels that actually carried the designations—

"burdensome," "irrelevant," "moot," "failed to request any relief," "copied-and-pasted," and "failed to cite any legal authority"—are not Rule 83 categories, no instance survives, and the failure of any two would defeat the three-act minimum. Independently of Parts I through IV, the Court should hold that a Rule 83(a)(1)(C) designation cannot rest on findings that rule-authorized postjudgment filings were long, repetitive, or unsuccessful, or on labels the rule does not enumerate, and should vacate the four predicate findings and, with them, the vexatious-litigant designation and every restriction and notice entered upon it.

ATTORNEY FEES

Appellant does not request attorney fees on appeal.

REQUEST FOR ORAL ARGUMENT

Appellant requests oral argument. No published Utah decision addresses whether Rule 83(c)(1)(B)'s no-probability finding may be made without a "claim" as Rule 83(a)(2) defines that term, whether Rule 81(f) permits importing Civil Rule 83 into postjudgment criminal proceedings that Criminal Rule 33 already governs, or what findings suffice to establish the acts Rule 83(a)(1)(C) specifies. Argument would assist the Court on those questions.

CONCLUSION

The Court should:

1. vacate the April 15, 2026 Ruling and the May 20, 2026 Rule 83 order, including their vexatious-litigant designations, findings and restrictions;

2. vacate the directive to notify the Administrative Office of the Courts that a prefiling order had entered and, if notice was transmitted, direct corrective notice of the vacatur;
3. vacate the legal effect of the blanket strike of post-April 15 pro se papers already present at R.4924–5296;
4. remand for any filing-specific proceeding otherwise authorized by an applicable rule, with findings and remedies limited to that authority; and
5. grant such other relief necessary to implement the vacatur.

Respectfully submitted,

Dated: August 30, 2026 *__/s/ David Ammon Jakeman__*
DAVID AMMON JAKEMAN, pro se

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with Utah Rule of Appellate Procedure 24(g) because it contains 13,822 words, excluding the table of contents, table of authorities, addendum, and certificates. The word count is calculated by the word-processing system used to prepare the final brief.

I further certify that this brief complies with Utah Rule of Appellate Procedure 21. It omits nonpublic protected-person identifiers and does not reproduce the confidential clinical material excluded from the public record extracts. The separately filed addendum has been reviewed and redacted for public filing.

Dated: August 30, 2026 *__/s/ David Ammon Jakeman__*
DAVID AMMON JAKEMAN, pro se

CERTIFICATE OF MAILING

I, Appellant David Ammon Jakeman, hereby certify that I emailed a true and correct copy of the foregoing Opening Brief of Appellant, and all addenda, on August 30, 2026, to the following. (The hard copy requirement of UT. R. APP. P. 26(b) has been waived.)

Email: djsummers@orem.org, oremprosecutor@orem.gov, anleon@orem.gov
Mr. Jake Summers
Aliisa N. Leon
Orem City Prosecutor's Office
56 North State Street
Orem, Utah 84057

Dated: August 30, 2026 */s/ David Ammon Jakeman*
DAVID AMMON JAKEMAN, pro se

ADDENDUM INDEX

The separately filed addendum contains:

1. May 20, 2026 Ruling on Order to Show Cause Regarding Vexatious Litigant Findings, R.5301–5309.
2. May 20, 2026 minute entry, R.5299–5300.
3. April 15, 2026 Ruling on Various Requests by Defendant and Vexatious Litigant Findings, R.4912–4923.
4. September 25, 2025 deferral order, R.4383–4384.
5. July 25, 2025 Ruling on Defendant's Request for Hearing to Modify Continuous Protective Orders, R.3286–3288.
6. June 30, 2025 Ruling on Various Motions Raised by Defendant, R.2896–2902 (public-redacted copy).
7. May 20, 2026 hearing transcript, R.5392–5431.
8. June 1, 2026 appellate consolidation order.
9. Utah Rule of Civil Procedure 83.
10. Utah Rule of Civil Procedure 81(f).
11. Utah Rule of Criminal Procedure 33.
12. Utah Rule of Civil Procedure 7(l)(1)(E).
13. Utah Rule of Civil Procedure 11(b).
14. Utah Rule of Appellate Procedure 11(d)(1).

CERTIFICATE OF MAILING

I, Appellant David Ammon Jakeman, hereby certify that I emailed a true and correct copy of the foregoing Opening Brief of Appellant, and all addenda, on August 30, 2026, to the following. (The hard copy requirement of UT. R. APP. P. 26(b) has been waived.)

Email: djsummers@orem.org, oremprosecutor@orem.gov, anleon@orem.gov
Mr. Jake Summers
Orem City Prosecutor's Office
56 North State Street
Orem, Utah 84057

Dated: August 30, 2026

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, pro se

IN THE UTAH COURT OF APPEALS

OREM CITY / STATE OF UTAH, Plaintiff/Appellee, v. **DAVID AMMON JAKEMAN,** Defendant/Appellant.	Lead Appellate Case No: 20260698-CA ____ Consolidated with Nos: 20260700-CA, 20260702-CA, 20260704-CA, and 20260706-CA ____ District Court Nos: 221300408, 221300553, 231300069, 231300079, and 231300162

ADDENDUM TO OPENING BRIEF OF APPELLANT

This Appeal is from the May 20, 2026 Ruling on Order to Show Cause Regarding Vexatious Litigant Findings and from the April 15, 2026 Ruling on Various Requests by Defendant and Vexatious Litigant Findings entered by Honorable Jared Eldridge of the Fourth Judicial District Court in and for Utah County, State of Utah.

D. JACOB SUMMERS (#12253)
56 North State Street
Orem, Utah 84057
(801) 229-7097
djsummers@orem.org

Attorney for Appellee

DAVID A. JAKEMAN (*pro se*)
2070 N 3930 W.
Lehi, UT 84048
(509) 306-2673
jakemandav@gmail.com

Appellant, pro se

ADDENDUM INDEX

Item numbers match the Addendum Index in the Brief of Appellant. "Add." pages are the footer page numbers of this addendum.

1. May 20, 2026 Ruling on Order to Show Cause Regarding Vexatious Litigant Findings
   R.5301–5309 — Add. 4–13

2. May 20, 2026 minute entry
   R.5299–5300 — Add. 14–16

3. April 15, 2026 Ruling on Various Requests by Defendant and Vexatious Litigant Findings
   R.4912–4923 — Add. 17–29

4. September 25, 2025 deferral order
   R.4383–4384 — Add. 30–32

5. July 25, 2025 Ruling on Defendant's Request for Hearing to Modify Continuous Protective Orders
   R.3286–3288 — Add. 33–36

6. June 30, 2025 Ruling on Various Motions Raised by Defendant (public-redacted copy)
   R.2896–2902 — Add. 37–44

7. May 20, 2026 hearing transcript
   R.5392–5431 — Add. 45–85

8. June 1, 2026 appellate consolidation order
   Utah Court of Appeals, No. 20260698-CA (consolidating Nos. 20260700-CA, 20260702-CA, 20260704-CA, and 20260706-CA) — Add. 86–87

9. Utah Rule of Civil Procedure 83
   Official text, utcourts.gov (printed August 15, 2026) — Add. 88–93

10. Utah Rule of Civil Procedure 81(f)
    Official text, utcourts.gov (printed August 15, 2026) — Add. 94–96

11. Utah Rule of Criminal Procedure 33
    Official text, utcourts.gov (printed August 15, 2026) — Add. 97–98

12. Utah Rule of Civil Procedure 7(l)(1)(E)
    Official text, utcourts.gov (printed August 15, 2026) — Add. 99–110

ADDENDUM INDEX (continued)

Item numbers match the Addendum Index in the Brief of Appellant. "Add." pages are the footer page numbers of this addendum.

13. Utah Rule of Civil Procedure 11(b)
Official text, utcourts.gov (printed August 28, 2026) — Add. 111–114

14. Utah Rule of Appellate Procedure 11(d)(1)
Official text, utcourts.gov (printed August 29, 2026) — Add. 115–118

ADDENDUM ITEM 1

May 20, 2026 Ruling on Order to Show Cause Regarding Vexatious Litigant Findings

R.5301–5309

IN THE FOURTH DISTRICT COURT -

SPANISH FORK, UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON ORDER TO SHOW CAUSE REGARDING VEXATIOUS LITIGANT FINDINGS** Case No. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

INTRODUCTION

This matter comes before the Court on its Order to Show Cause (OSC) issued on April 15, 2026, requiring Defendant David A. Jakeman to show cause why he should not be designated a vexatious litigant under rule 83 of the Utah Rules of Civil Procedure. Defendant filed an Opposition and Request to Discharge the OSC on May 9, 2026. The Court held a hearing on this matter on May 20, 2026. At the outset of the hearing, Defendant appeared *pro se* and requested a continuance, which the Court denied because the parties were present and had been afforded adequate time to prepare for the noticed hearing.

The Court acknowledges that *pro se* litigants generally lack formal legal training and generally attempts to accord them "every consideration that may reasonably be indulged." *Lundahl v. Quinn*, 2003 UT 11, ¶ 13, 67 P.3d 1000. However, the Court notes the Defendant in this case represented he does in fact have legal training and practiced law for a period of time in another jurisdiction. Nevertheless, the Court must balance leniency with *pro se* litigants with the necessity of maintaining decorum, efficiency, and procedural regularity. Having thoroughly reviewed the record, the relevant law, and the filings and arguments of the parties, the Court enters the following findings and order.

BACKGROUND

1. On June 30, 2025, the Court entered its "Ruling on Various Motions Raised by Defendant," identifying Defendant's 300-page "Response to Statements Made During the Hearing on 3/28/2025" as his first instance of vexatious litigation. (Docket No. 346).
2. On July 28, 2025, Defendant filed a "Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders," which the Court subsequently identified as a second instance of vexatious conduct. (Docket No. 368).
3. Defendant thereafter filed successive motions to correct the court record under rule 11(f) of the Utah Rules of Appellate Procedure, seeking to include a supporting declaration for a motion to withdraw guilty pleas that had been withdrawn on October 13, 2023. The Court identified these redundant requests as a third instance of vexatious conduct. (Docket Nos. 385-387, 399).
4. Defendant also filed a "Motion to Alter or Amend Order Finding His Response to Statements Burdensome," which sought to re-litigate the Court's June 30, 2025 ruling. The Court identified this as a fourth instance of vexatious conduct. (Docket Nos. 326, 346, 498).
5. On April 15, 2026, the Court issued its "Ruling on Various Requests by Defendant and Vexatious Litigant Findings," formally determining that Defendant's filing history triggered the criteria of rule 83(a)(1)(C). (Docket No. 498)
6. Consequently, the Court issued the present OSC and set a hearing.
7. On May 9, 2026, Defendant filed his Opposition, arguing that rule 83 is inapplicable to criminal proceedings, that his filings do not constitute a "claim" under rule 83(a)(2), and that his constitutional challenge to the CPOs enjoy a reasonable probability of success.

8. The Court also notes, as part of the general background to the litigation in these cases, that since Defendant was sentenced on November 3, 2023, there have been 410 additional docket entries. Since the Court successfully terminated Defendant's probation on November 20, 2025, there have been an additional 88 docket entries. While Defendant is not responsible for all of those entries, it is a fair representation that he is responsible for most of them. (See Docket Generally).
9. Defendant also has a history of making extremely burdensome requests from the court clerks that consume many clerk hours to satisfy.

ISSUE AND STANDARD OF REVIEW

The issue before the Court is whether Defendant meets the criteria of a vexatious litigant under rule 83 of the Utah Rules of Civil Procedure. "Rule 83 authorizes a court to impose restrictive orders on vexatious pro se litigants. The purpose of such orders is to curb the litigant's vexatious conduct." *Strand v. Nupetco Assocs. LLC*, 2017 UT App 55, ¶ 5, 397 P.3d 724. To impose a restrictive order, the Court must find by clear and convincing evidence that (A) the party is a vexatious litigant and (B) "there is no reasonable probability that the vexatious litigant will prevail on the claim." UTAH R. CIV. P. 83(c)(1)(A)–(B).

ANALYSIS

I. Applicability of the Utah Rules of Civil Procedure

Defendant argues that rule 83 cannot be imported into these criminal and post-judgment proceedings because rule 33 of the Utah Rules of Criminal Procedure already governs the striking of improper papers. The Court finds this argument unpersuasive. Rule 81(f) of the Utah Rules of Civil Procedure establishes that civil rules "govern in any aspect of criminal

proceedings where there is no other applicable statute or rule, provided, that any rule so applied does not conflict with any statutory or constitutional requirement." UTAH R. CIV. P. 81(f). While rule 33 of the Utah Rules of Criminal Procedure allows a court to strike individual papers containing "burdensome" or "irrelevant" matter, it provides no comprehensive framework to manage a chronic pattern of abuse or impose prospective filing restrictions. Because there is "no other applicable statute or rule" governing the designation of vexatious litigants in the criminal context, rule 83 applies to fill this procedural gap. UTAH R. CIV. P. 81(f).

II. Vexatious Litigant Criteria Under Rule 83(a)(1)(C)

Defendant contends he is not a vexatious litigant because he has not filed a "claim" as defined by rule 83(a)(2). This argument is unpersuasive. The definition of a vexatious litigant under rule 83(a)(1)(C) is met when a person, in any action, three or more times files unmeritorious, redundant, or immaterial papers, or engages in frivolous tactics. UTAH R. CIV. P. 83(a)(1)(C)(i)–(iv). The Court finds by clear and convincing evidence that Defendant has committed at least the following four distinct instances[1] of vexatious litigation:

1. **First Instance (Rule 83(a)(1)(C)(ii) and (iv)):** Defendant filed a 300-page response to statements made during a March 28, 2025 hearing. This filing was immaterial because it "included over 300 pages of information that failed to request any relief" and addressed moot issues related to his already-granted request to proceed *pro se*. The excessive length of this response constitutes a tactic "solely for the purpose of harassment or delay" and contains "immaterial matter". UTAH R. CIV. P. 83(a)(1)(C)(ii), (iv).

[1] The Court only singles out four instances of vexatious behavior but a review of the record demonstrates many other instances. In the interest of judicial economy, the Court only addresses the four instances addressed in this ruling.

2. **Second Instance (Rule 83(a)(1)(C)(i) and (ii)):** Defendant filed a Rule 59 motion to alter or amend an order denying a CPO hearing. This motion was "unmeritorious" and "redundant" because Defendant made "the exact same arguments" already reviewed and rejected by the Court, appearing to have "copied-and-pasted" from previous filings. Submitting such redundant filings constitutes engaging "in tactics that were frivolous" and filing "unmeritorious pleadings and other papers that contain immaterial matter," which squarely meets the criteria of rule 83. *Vashisht-Rota v. Howell Mgmt. Servs.*, 2021 UT App 133, ¶ 17, 503 P.3d 526.
3. **Third Instance (Rule 83(a)(1)(C)(ii)):** Defendant filed multiple, successive motions under rule 11(f) of the Utah Rules of Appellate Procedure to correct the record regarding a motion to withdraw guilty pleas that his own counsel had previously withdrawn. These repeated requests for the same relief, involving a moot issue, were "redundant and burdensome". Rule 83(a)(1)(C)(ii) proscribes filing papers that "contain redundant... matter" three or more times. UTAH R. CIV. P. 83(a)(1)(C)(ii).
4. **Fourth Instance (Rule 83(a)(1)(C)(i) and (iv)):** Defendant filed a motion to reconsider the Court's earlier finding that his 300-page response was burdensome. The Court finds this request was unmeritorious because it asked the Court to "reconsider facts and issues it has already considered and adjudicated," and Defendant "failed to cite any legal authority" demonstrating error in the first instance. This persistent refusal to accept finality in the face of settled law constitutes an "unmeritorious" filing and a "frivolous" tactic. UTAH R. CIV. P. 83(a)(1)(C)(i), (iv).

III. Findings by Clear and Convincing Evidence Under Rule 83(c)

Pursuant to rule 83(c)(1), the Court makes the following findings by clear and convincing evidence:

First, Defendant is a vexatious litigant. This finding is based on the four instances of conduct detailed above, where Defendant repeatedly filed unmeritorious, redundant, and immaterial papers that have "burdened the machinery of justice ... with needless expense and delay". *Vashisht-Rota*, 2021 UT App 133, ¶ 20 (cleaned up).

Second, there is no reasonable probability that Defendant will prevail on the claim. The Court construes Defendant's various filings and motions as "claims" for the purposes of rule 83(c)(1)(B), the Court finds by clear and convincing evidence that there was no reasonable probability he would prevail on any of them. The Court finds that in each instance of vexatious filings there was no reasonable probability the litigant would prevail because the filing either (1) failed to identify a request for relief; (2) sought to relitigate a matter the court had already ruled on; or (3) raised issues that were moot:

1. **First Instance (300-page response):** There was no reasonable probability Defendant would prevail because the filing failed to identify a request for relief and raised issues that were moot.
2. **Second Instance (Rule 59 motion):** There was no reasonable probability Defendant would prevail because the filing sought to relitigate a matter the court had already ruled on, utilizing copied-and-pasted arguments.
3. **Third Instance (Rule 11(f) motions):** There was no reasonable probability Defendant would prevail because the filings raised issues that were moot, as the underlying motion to withdraw guilty pleas had already been withdrawn.

4. **Fourth Instance (Motion to reconsider):** There was no reasonable probability Defendant would prevail because the filing sought to relitigate a matter the court had already ruled on without citing any new legal authority.

Furthermore, even if the Court were to construe Defendant's constitutional and procedural challenges to the Continuous Protective Orders (CPOs) as a "claim" under rule 83(a)(2), he still has no reasonable probability of prevailing. The Utah Court of Appeals addressed Defendant's challenges to these exact CPOs in *Orem City v. Jakeman*, 2025 UT App 187. The appellate court established that Defendant's procedural objections regarding the issuance of the CPOs were "invited error." Given Jakeman's "full-throated assertion before the district court" that the orders were continuous, the appellate court held that "invited error precludes appellate review of an issue". *Id.* ¶ 11. Regarding Defendant's constitutional theory, the Court of Appeals noted the argument was unpreserved and lacked support in settled appellate law. *Id.* ¶¶ 14–15.

Additionally, Defendant's specific procedural arguments against the validity of the continuous protective orders are foreclosed by recent settled law. In *State v. Allred*, 2026 UT App 1, the Utah Court of Appeals confirmed that a trial court acts properly under the continuous protective order statute when it includes other household members (including biological children) within the order. *Id.* ¶¶ 16–21. The *Allred* court further established that a CPO may be validly entered months after sentencing, *Id.* ¶ 25, and that any failure to notify a defendant of his right to a hearing prior to the entry of a CPO constitutes harmless error if the defendant subsequently receives a hearing on a motion to modify. *Id.* ¶¶ 23–24. Under rule 83, a litigant cannot establish a reasonable probability of success when their claims are "barred as a matter of law". Because Defendant's core arguments have already been characterized by the appellate courts as invited error, lacking a basis in settled law, or foreclosed by statutory interpretation, the

Court finds by clear and convincing evidence that there is no reasonable probability he will prevail on them.

IV. Vexatious Litigant Order Under Rule 83(b)

"When an individual avails herself of the judicial machinery as a matter of routine, special leniency on the basis of pro se status is manifestly inappropriate." *Lundahl*, 2003 UT 11, ¶ 4. To protect the judicial system and opposing parties from needless expense and delay, rule 83 grants the Court authority to impose prospective filing restrictions.

The Court finds that requiring Defendant to retain counsel is the least restrictive measure reasonably necessary to curb his abusive conduct. Defendant's history of voluminous and repetitive filings, and his disregard for the Court's time and resources, warrant the involvement of licensed counsel. This restriction will help ensure that future filings are legally supported and do not unnecessarily burden judicial resources.

ORDER

Based on the foregoing findings, the Court enters the following ORDER pursuant to rule 83(b) of the Utah Rules of Civil Procedure:

1. Pursuant to rule 83(b)(2), Defendant David A. Jakeman is ORDERED to obtain legal counsel before proceeding further in a pending action.
2. Pursuant to rule 83(b)(3), Defendant is ORDERED to obtain legal counsel before filing any future claim for relief.
3. Pursuant to rule 83(b)(6), which allows the Court to take any other action reasonably necessary to curb abusive conduct, Defendant is PRECLUDED from making requests directly to the court clerks. Defendant has a history of making extremely burdensome

requests that consume many clerk hours to satisfy. In the future, any requests for the court clerks must be made by way of his attorney.

4. The Court declines to enter restrictions under rule 83(b)(1), (b)(4), or (b)(5) at this time.
5. Pursuant to rule 83(f)(1), the clerk of the court is DIRECTED to notify the Administrative Office of the Courts that a pre-filing order has been entered against the Defendant.
6. Finally, the City's motion to strike any pleadings filed by Defendant *pro se* after the Court's April 15, 2026 order is GRANTED. Any such filings are hereby stricken from the record. If Defendant wishes to refile those documents, they must be submitted through licensed legal counsel.

CONCLUSION

Accordingly, the Court's Order to Show Cause is hereby RESOLVED against the Defendant. The criminal portion of these cases were closed successfully on November 20, 2025, upon the termination of Defendant's probation, thus terminating the Court's jurisdiction as to criminal sanctions. The only outstanding issue in this matter is the continuous protective order that was issued pursuant to statute. This Ruling constitutes a final order on the question of whether Defendant is a vexatious litigant.

Dated this 20th day of May, 2026.



Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 2

May 20, 2026 minute entry

R.5299–5300

The Order of the Court is stated below:
Dated: May 20, 2026 11:21:23 AM
At the direction of:
/s/ JARED ELDRIDGE
District Court Judge
by
/s/ MORGAN BOWSER
District Court Clerk

FOURTH JUDICIAL DISTRICT - SPANISH FORK DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, vs. DAVID AMMON JAKEMAN, Defendant.	MINUTES IP ORDER TO SHOW CAUSE Case No: 221300408 MO Judge: JARED ELDRIDGE Date: May 20, 2026

PRESENT

Clerk: morganb

Prosecutor: ALIISA LEON

Defendant Present

The defendant is not in custody

DEFENDANT INFORMATION

Date of birth: September 4, 1975

Audio

Tape Number: RM 1 IP Tape Count: 9:03-10:22

This case involves domestic violence.

CHARGES

1. CHILD ABUSE W/INJURY - INTENTIONAL OR KNOWING - Class A Misdemeanor - Disposition: 08/22/23 Guilty - Bench

2. VIOLATION OF A PROTECTIVE ORDER - Class A Misdemeanor - Disposition: 08/22/23 Guilty - Bench

HEARING

9:03 This matter comes before the court for an Order to Show Cause hearing, all parties are present virtually. 9:06 The defendant offers argument. 9:18 The city offers argument. 9:24 The defendant offers rebuttal. 9:29 The court takes a brief recess. 9:54 Court resumes. The court finds the defendant to be a vexatious litigant and orders that any future filings must be filed through a licensed attorney. The city moves the court to strike all filings after April 15, 2026. The court grants the motion. 10:16 The defendant moves the court to appoint the public defender. The court denies the motion. 10:22 Court is adjourned.

The start time is 9:03:43 a.m. and the end time is 10:22:34 a.m.

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

ADDENDUM ITEM 3

April 15, 2026 Ruling on Various Requests by Defendant and Vexatious Litigant Findings

R.4912–4923

IN THE FOURTH DISTRICT COURT - SPANISH FORK, UTAH COUNTY, STATE OF UTAH	
OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON VARIOUS REQUESTS BY DEFENDANT AND VEXATIOUS LITIGANT FINDINGS** Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

This matter is before the Court upon numerous filings and requests by the Defendant. His requests include a hearing to modify the continuous protective order, dismissal of the continuous protective order, correction of the record, amendment of the Court's order finding his statements burdensome, and permission to proceed pro se. The Court deferred ruling on many of these matters until the Defendant's pending appeals as to the same matters were resolved. These appeals have since resolved. Defendant has made additional requests since the Court issued its order deferring a ruling, and these have either been fully briefed by both parties or the time to respond has expired. These matters are now ripe for decision. Having reviewed the record, relevant law, and the filings of the parties, the Court finds and rules as follows:

I. Requests for a Hearing to Modify CPO

Numerous Protective Orders were issued in this case, including a Pre-Trial Protective Order and a Sentencing Protective Order. A request for a Continuous Protective Order (Docket No. 239) was filed by Plaintiff, a Continuous Protective Order Hearing was held, and a Continuous Protective Order (Docket No. 244) was issued on September 27, 2024. An Amended Continuous Protective Order was issued (Docket No. 250) on October 2, 2024, to correct a clerical error.

Defendant filed Motion to Fix Errors in New Continuous Protective Orders (Docket No. 261) on October 24, 2024. In this motion he made three requests, one of which the Court granted

in the Ruling on Various Motions Raised by Defendant (Docket No. 346). On July 8, 2025, Defendant filed a Request for Hearing to Modify Continuous Protective Orders (Docket No. 352). This matter was fully briefed by both parties, and the Court denied to request (Docket No. 366).

On July 28, 2025, Defendant filed Defendant's Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders (Docket No. 368). In this request that the Court modify its order, Defendant made the exact same arguments he made in Defendant's Reply to Orem City's Objection to His Request for Hearing to Modify Continuous Protective Order (Docket Nos. 365, 368). Indeed, many of the arguments in the Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders appear to have been copied-and-pasted from Defendant's Reply to Orem City's Objection to His Request for Hearing to Modify Continuous Protective Order.

The only material unique to Defendant's Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders is a complaint that the motion was ruled on prior to Defendant filing a Request to Submit and a complaint against Judge Eldridge personally. These arguments are unpersuasive. Defendant's Request for Hearing to Modify Continuous Protective Orders was fully briefed by both parties, and these arguments were reviewed by the Court in making its ruling. Accordingly, the Court ruling prior to Defendant filing a Request to Submit was within the Court's discretion as judges have discretion in addressing different matters pending before them. Furthermore, any error in ruling prior to a Request to Submit was harmless error as there would have been no change in outcome had the Court waited for the Request to Submit to be filed.

Regarding Defendant's complaints against Judge Eldridge, these arguments are both immaterial to the matter at hand and have already been addressed and rejected, prior to the issuance of this Order, in the Ruling and Order on Motion to Disqualify Judge (Docket No. 402).

Therefore, Defendant's Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders is DENIED.

Additionally, as the arguments in this motion are duplicative, and even identical, to the arguments made in other motions filed by Defendant, many of which were already reviewed and ruled on by the Court, it is unmeritorious, redundant, and burdensome. Therefore, Defendant's filing of this motion is a second strike against him as a vexatious litigant, as is discussed further below.

II. Requests to Correct the Record

Defendant asserts he filed a motion to withdraw guilty plea and accompanying declaration and letters on or about September 21, 2023.

In a hearing on October 13, 2023, Defendant through counsel, Greg Stewart, withdrew Defendant's motion to withdraw his pleas, as evidenced by the following dialog:

> THE COURT: Mr. Stewart, are you ready on Mr. Jakeman?
>
> MR. STEWART: I am, Judge, but Mr. Jakeman, I found out on Monday, was placed in a Covid quarantine unit at the jail.
>
> THE COURT: Oh, okay.
>
> MR. STEWART: They're not willing to transport him to video or make any other arrangements.
>
> THE COURT: I see, okay. So can you just give me an idea - I know that he had filed a motion to withdraw his plea.
>
> MR. STEWART: Right.
>
> THE COURT: Is he wanting to pursue that or –

MR. STEWART: No, Judge. The last communication I had with him is that we intended to withdraw both of those motions –

HE COURT: Okay. All right.

MR. STEWART: — and proceed forward with sentencing.

THE COURT: So do you want to just put this on in two weeks, for the 27th?

MR. STEWART: Yeah, I have a day two of a two-day jury trial scheduled that day, but if- I'm sure I could make arrangements to be here right at 8:30, if we could do it then.

THE COURT: Okay.

See Transcript of October 13, 2023 hearing, Docket No. 178, Pg. 2, lines 3-22.

Due to this withdrawal of his motion, sentencing was scheduled for October 27 but then continued until November 3, 2023, when it actually took place (Docket No. 134).

On April 1, 2025, Defendant filed Appellant's URAP Rule 11(f) Motion to Correct the Record by Including the Supporting Declaration He Submitted Simultaneously with his Motion to Withdraw Guilty Pleas (Docket No. 313) requesting the declaration and letters included with this Motion be included in the Court record.

The Court appropriately denied this Motion on June 30, 2025, in Ruling on Various Motions Raised by Defendant (Docket No. 346).

On July 21, 2025, Defendant filed Defendant's Motion to Alter or Amend Order Denying His Motion to Correct the Record (Docket No. 358), again requesting the Court include the supporting declaration submitted with Defendant's Motion to Withdraw Guilty Pleas.

On August 7, 2025, Defendant filed Second URAP Rule 11(f) Motion to Correct the Record (Docket No. 385) requesting the following materials be included in the relevant case records:

- Transcript from August 22, 2023, hearing (Addendum A) for before and after the plea deal hearing in Case Nos. 221300408, 221300553, 231300069, 231300079, and 231300162.

- Transcript from August 22, 2023, hearing (Addendum A) for the plea deal hearing in Case Nos. 221300638, 231300069, 231300028, 231300079, 231300162, and 231300185.
- Declaration and supporting letters filed in support of, and simultaneously with, his Motion to Withdraw All Guilty Pleas (Addendum B) in Case Nos. 221300408, 221300553, 231300069, 231300079, and 231300162.
- First motion for a new trial with all attached supporting evidence included as one file (Addendum D) in Case Nos. 221300408, 221300553, 231300069, 231300079, and 231300162.

Utah R. Civ. P. 52(d) provides for corrections of a transcript of an audio or video record of a hearing or trial to include anything material that was omitted from or misstated in the transcript. However, a motion requesting correction "must be filed within 14 days after the transcript of the hearing is filed, unless good cause is shown." The August 22, 2023, transcript for was uploaded to the following cases on March 1, 2024: 231300069 (Docket No. 90), 231300079 (Docket No. 91), and 231300162 (Docket No. 91). It was uploaded to the following cases on March 2, 2024: 221300408 (Docket No. 172) and 221300553 (Docket No. 204). It was uploaded to the following case on July 26, 2025: 221300638 (Docket No. 89). It was uploaded to the following cases on July 27, 2025: 231300028 (Docket No. 48) and 231300185 (Docket No. 27).

Regarding the documents which were attached to the appropriate cases on March 1 and 2, 2024, more than 14 days have passed since the transcript was filed, and Defendant has not shown good cause for his request not being made timely. Regarding the documents which were attached to the July 26 and 27, 2025, uploads, this request is timely as Defendant's Second URAP Rule 11(f) Motion to Correct the Record (Docket No. 385) was filed on August 7, 2025, eleven and twelve days after the transcripts were filed. However, the documents which Defendant requests be attached are identical to those which have already been uploaded. Therefore, there is no needed correction regarding the August 22, 2023, hearing transcripts.

Utah R. App. P. 11(f) charges the trial court with "ensur[ing] that the record accurately reflects the proceedings before the trial court." Here, the Motion to Withdraw All Guilty Pleas was withdrawn. Accordingly, the record need not include this motion, nor its supporting documentation, to accurately reflect the proceedings before the trial court. Therefore, the record does not require correction regarding Defendant's Motion to Withdraw All Guilty Pleas.

Similarly, the record need not include documents filed in other cases to accurately reflect the proceedings before the trial court. Defendant's referenced Motion for a New Trial was appropriately included in the record for the relevant case (Docket Nos. 115-117, Case No. 221300408). It is not necessary for it to be included in any other cases as it is irrelevant to those cases. Additionally, it is unnecessary for the Motion and supporting documentation to be included as a singular file to accurately reflect the proceedings. Therefore, no correction is necessary regarding Defendant's Motion for a New Trial referenced here.

In accordance with the above, Defendant's Motion to Alter or Amend Order Denying His Motion to Correct the Record and Second URAP Rule 11(f) Motion to Correct the Record are DENIED.

Defendant has now requested the same relief, inclusion of the supporting documents which were submitted with the Motion to Withdraw All Guilty Pleas which was later withdrawn, in three separate filings to the Court. The first request was in Appellant's URAP Rule 11(f) Motion to Correct the Record by Including the Supporting Declaration He Submitted Simultaneously with his Motion to Withdraw Guilty Pleas (Docket No. 313), which was previously denied by the court. The second and third requests, Motion to Alter or Amend Order Denying His Motion to Correct the Record (Docket No. 358) and Defendant's Second URAP Rule 11(f) Motion to Correct the Record (Docket No. 385), are both denied in this ruling. These repeated requests are unmeritorious,

redundant, and burdensome. Therefore, Defendant's filing of these two motions is a third strike against him as a vexatious litigant, as is discussed further below.

III. Motion to Alter or Amend Order Finding His Response to Statements Burdensome

On June 30, 2025, the Court entered its Ruling on Various Motions Raised by Defendant in which it found Defendant's Response to Statement Made During the Hearing on 3/28/25 (Docket No. 346) burdensome because it was over 300 pages long, irrelevant and immaterial because many of the attachments pertained to separate proceedings and arguments that had not been raised in this case or were reattached motions requesting Defendant be allowed to proceed *pro se*, a request which was previously granted, and his first strike as a vexatious litigant. In addition to finding the filing burdensome, irrelevant, immaterial, and Defendant's first strike as a vexatious litigant, the Court disregarded Defendant's Response to Statements Made During the Hearing on 3/28/25 (Docket No. 326). Defendant now requests the Court change this finding that the statements were burdensome, irrelevant, and immaterial and refrain from striking the filing, challenging the basis of the Court's order.

Some background is necessary: On March 28, 2025, the Court held an oral argument hearing to address Defense Counsel's request to withdraw. It is worth noting that Defendant requested this dismissal in Defendant's *Pro Se* Request to Self-Represent *Pro Se* Without "Co-Counsel" (Docket No. 302). At this hearing, Defense Counsel explained that Defendant had many documents he wanted to file and Defense Counsel felt that the proposed filing were inappropriate and refused to file them (Transcript for March 28, 2025, Hearing, Dkt. 379, 3:10-23). Plaintiff objected to the withdrawal of counsel, citing Defendant's "lengthy history of failing to get along with appointment counsel" where counsel would refuse to file "his frivolous motions and

documents that are harmless to his – harmful to this case," and Defendant would nonetheless "impulsively" file them (Transcript for March 28, 2025, Hearing, Dkt. 379, 5:7-14). Defendant wished to respond to these assertions but was denied the opportunity because they were not relevant to the Court's determination of whether counsel's request for withdrawal should be granted—which request was based in large part on Defendant's filing of a bar complaint against his counsel which necessitated withdrawal—and therefore irrelevant for the purposes of the proceeding (Transcript for March 28, 2025, Hearing, Dkt. 379, 8:24-12:14, 13:17-14:16).

Defendant argues that he should be allowed to respond to the assertion that his desired filings were frivolous to "not leave the record unduly balanced and biased against" him and to "preserve for the record." Defendant also asserts such filing is necessary to "demonstrate the frivolity of the attacks made upon him," but fails to elaborate or provide any factual or legal support for this argument. It is worth noting that, per the Court's oral ruling in this matter, the comments as to the nature of Defendant's filings was not a factor in the Court's determination that Defense Counsel should be allowed to withdraw.

As to any alleged imbalance or bias in the record, Defendant has failed to cite any legal authority demonstrating he has a right to respond to such statements within the context of the hearing itself when the judge has determined that such arguments are irrelevant, and has similarly failed to cite any legal authority demonstrating he has a right to respond to statements made in a hearing after the hearing itself. Accordingly, this argument fails.

As to Defendant's argument about preservation, he fails to make any argument as to why his filing would possibly be necessary other than in the hypothetical situation that a factfinder needs to evaluate the quality of his filings. It is unclear when this scenario would occur, and Defendant fails to elaborate. Additionally, if it is necessary for some factfinder in the future to

determine whether the Defendant prepared non-frivolous, meritorious findings, his filings themselves are contained within the record for review, so it is unclear why his opinion would be necessary or relevant for a factfinder making this determination. Accordingly, his argument that he needs to preserve a record for future factfinders is unpersuasive.

The Court DENIES Defendant's Motion to Alter or Amend Order Finding His Response to Statements Burdensome.

The Court further finds this filing to be burdensome because it is, in essence, a request for the Court to reconsider facts and issues it has already considered and adjudicated, irrelevant because the argument Defendant opposed had no impact on the Court's ruling, and immaterial because Defendant has failed to cite any legal authority demonstrating he has a right to have his objections, filed after the hearing itself, on the record. This filing is therefore Defendant's fourth strike as a vexatious litigant, as is discussed further below.

IV. Vexatious Litigant Findings

Utah R. Civ. P. 83(a)(1)(C) provides that a person may be found to be a vexatious litigant does any one or combination of the following three of more times: "(i) files unmeritorious pleadings or other papers, (ii) files pleadings or other papers that contain redundant, immaterial, impertinent or scandalous matter..." If a court finds by clear and convincing evidence that a party is a vexatious litigant and "there is no reasonable probability that the vexatious litigant will prevail on the claim," the court may impose restrictions on a vexatious litigant. Utah R. Civ. P. 83(c)(1). These restrictions may include requiring a vexatious litigant to:

> (1) furnish security to assure payment of the moving party's reasonable expenses, costs and, if authorized, attorney fees incurred in a pending action; (2) obtain legal counsel before proceeding in a pending action; (3) obtain legal counsel before filing any future claim for relief; (4) abide by a prefiling order requiring the vexatious litigant to obtain the court's permission before filing any paper, pleading, or motion, in a pending action, except that the court may not require a vexatious litigant to

> obtain the court's permission before filing a notice of or petition for permission to appeal; (5) abide by a prefiling order requiring the vexatious litigant to obtain the court's permission before filing any future claim for relief in any court; or (6) take any other action reasonably necessary to curb the vexatious litigant's abusive conduct.

Utah R. Civ. P. 83(b).

Here, Defendant has filed unmeritorious pleadings or other papers and filed pleadings or other papers that contain redundant, immaterial, impertinent, or scandalous matter three times. First, Defendant's Response to Statement Made During the Hearing on 3/28/2025 (Docket No. 326) was burdensome in its unnecessary and excessive length and inclusion of irrelevant and immaterial motions that were moot by the time this particular filing was made.

Second, in Defendant's Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders (Docket No. 368), he made the exact same arguments he made in Defendant's Reply to Orem City's Objection to His Request for Hearing to Modify Continuous Protective Order (Docket Nos. 365, 368). Indeed, many of the arguments in the Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders appear to have been copied-and-pasted from Defendant's Reply to Orem City's Objection to His Request for Hearing to Modify Continuous Protective Order. Accordingly, Defendant's Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders is burdensome due to its repetitive nature and unmeritorious due to it already having been submitted to and considered by the Court in his prior filings which were ruled upon prior to him making this filing. The Court therefore finds this to be Defendant's second strike as a vexatious litigant.

Third, Defendant has now requested the same relief, inclusion of the supporting documents which were submitted with the Motion to Withdraw All Guilty Pleas which was later withdrawn, in three separate filings to the Court. The first request was in Appellant's URAP Rule 11(f) Motion

to Correct the Record by Including the Supporting Declaration He Submitted Simultaneously with his Motion to Withdraw Guilty Pleas (Docket No. 313), which was previously denied by the court. The second and third requests, Motion to Alter or Amend Order Denying His Motion to Correct the Record (Docket No. 358) and Defendant's Second URAP Rule 11(f) Motion to Correct the Record (Docket No. 385), are both denied in this ruling. These repeated requests are redundant and burdensome. The Court therefore finds Defendant's filing of these two motions to be a third strike against him as a vexatious litigant.

Fourth, the Defendant has asked the Court to reconsider its ruling as to Defendant's Response to Statement Made During the Hearing on 3/28/28 (Docket No. 346) but has failed to cite any legal authority demonstrating a basis that the Court ruled improperly in the first place. Accordingly, this filing is burdensome and unmeritorious, and the Court finds Defendant's filing to be a fourth strike against him as a vexatious litigant.

Under the Utah R. Civ. P. 83(a)(1)(C), Defendant has filed unmeritorious pleadings or other papers and/or filed pleadings or other papers that contain redundant, immaterial, impertinent or scandalous matter more than three times. Defendant has already received notice of his first strike as a vexatious litigant in Ruling on Various Motions Raised by Defendant (Docket No. 346). He has received notice of his second, third, and fourth strikes in this order. Accordingly, the Court issues an Order to Show Cause and sets a hearing for Defendant to address any objections to the Court entering vexatious litigant orders against Defendant.

Given the pendency of the vexatious litigant hearing, the Court denies Defendant's Motion Requesting Permission to Proceed *Pro Se* (Docket No. 466) without prejudice. The Court further strikes Defendant's Motion to Dismiss Continuous Protective Orders as Unconstitutional (Docket No. 475) because Defendant filed it *pro se* but has not been given permission to do so.

ORDER

Based on the foregoing, the Court enters the following order:

1. Defendant's Motion to Alter of Amend Order Denying His Request for a Hearing to Modify CPO (Docket No. 368) is DENIED.
2. Defendant's Motion to Alter of Amend Order Finding His Response to Statements Burdensome (Docket No. 359) is DENIED.
3. Defendant's Motion to Alter or Amend Order Denying His Motion to Correct the Record (Docket No. 358) is DENIED.
4. Defendant's Second URAP Rule 11(f) Motion to Correct the Record (Dkt. No. 385) is DENIED.
5. Defendant's Motion—and Memorandum in Support—for Permission to Proceed *Pro Se* for the Purpose of Litigating his Request for Hearing and Motion to Dismiss the Existing Continuous Protective Orders as Unconstitutional Applications of Utah Code § 78B-7-804 (Dkt. No. 465) is DENIED.
6. Defendant's Motion to Dismiss/Vacate Continuous Protective Orders as Unconstitutional as Applied, and Memorandum in Support (Dkt. 463) is DENIED.
7. An Order to Show Cause hearing is set for May 21, 2026, at 1:30 PM for the parties to address any objections to the Court entering vexatious litigant orders against Defendant.
8. This is the order of the court. No additional order is necessary.

Dated this 15th day of April, 2026.



Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 4

September 25, 2025 deferral order

R.4383–4384

IN THE FOURTH DISTRICT COURT - SPANISH FORK, UTAH COUNTY, STATE OF UTAH	
OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON DEFENDANT'S REQUEST TO SUBMIT** Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

This matter comes before the Court on Defendant's Requests to Submit for the following Motions: Motion to Alter or Amend Order Denying His Request for a Hearing to Modify CPO (Docket No. 368), Motion to Alter of Amend Order Finding His Response to Statements Burdensome (Docket No. 359), Motion to Alter or Amend Order Denying His Motion to Correct the Record (Docket No. 358), and Second URAP Rule 11(f) Motion to Correct the Record (Docket No. 385). In addition to filing a motion requesting amendment of the order, Defendant has filed a notice of appeal for the Court's order denying Defendant's request for a hearing to modify Continuous Protective Orders (Docket No. 378). In addition to filing a motion requesting amendment of the Court's finding his statements burdensome, a motion requesting amendment of the Court's denial of his Motion to Correct the Record, and a second motion requesting correction of the record, Defendant has filed a notice of appeal for the Court's ruling that found his statement burdensome and denied his motion to correct the record (Docket No. 377).

"Generally, when a party files a timely notice of appeal, the court that issued the judgment loses jurisdiction over the matters on appeal." *Mardanlou v. Ghaffarian*, 2015 UT App 128, ¶ 17, 351 P.3d 114, 118 (quoting *Myers v. Utah Transit Auth.*, 2014 UT App 294, ¶ 15, 341 P.3d 935 (citation and internal quotation marks omitted)). Because the motions and notices of appeal submitted by Defendant address the same matters, the Court does not have jurisdiction to issue rulings on those motions until a decision is issued by the Court of Appeals.

Accordingly, the Court DEFERS ruling on Defendant's motions until the Court of Appeals issues a decision as to Defendant's appeals.

ORDER

Based on the foregoing, the Court enters the following order:

1. Defendant's Requests to Submit are DEFERRED until such time as the Court of Appeals issues a decision as to his corresponding appeals.
2. This is the order of the court. No additional order is necessary.

Dated this 25 day of September, 2025.

ORIGINAL IF IN RED INK
STATE OF UTAH
FOURTH JUDICIAL COURT • UTAH COUNTY

Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 5

July 25, 2025 Ruling on Defendant's Request for Hearing to Modify Continuous Protective Orders

R.3286–3288

IN THE FOURTH DISTRICT COURT - SPANISH FORK, UTAH COUNTY, STATE OF UTAH	
OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON DEFENDANT'S REQUEST FOR HEARING TO MODIFY CONTINUOUS PROTECTIVE ORDERS** Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

This matter comes before the Court on Defendant's Request for Hearing to Modify Continuous Protective Orders. Docket No. 352. The Court hereby DENIES Defendant's request as Defendant is not entitled to an additional hearing, Defendant failed to demonstrate a material change of circumstances necessitating a hearing, and another hearing would violate the Victims' rights as guaranteed by both the Utah Constitution and U.C.A. 77-37-3. *See*, UT CONST Art. 1, §28 ("victims of crimes have these rights . . . [t]o be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process"); "Victims and witnesses, particularly children, should have a speedy disposition of the entire criminal justice process." Utah Code Ann. § 77-37-3.

In cases where a perpetrator is convicted of a domestic violence offense that results in a sentence of imprisonment, the court is required to issue a continuous protective order limiting contact between the perpetrator and the victim(s) unless the court satisfies two conditions: (1) "conducts a hearing," and (2) determines, by clear and convincing evidence, that "the victim does not [] have a reasonable fear of future harm or abuse." U.C.A. § 78B-7-804(3)(b) (emphasis added). The court is required to notify the perpetrator that he has a right to request a hearing as part of the initial issuance of the continuous protective order. U.C.A. § 78B-7-804(3)(c)(i). Notably, the court is only required to notify the perpetrator of their right to and conduct "a" hearing, indicating only a singular hearing is mandatorily required. *See* U.C.A. § 78B-7-804(3)(b)(ii), (c)(i). Additionally, the prosecutor must "use reasonable efforts to notify a victim of a hearing." U.C.A. § 78B-7-804(3)(c)(v).

If all of the above requirements are met and the court determines by clear and convincing evidence that "the victim does not have a reasonable fear of future harm or abuse," the court may order a continuous protective order be modified or dismissed. U.C.A. § 78B-7-804(4). Here, Defendant has already had a hearing regarding the continuous protective orders. *See* Docket No. 319 in Case No. 221300408 ("Protective Order Hearing"). Defendant is not entitled to further hearings.

Additionally, for the Court to grant a modification or dismissal of the continuous protective order, the Court must find by clear and convincing evidence that the victims do not have a reasonable fear of harm or abuse. There has been no material change in circumstances indicating the Court could find Defendant's victims no longer have a reasonable fear of harm or abuse. Additionally, Defendant has failed to provide any information whatsoever indicating his victims no longer have a reasonable fear of harm or abuse. Accordingly, a further hearing regarding the continuous protective order is unnecessary.

Lastly, victims have a right to be treated with dignity, respect, courtesy, and sensitivity. U.C.A. § 77-37-1(1)(b). Victims also have a right to a prompt and final conclusion of the case after the disposition or conviction and sentence, including prompt and final conclusion of all collateral attacks on dispositions or criminal judgments. U.C.A. § 77-38-7(2). Dragging the victims into yet another hearing when there has not been any indication that an additional hearing would serve any beneficial purpose would needlessly harm Defendant's victims, unnecessarily prolonging the conclusion of this issue and subjecting the victims to unnecessary distress. Accordingly, Defendant's Request for Hearing to Modify Continuous Protective Orders is DENIED.

ORDER

Based on the foregoing, the Court enters the following order:

1. The Defendant's Request for Hearing to Modify Continuous Protective Orders is DENIED.
2. This is the order of the court. No additional order is necessary.

Dated this 25th day of July, 2025.

ORIGINAL IF IN RED INK
STATE OF UTAH
FOURTH DIST. COURT • UTAH COUNTY

Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 6

June 30, 2025 Ruling on Various Motions Raised by Defendant (public-redacted copy)

R.2896–2902

Public-redacted copy. The name of the adult child whose removal from the protective orders the order addresses has been redacted (black boxes) at R.2896, R.2897, and R.2902. No other alteration.

IN THE FOURTH DISTRICT COURT -

SPANISH FORK, UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON VARIOUS MOTIONS RAISED BY DEFENDANT** Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

This matter came before the Court on four different motions filed by Defendant: Defendant's Motion to Fix Errors in New Continuous Protective Orders, Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motion to Modify Protective Orders, Motion to Correct Record by Including the Supporting Declaration He Submitted Simultaneously with His Motion to Withdraw Guilty Pleas, and Defendant's Response to Statements Made During the Hearing on 3/28/2025. Plaintiff has not responded to any of these filings, and the time for responding has now passed. Defendant now requests that the Court address the matters.

All four motions were filed in all five cases. Accordingly, any citations to these documents reference the Case No. 221300408 Docket numbers.

DISCUSSION OF MATTERS RAISED

1. Motion to Fix Errors in New Continuous Protective Orders

In his Motion to Fix Errors in the New Continuous Protective Orders, Defendant makes three specific requests. *See* Docket No. 261. First, Defendant asks the Court to remove the name of one his children, [redacted] from the protective orders for various reasons including: [redacted] was not listed on sentencing protective orders, there was no reason or lawful basis for including [redacted] in the new protective orders, [redacted] was not a victim, [redacted] did not request to be included, [redacted] is 21 years old, and [redacted] is currently serving an LDS mission. *Id.*

Second, Defendant requests that all of his children's "relationship to Defendant" be changed from "child of an intimate partner" to simply "child." *Id.* Lastly, Defendant requests that the requirement that he stay away from the "UVU" and "BYU" campuses be changed to reference the "North Orem UVU" and "Provo BYU" campuses. *Id.*

In reviewing the docket, it appears Defendant is correct that no other protective orders have referenced [redacted] is only included in the most recent protective orders. The Court does not recall nor has the Court been directed to any place in the record where there was any relevant discussion about why [redacted] should be included in the protective order. Despite Defendant's failure to cite any law in support of this contention regarding the inclusion of [redacted] in the protective order, the Court finds there is no evidentiary basis to include [redacted] in the protective order. Therefore, the Court GRANTS Defendant's motion to have [redacted] name removed from the continuous protective order.

Defendant fails to cite any law in support of his request to change the "relationship to Defendant" listed in the protective orders from "child of an intimate partner" to "child" or to change the references of "UVU" and "BYU" campuses to "North Orem UVU" and "Provo BYU" campuses. The purpose of the protective order is to protect the named victims and give clear guidance about what is and is not permissible for the Defendant. Sufficient information is given in the protective order to identify the victims, and the proposed changes on Defendant's relationship to the victims add no clarification or substantive value in achieving that purpose. Additionally, the protective order provides that Defendant must stay away from places frequented by the protected person and any designated family members and lists various specific locations, including the UVU and BYU campuses. This is a sufficient level of detail to explain where Defendant is not permitted to visit in order to prevent risk to the victims. Accordingly, the

Court finds that Defendant's requests add nothing of value to the protective orders, Defendant's arguments are lacking and immaterial, and there are insufficient grounds to change the relationship status or location listings. The Court therefore DENIES the Defendant's motion relating to changing the wording of the relationship status and locations in the protective order.

2. Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motion to Modify Protective Orders

In Defendant's Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motion to Modify Protective Orders, Defendant submits orders memorializing the Court's denial of his previous motion to modify protective orders and requests the Court sign them. *See* Docket No. 262. The Court entered a "Sentence, Judgment, Commitment" on November 3, 2023. *See* Docket No. 134. The Court issued an oral ruling denying the Defendant's motion to modify the protective orders and granting the City's request for a continuous protective order on September 27, 2024. *See* Docket No. 249. All of these orders were memorialized by minute entries which are signed by the Court. *See* Docket Nos. 134 and 249. A defendant may appeal "a final order or judgment from a district court." Utah R. App. P. 3(a)(1). Inasmuch as it is necessary for the Defendant's appeal, the Court deems the Orders above to be final.

3. Motion to Correct Record by Including the Supporting Declaration He Submitted Simultaneously with His Motion to Withdraw Guilty Pleas

In his Motion to Correct Record by Including the Supporting Declaration He Submitted Simultaneously with His Motion to Withdraw Guilty Pleas, Defendant claims he submitted a declaration with his motion to withdraw guilty pleas but that the declaration somehow did not make it into the docket. He is asking for the declaration to be included with that motion to

withdraw guilty pleas, and he has submitted the declaration with this motion to correct the record. Defendant represents the motion to withdraw and the accompanying declaration were filed on or about September 21, 2023.

In reviewing the record, the Court reviewed a hearing on October 13, 2023, where Defendant through counsel, Greg Stewart, withdrew the Defendant's motion to withdraw his pleas. During the October 13 hearing the following dialog took place:

> THE COURT: Mr. Stewart, are you ready on Mr. Jakeman?
>
> MR. STEWART: I am, Judge, but Mr. Jakeman, I found out on Monday, was placed in a Covid quarantine unit at the jail.
>
> THE COURT: Oh, okay.
>
> MR. STEWART: They're not willing to transport him to video or make any other arrangements.
>
> THE COURT: I see, okay. So can you just give me an idea — I know that he had filed a motion to withdraw his plea.
>
> MR. STEWART: Right.
>
> THE COURT: Is he wanting to pursue that or —
>
> MR. STEWART: No, Judge. The last communication I had with him is that we intended to withdraw both of those motions –
>
> THE COURT: Okay. All right.
>
> MR. STEWART: — and proceed forward with sentencing.
>
> THE COURT: So do you want to just put this on in two weeks, for the 27th?
>
> MR. STEWART: Yeah, I have a day two of a two-day jury trial scheduled that day, but if — I'm sure I could make arrangements to be here right at 8:30, if we could do it then.
>
> THE COURT: Okay.

See Transcript of October 13, 2023 hearing, Docket No. 178, Pg. 2, lines 3-22.

Due to this withdrawal of his motion, sentencing was scheduled for October 27 but then continued until November 3, 2023, when it actually took place. Due to the fact Defendant withdrew this motion on October 13, 2023, the Court DENIES the Defendant's motion to include this statement as it is immaterial and moot.

4. Defendant's Response to Statements Made During the Hearing on 3/28/2025

Defendant filed Defendant's Response to Statements Made During the Hearing on 3/28/25 in which he fails to include a request for any sort of relief. *See* Docket 326. It is unclear what Defendant desires of the Court and what Defendant means by responding to statements made in the March 28, 2025, hearing. At that hearing, the relief requested by both Defendant and his former counsel was granted, and it does not appear there is any need for Defendant to now respond. The Court notes Defendant included over 300 pages of information apparently intending to show that filings he requested his attorney submit were not frivolous, in contrast to representations made by Orem City and Defendant's former counsel.

The Court now cautions the Defendant for a second time, "[a]ll pleadings, written motions and other papers must be free from burdensome, irrelevant, immaterial, scandalous, or uncivil matters." Utah R. Crim. P. 33. Moreover, "[p]leadings, written motions and other papers and attorney conduct which are not in compliance may be disregarded or stricken, in whole or in part, and the court may impose sanctions against the offending person." *Id.* Furthermore, "To be found vexatious, then, the court must find by clear and convincing evidence that the pro se litigant committed three or more proscribed acts in any one action, though not necessarily the action in which the vexatious litigant motion is filed." *Strand v. Nupetco Assocs. LLC*, 2017 UT App 55, ¶ 19, 397 P.3d 724, 727.

This filing, which is over 300 pages long, can certainly be considered burdensome. Moreover, some of the attachments pertain to separate proceedings such as a bar complaint Defendant has filed and a claim for ineffective assistance of counsel which has not been raised in this case. Finally, the Defendant has filed several motions, and reattached them here, seeking the same relief – to represent himself *pro se* and have counsel dismissed or even to have new counsel appointed. Given the recent granting of his request to proceed *pro se*, all of those motions are now moot, rendering the request irrelevant and immaterial.

The Court thus finds that Defendant has committed the first act of three toward a vexatious litigant determination. The hearing on March 28, 2025, was for the sole purpose of determining whether Defendant's counsel should be permitted to withdraw and whether Defendant should be permitted to proceed *pro se*. The Court granted such relief, which is what both Defendant and his counsel desired. Therefore, any statements made during that proceeding are considered for that purpose only. Thus, there is no reason for Defendant to need to "respond" to those statements. Moreover, there is little reason, if any at all, that Defendant's "response" should be over 300 pages long. Finally, by filing this "response" it is unclear whether Defendant is asking the Court for any sort of relief and if so, what that relief would be. Accordingly, the Court considers this filing not only burdensome, but irrelevant and immaterial. The Court will disregard this filing, as permitted by Rule 33, and it is effectively Defendant's first of three instances of vexatious litigation as described in Rule 83 of the Rules of Civil Procedure.

ORDER

Based on the foregoing, the court enters the following order:

1. The Defendant's Motion to Fix Errors in New Continuous Protective Orders is GRANTED in part and DENIED in part.
    a. The Court ORDERS [redacted] to be stricken from the Continuous Protective Order.
    b. The Court DENIES the Defendant's other requested modifications.
2. The Defendant's Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of His Motion to Modify Protective Orders is DENIED. The Court has already entered final judgment in this matter.
3. The Defendant's Motion to Correct Record by Including the Supporting Decleration He Submitted Simultaneously With His Motion to Withdraw Guilty Pleas is DENIED.
4. The Defendant's Response to Statements Made During the Hearing on 3/28/2025 is STRICKEN.
5. The Defendant is admonished to not file papers with the Court that are burdensome, irrelevant, immaterial, scandalous, or uncivil.
6. This is the order of the court. No additional order is necessary.

Dated this 30th day of June, 2025.

Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 7

May 20, 2026 hearing transcript

R.5392–5431

Complete transcript as certified (transcript page N = R.5391 + N).

IN THE FOURTH DISTRICT COURT - SPANISH FORK

UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, vs. DAVID A. JAKEMAN Defendants.	Case No. 221300408 OM Transcript of: IP ORDER TO SHOW CAUSE

BEFORE THE HONORABLE JARED ELDRIDGE

775 W CENTER ST, SPANISH FORK, UT 84660

MAY 20, 2026

TRANSCRIBED BY: CARLTON WAY, CCR, CCT
Certified Court Transcriber
(801) 706-9635

A P P E A R A N C E S

FOR THE CITY:

Aliisa
Middle Name
N
Last Name
Leon
Bar Number
14993
Type
Active Attorney
Status
Paid
Date Admitted
5/19/2014
Law School
Brigham Young University
Business Contact Information
Organization
City of Orem
Mailing Address
56 N State St
City
Orem
State/Province
UT
Zip/Postal Code
84057-5508
Country
United States
Work Phone
(801) 949-3691
Email Address
Anleon@orem.gov

FOR THE DEFENDANT:

DAVID A. JAKEMAN
Pro Se

P R O C E E D I N G S

(May 20, 2026, 9:00 a.m.)

THE COURT: We're on the record now. This is on the cases 221300408, 221300553, case 231300069, case 231300079, case 231300162. And the Court had previously, I believe in April, made a ruling on various motions and also identified a number of filings that the Court considers to be in the nature of vexatious litigation.

So in accordance with Rule 83, the Court has set today as an order to show cause hearing for Mr. Jakeman to be heard regarding any findings or potential findings of him as a vexatious litigant. So is everybody ready to proceed and address those issues today?

MR. JAKEMAN: Yes, Your Honor.

MS. LEON: Yes, Your Honor.

THE COURT: Okay. All right. So I'm going to go ahead and give Mr. Jakeman some time here to address the Court's ruling and address whatever arguments he wants to address. I just want to set out some timeframes here. I'm going to give you about 15 minutes to make -- to make your arguments. Okay?

MR. JAKEMAN: Perfect.

THE COURT: So we're about 9:05 and

sometime around 9:20, if you're still going, I'll give you a cue that you need to wrap up, okay?

MR. JAKEMAN: Perfect.

THE COURT: All right. Go ahead.

MR. JAKEMAN: All right. First, I'm going to -- it's on my phone to set a timer so I can see it. Set a timer for 15 minutes. All right. Thank you. All right. So the first thing that I'd like to do is just make sure we can -- are clear on my status today. The April 15th order seem to indicate in at least certain points that I am -- don't have permission to proceed pro se. And so I want to clarify that. It is my intent to proceed pro se today.

And I believe that I've been pro se since Attorney Brisson Hayes was discharged in every matter except for the AP&P probation violation OSC And then once that was concluded, you know, Ryan Hanks had -- Ryan Hanks had entered -- or Ryan Taylor. Anyway, an attorney beginning with the name Ryan, I think it was Taylor had entered his appearance in that matter and has since withdrawn. So anyway, so for purposes of this hearing, I'm proceeding pro se. Can I get clarification --

THE COURT: That's fine. That's what I intended.

MR. JAKEMAN: Okay. Great.

THE COURT: I mean, if you wanted to have legal representation, that's fine, but if you're proceeding pro se, then go ahead.

MR. JAKEMAN: Okay. Perfect. That's what -- and I am proceeding pro se. All right. So I also believe that the optimum solution for today is just to continue the OSC hearing to another date specifically until after -- I filed a number of filings and response to this, the April 15th order, but some of them are ruling specific and though we submitted later, they won't become right for submission, assuming the Government or Orem doesn't respond.

If Orem doesn't respond, they'll be ripe for submission to the Court on the 23rd of this month. And those go to the exact predicates that the 83 -- the Rule 83 OSC rests on. So I think it should -- we should just continue it. I think that ultimately what the -- I believe the Rule 83 OSC should be discharged, and I'd also be fine if that's the ruling today.

Also, another concern is that I have not received notice of any specific Rule 83 restriction the Court is considering. And without that notice, I can't prepare to defend against it. So I also believe that the hearing should be continued until such date

as I'm given notice of a -- of a -- the specific restrictions the Court is continuing -- I mean, is considering implementing. Let's see here. Okay. I've written down a few things I'll go over.

So these are just little expect -- I mean, let me just do this to be thorough. So before the Court reaches -- this will repeat in part what I said, just expanding on them a little bit. Before the Court reaches the Rule 83 merits, I request a continuance VLC or a minimum that the Court refer any Rule 83 ruling until the response period have run on the pending ruling specific reconsideration, clarification motions and those motions can be submitted and decided. Those motions directly challenge the alleged Rule 83 predicates and procedural premises of the OSC. Proceeding now would risk deciding Rule 83 on an unstable and run right predicate record.

Okay. If the -- if the continuance is denied, then I ask as an alternative for more definite written notice, identifying the exact Rule 83 basis, the proposed restriction, the operative Rule 83 claim that the Court believes I do not have a reasonable probability of prevailing upon in and of the scope and duration of any proposed restriction, as well as any exemptions, et cetera. Let's see here. Okay.

Also, we -- I am -- I think the Court before it gets to the merits of the Rule 83 OSC needs to address Rule 81(f) and I ask that it does. So these are criminal case numbers involving post-judgment CPOs, record corrections, self-representation, appellate preservation, PCR related matters. Rule -- Civil Rule 83 cannot simply be imported into this criminal proceeding without a Rule 81(f) analysis.

Criminal Rule 833 already provides a paper specific remedy for improper criminal filings. If the Court intends to apply Civil Rule 83 in these criminal proceedings, I request specific findings explaining the Rule 81(f) basis for doing so. Also Rule 83(c)(1)(B) requires finding that there is no reasonable probability it will prevail on the claim.

April 15 order identifies motions and papers, but it does not identify the Rule 83 claim. The identified filings are motions, record correction filings, reconsideration filings, CPO reviewed filings. By CPO, I mean consumers protective orders. Process status filings and preservation filings. They are not petitions, complaints, counterclaims, cross claims or third-party complaints as Rule 83 defines claim.

All right. Okay. So I'll address briefly the four strikes that the Court has considered exists. The first strike was Docket 326. Docket 326, its addendum or exhibits may have been long, but length alone is not in the 80 -- Rule 83 predicate. It was filed after the March 28th hearing where statements were made about my fines, pro se status, and my litigation conduct. If the Court believed Docket 326 contain burdensome material, Criminal Rule 33 gave the Court a paper specific remedy. But a Rule 33 ruling is not automatically a Rule 83 strike.

The second strike, that was Docket 368. Docket 368 was a Rule 59 motion, challenging a new ruling denying my request for a hearing on the -- to modify the continuous protective orders. It served a different procedural function from my earlier reply. The sum overlap is normal in Rule 59 practice because the movement must identify what the Court allegedly overlooked, misunderstood, or misapplied. Denial or harmless error reasoning is not a Rule 83 predicate.

For the third strike, that was Dockets 358 and 385. Docket 358 and 385 should be treated at most as one record correction track. Docket 358 challenges the June 30th denial of my earlier record correction motion. Docket 385 was a broader -- was broader and

sought the August 22 -- sought inclusion of the August 22 plea transcript, the August 22 change of plea transcript, the complete motion to withdraw guilty, these packets and the complete motion for new trial packets

Record accuracy is legitimate appellate and PCRA objective, it is not abusive litigation. Also, the 385 -- Docket 385 included an additional -- at least one additional argument, which is that the motion had not been -- that the -- no, sorry. Hold on. I'm confusing things. Let me -- let me -- anyway, strike that last partial sentence. Okay. For the first strike, that was Docket 359. Docket 359 challenge the first strike ruling itself.

A litigant must be allowed to challenge a ruling that creates Rules 83 consequences. Treating that challenge as another strike creates self-reinforcing loop. The Court labels the filing a strike, and then the litigant's attempt to challenge the strike becomes another strike. And that, you know, it's proper to request reconsideration of a -- of a ruling that is moving towards Rule 83 consequences.

Also in Rule 359, the -- one of my additional arguments, because there was repetition,

obviously that's necessary, but the -- the -- I'm not sure if this was for Rule 359 or 326, but one of them was that the response to statements made during the hearing where I was accused of filing frivolous or whatever stuff.

One of my arguments that was added to that motion for reconsideration was that it hadn't even been submitted to the Court. And this also now brings into play Rule 81 and the fact that, you know, there's criminal Rule 33, which should not be supplanted automatically by Rule 80 -- by Utah Civil Rule 83.

And so -- and then there's the criminal rule about request to submit is that if a motion or something as a motion has not been -- if no request to submit has been filed, it will not be considered, it is deemed not considered. Now, then there's the civil rule, which, you know, the Court cited in its -- in its ruling, stating that it can -- it doesn't have to wait for a request to submit, but the Criminal Rule specifically says it will not be considered. So this court would need to again, do a Rule 81 analysis and see if those two rules, the criminal request to submit rule conflicts with rule -- the -- I think it's Rule 7 of the URCPs, if they conflict then the civil rule cannot supplant the criminal rule for request to

submit.

And -- okay. All right. My closing statement is that Rule 83 requires meaningful notice, including notice of the specific post-restrictions being considered. So convincing findings of sufficient vexatious behavior to satisfy invocation of Rule 83 and a claim specific finding that there is no reasonable probability of success on the claim. The Rule 83 issue is also premature because my pending ruling specific motions directly challenging the alleged predicate -- directly challenged the alleged predicate, the OSC (unintelligible) and the response period has not yet run.

The alleged strikes do not establish vexatiousness by clear and convincing evidence. Therefore, I respectfully ask -- well, and I'll say why Docket 326 was response to preservation filing after the March 28 hearing. Docket 368 was a Rule 59 preservation motion after a new CPO hearing ruling, not a new CPO, but after a new ruling on a request to modify or dismiss CPOs.

Docket 358 and 385 are record correction filings for appeal and PCRA preservation purposes, and Docket 359 challenge the first Rule 83 predicates. So I respectfully ask the Court to discharge the OSC now.

Alternatively, I ask the Court to continue the OSC until the pending motions are ripe and decided.

THE COURT: Okay. All right. Thank you.

MR. JAKEMAN: Thank you, Your Honor.

THE COURT: Ms. Leon, do you want to respond to anything?

MS. LEON: Yes. I just want to note the Court of Appeals did deny the Defendant's appeal or motion to stay these proceedings, so they're properly before the Court. EHR Rule of Civil Procedure 81(f) states that the rules of civil procedure govern any aspect of proceedings where there's no other applicable statute or rule provided that any rules applied does not conflict with any statutory or constitutional requirement.

We're also at a point in this case where these proceedings are civil in nature since jurisdiction over the criminal matter terminated. So where the rules of criminal procedure are silent, our vexatious-litigants, Utah Rule of Civil Procedure 83 regarding vexatious litigants does apply to these matters.

The strikes should not be analyzed in isolation, but in the context of the history of the case and in the context of Mr. Jakeman's other

litigation pending before or that he's filed in other courts, including the federal courts, other matters in the fourth district, civil matters that are tangential to this case. And the voluminous filings that have been filed in those matters as well, the findings in those courts that they were without merit and the denials of those matters also would qualify strikes against him towards a vexatious litigant filing.

There have been numerous redundant -- while the Court did identify specific filings and it's ruling, there's certainly other filings that have been filed, both in this case and other courts and before other judges that fit the definitions contained within the vexatious litigant Rule 83. There have been redundant motions that Your Honor removed from this case motions to reconsider. Appeals of that, all that were denied. Filings in federal court that summarily dismissed, civil filings that were also dismissed.

I have counted about 29 motions filed in these matters since the Court made the vexatious findings. There have been new filings nearly every business day. Defendants received adequate notice. First of all, there's no notice required by the rule for the Court to make a vexatious litigant finding. There is however, a notice -- requirement before the

Court can make orders regarding curbing measures to take against a vexatious litigant.

The Respondent has now had that notice. He's had his opportunity to be heard here today. He's received his due process. He has notice of the potential orders that can be made against a vexatious litigant because they are contained within Rule 83(b). There's no need for the Court to further -- to put a finer point on what it may or may not do. He's had plenty of notice to prepare for today in over a month since this matter was set to prepare.

So where the Respondent has been found vexatious, where the City believes that that was an appropriate finding for the Court to make, the City's asking the Court to enter orders pursuant to Rule 83(b) 2, 3, 4, and 5. Two, states that he obtain legal counsel before proceeding in any pending action, that he obtain legal counsel before filing any future claim for relief. It was three.

In Subsection 3 and Subsection 4, abide by a pre-filing order requiring the vexatious litigant to obtain the Court's permission before filing any paper pleading or motion, and any pending action, except that the Court may not require vexatious litigant to obtain the Court's permission before filing a notice

of or permission -- petition for permission to appeal.

And Subsection 5, abide by a pre-filing order requiring the vexatious litigant to obtain the Court's permission before filing any future claim for relief in any court. And that the Court give any other curving actions that the Court feels are reasonably necessary in this matter.

Additionally, the City is asking the Court to strike or disregard any pleadings filed after the vexatious litigant finding was filed pursuant to Rule 33, which allows the Court to strike all pleadings, written motion in other papers that are burdensome, irrelevant, immaterial, scandalous, or uncivil. And that is the City's position in this matter.

THE COURT: Okay. All right. Mr. Jakeman, I'll give you about five minutes to respond if you want to.

MR. JAKEMAN: Yes. Thank you, Your Honor, for the time -- for five minutes. So I note that the City did not address it in any -- in -- to any degree, any of the filings that the Court has made -- has counted as vexatious litigant strikes. It is adequate time to respond -- to prepare to give a -- address those issues today and it has not done so. It also has not responded to any of the filings that have been

submitted to this court and for which its opportunity to respond in writing has passed. I disagree with everything that the Orem City has suggested.

As far as its claim that I filed numerous either claims -- you know, complaints initiating legal actions or motions in other proceedings that have been denied. Denial of a motion is not a -- is not a Rule 83 predicate. Volume or numerosity of filings is not a Rule 83 predicate. And therefore, Orem City's argument in that regard is baseless. Furthermore, Orem City doesn't identify any specific filings that it's referencing. It's all very vague. And so of course, this should find -- you know, rule against the City in that regard.

As far as that this is a civil matter, I disagree -- I disagree that this is a civil matter for a number of reasons. First, it's -- began as a criminal matter. Secondly, anytime that I appeal anything to the public court in any of these cases, the Court does not require me to request waiver of a fee. Therefore, the Appellate Court treats this matter as a criminal matter that doesn't require payment of a fee to appeal. So even the Appellate Court believes this is a criminal matter.

And as far as its specific requests, I'm

-- so 3, 5 -- okay. So under rule -- URCP Rule 83(b), it requested all of the options. Well, except -- I don't know if it requested Number 1, but it did request number 2, 3, 4, 5, and 6. To the extent that -- request for Number 1, I oppose that as well as I oppose all the other options that it requested. And yeah, I think none of these are appropriate under constitutional -- under, you know, the -- my right to be processed in criminal matters. I have the right to representation.

It seems to me that without having satisfied, I believe the Court -- none of the Rule 83 predicates have been satisfied. So any of this would simply stifle restrict my constitutional rights to self-representation in criminal matters, as well as self-representation of any other matters, including my right to seek vacation of unconstitutional or allegedly unconstitutional continuous protective orders in order to protect and -- my parental rights, which are protected by the Constitution (Unintelligible) and other cases. Therefore -- anyway, that's my response, and I appreciate your time, Your Honor. Thank you.

THE COURT: Okay. All right. Thank you. I just want to take a few minutes to take this under

advisement, and so I'm going to go organize my thoughts and consider the arguments that have been made today and review the record, and I'll come back in about five or 10 minutes and make a ruling.

(Off the record).

THE COURT: We're back on the record. All right. We're back on the record on these matters. Taking some time to review the record and consider the arguments and to gather my thoughts and I'm prepared to go ahead and make a ruling on this matter.

Just, I guess as an initial note at the outset, any -- there's a number of cases that -- case numbers that are attached to this order to show cause. And for the most part, many of the -- many of the cases that have been filed against Mr. Jakeman, he's filed the same papers in all the cases.

But the docket numbers that were referenced in the Court's April 15th order, and they're referenced today, come from the case 202 -- hang on, that's not the right number. 221300408. And that's the case that involves the conviction for child abuse. So that's where the docket numbers come from. I don't know that the docket numbers are consistent across all the cases. They might be, but they might not be.

In any case, this matter is before the Court today on an order to show cause hearing that was noticed up following the Court's April 15th, 2026 ruling that required Mr. Jakeman to show cause why he shouldn't be designated as a vexatious litigant under Rule 83 of the Utah Rules of Civil Procedure. Mr. Jakeman filed an opposition and request a discharge the order to show cause on May 9th. He's also made some additional requests today.

Initially, Mr. Jakeman's request for continuance, I'm denying, we're here today. The parties are here. Everybody's had plenty of time to prepare and to be ready to address the issues that were identified for today. So I'm denying the motion to continue.

As I guess background for the Court's ruling today, I'm just going to review some of the procedural history here. On June 30th, 2025, the Court entered its ruling on various motions raised by the Respondent, identifying the Defendant's 300-page response. And I acknowledge that the 300 pages largely were exhibits to the Defendant's filing. But nonetheless, the Court found that particular filing to be vexatious or at least meeting the criteria for vexatious filing.

Also on July 28th, 2025, the Respondent filed a Rule 59 motion to alter, amend an order denying his request for a hearing on continuous protective order, which the Court also denied and identified as another instance of vexatious conduct. The Respondent filed after that a number of motions to correct the Court record under Rule 11(f) in the Utah Rules of Appellate procedure, seeking to include a supporting declaration for a motion to withdraw guilty pleas that had been withdrawn on October 13th, 2023. The Court identified that as another instance of vexatious conduct.

The Respondent filed motion to alter or amend order finding his response to statement's burdensome, which sought to re-litigate the Court's June 30th, 2025 hearing or ruling. And the Court identified that as another instance of vexatious conduct. On April 15th of this year, the Court issued its ruling on various requests by the Respondent and made some vexatious litigant findings putting the Respondent on notice that the Court is considering imposing certain vexatious -- certain remedies that are permitted by Rule 83.

Those potential remedies were set out and identified in that -- in that ruling. In particular,

in Section 4 of that ruling on Page 9, going on to Page 10 of that hearing or that ruling, the Court identified all the potential restrictions and sanctions that could be imposed. And there -- and thereafter, we set this hearing for today.

So the Court also notes just generally as part of the background here to what's going -- what's been going on in these cases, the Court notes that the docket and the record reflects that the Respondent was sentenced on November 3rd, 2023. That's reflected in Docket Number 134. Since that time, there have been 410 additional docket entries. We're currently sitting at Docket 544.

The Court ultimately terminated the Defendant's probation successfully on November 20th, 2025. That was Docket Number 456. So since -- since that event, there's been 88 additional docket entries. Also, Respondent has made a number of very burdensome requests for court clerks.

During that time, the Court notes that while there have been a substantial inordinate number of docket entries in this case, Mr. Jakeman's not responsible for all of those docket entries, but I think it's a fair representation that he's responsible for most of them. So clearly, there have been a

number, many, many filings that have required court time and resources to address.

So the issue before the Court today is whether the Respondent meets the criteria of a vexatious litigant under Rule 83 of the Utah Rules of Civil Procedure. Rule 83 authorizes the Court to impose restrictive orders on vexatious pro se litigants.

The purpose of such orders is to curb the litigants vexatious conduct. To impose a restrictive order, the Court must find by clear and convincing evidence that a party is a vexatious litigant, and that there's no reasonable probability that the vexatious litigant will prevail on any claims.

So in looking at those issues, the first question the Respondent has argued that Rule 83 can't be imported into a criminal proceeding post-judgment and post-judgment proceedings because Rule 33 of the Utah Rules of Criminal Procedure already governs the striking of improper papers. The Court is unpersuaded by that argument.

Rule 81(f) of the Utah Rules of Civil Procedure establishes that civil rules govern in any aspect of criminal proceedings where there is no other applicable statute or rule, provided that any rule so

applied does not conflict with any statutory constitutional requirement.

While Rule 83 of the Utah Rules of Criminal Procedure allows the Court to strike individual papers containing burdensome or irrelevant matters, it provides no comprehensive framework to manage a chronic pattern of abuse or impose perspective filing restrictions. Because there's no other applicable statute or rule governing the designation of vexatious litigants in a criminal context, Rule 83 applies.

So under Rule 83, the Respondent argues that he is not vexatious because he hasn't filed a claim as defined. However, the Court is proceeding under Section (a)(1)(c) of Rule 83, and that section can be satisfied when a person in -- in an action three or more times, files unmeritorious redundant material -- immaterial papers, or engages in frivolous tactics.

And based on the record before the Court, I think that's clearly established. All one has to do is go look at the -- at the record in this case, the docket, and read the papers that the Respondent has filed in the Court. Probably could have identified many more instances of vexatious filings, but in the

interest of judicial economy, just focused in on those that were identified in the ruling on April 15th.

But clearly, by clear and convincing evidence, the record shows that the Respondent filed a 300-page response on May -- March 28th, 2025, and that that filing was immaterial because it included over 300 pages of information that failed to request any form of relief and addressed mood issues and related to an already granted request to proceed pro se. The excessive length of that filing constituted really, I don't know how else to characterize it other than a tactic that appeared to be solely for the purpose of harassment or delay and contained immaterial matters.

Also, the Respondent filed a Rule 59 motion to alter or amend an order denying another continuous protective order hearing. That motion was unmeritorious and redundant because the Respondent made the exact same arguments already reviewed and rejected by the Court and appeared to have copy and pasted large sections from his previous filings into this particular filing. So, filing papers that are needlessly duplicative and lack legal or factual merit when filed squarely meets the criteria of Rule 83(a)(1)(c) sections 1 and 2.

The Respondent also filed multiple

successive motions under Rule 11(f) of the Utah Rules of Appellate procedure to correct the record regarding a motion to withdraw guilty pleas that his own counsel had previously withdrawn. These repeated requests for the same relief involving mood issues were redundant and burdensome.

Rule 83(a)(1)(c)(2) prescribes filing of papers that contain redundant matters three or more times. So clearly under that criteria, this is another instance of vexatious behavior.

The Respondent filed a motion to reconsider the Court's earlier finding that his 300-page response was burdensome. The Court finds this request was unmeritorious because it lacked -- because it asked the Court to reconsider facts and issues that it had already considered and adjudicated, and the Respondent failed to cite any legal authority demonstrating error in the first instance. This persistent refusal to accept finality in the face of settled law constitutes an unmeritorious filing and frivolous tactic.

So as far as findings go, the Court makes findings today that all of those instances of vexatious behavior satisfy the criteria of Rule 83(c) by clear and convincing evidence, and that the

Respondent has demonstrated himself to be a vexatious litigant. And that finding is based on the instances that I've discussed, the numerous unmeritorious, redundant, immaterial papers that have burdened the machinery of justice with needless expense and delay.

Next, in looking at those filings, the Court concludes that any claims for relief that were raised or attempted to be raised by any of those filings had no reasonable probability of success. I guess as far as any other claims for relief as to the constitutionality of continuous protective orders, I think that the Court of appeals addressed in their opinion Orem v. Jakeman in 2020 -- 2025 UT App 187.

The Court addressed those constitutional arguments and determined that any procedural claims were invited error. And because the Respondent previously insisted that that the orders were continuous from the beginning, that basically he had invited any error in that as far as any procedure goes in implementing a continuous protective order.

The Court also noted that the -- I guess regarding his constitutional theory that the laws unsettled in that area and because his arguments -- because his arguments have already been characterized as invited error or legally unsupported, the appellate

court barred as a matter of law and they therefore lack any reasonable probability of success.

So when an individual avails himself of the judicial machinery as a matter of routine, special leniency on the basis of a pro se status is manifestly inappropriate. That's the finding of Lundahl v Quinn, 2003 UT 11, Paragraph 4. Rule 83(b)(2) permits the Court to require a vexatious litigant to obtain legal counsel before proceeding in a pending action. The Court finds at a minimum that requiring the Respondent to obtain legal counsel is the only measure that's reasonably necessary to curb his abusive conduct.

The Defendant's history of voluminous, redundant filings in his pattern of going on, on and on without regard to the Court's time or resources, necessitates the intervention of licensed counsel. This restriction will ensure that any future filings have adequate legal justification and do not further consume judicial resources needlessly.

So based on Rule 83(b), the Court is authorized by that section to impose certain restrictions on a vexatious litigant, and in this case Section (b)(2). Under that section, the Court can require that the Respondent obtain legal counsel before proceeding in a pending action. I'm making

that order today. Also, under Section 3, the Court can order that the Respondent obtain legal counsel before filing any future claim for relief. I'm going to make that order.

I'm not going to make orders under Sections 1, 4, or 5, but under Section 6, the Court can take any other action reasonably necessary to curb the vexatious litigant's abusive conduct. The Court notes in this -- in these litigations, Mr. Jakeman has made numerous burdensome requests of the Court clerks, which they've largely complied with, but that has required the clerks to undertake and consume many, many clerk hours to satisfy his requests. So in the future, the Court is prohibiting Mr. Jakeman from making requests of the Court clerks, and if any such requests are necessary, they'll need to come through his attorney of record.

So those are -- those are the orders of the Court. This is the ruling of the Court. I'll be reducing this writing and hopefully getting this issued by the end of the day today. I guess also the City had made a motion to strike any pleadings that were filed after the Court's April 15th order. I'm going to grant that motion to strike those filings, if Mr. Jakeman wants to refile those, they'll need to

come through counsel and be addressed I guess according to the rules.

So those are the -- those are the orders of the Court today. As I mentioned, I'll reduce this to writing and get it issued hopefully by the end of the day. All right. That is the ruling of the Court for today. And we'll go ahead --

MR. JAKEMAN: Can I make a statement, Your Honor? It'll be brief.

THE COURT: Go ahead.

MR. JAKEMAN: First I would ask the Court to appoint counsel in this criminal matter so that I can comply in that regard. If the Court wants to do an interview to determine if I'm indigent, I'm more than willing to answer those questions right now. So it's the first request. The second request is that I would like the Judge -- I would request that the Judge in the written order clarify how this affects my current ongoing appeals. Yeah. Because I need to continue to pursue those appeals and perfect them. And if I'm not able to obtain counsel, then the Court is basically forcing me to lose those appeals. So I'm asking the Court exempt my current ongoing appeals.

I'm also asking that the Court either exempt my post-conviction relief action or appoint

counsel for that action. And then I would ask the Court to either -- again, I guess this is -- would be the same as appointing counsel. Well, it might be anyway. It might be separate. There's -- I'm going to of course appeal this order. And so I would ask the Court to exempt that appeal from this court's order, or that it appoint counsel to represent me in that appeal because I do not have funds to hire a lawyer.

THE COURT: Okay.

MR. JAKEMAN: And yeah -- or -- and or to issue a stay for the next 21 days so I can, yeah, file, you know -- anyway, file my notice of appeal and that be, you know, before -- so I think I'm getting rejected by the Court and I am, you know, forced by the Court to lose my rights to appeal.

THE COURT: Ms. Leon, you want to respond to any of that?

MS. LEON: And Judge, where the Court has terminated jurisdiction on this case and the Respondent does not face a deprivation of liberty, he's not entitled to court appointed counsel, and the City would oppose that. Moreover, there is no automatic procedure to court appointed counsel for post-conviction relief actions.

Furthermore, where this case is pending, Defendant's motion to have Your Honor disqualified and have this transferred to another judge, the Court -- the matter is stayed until that decision's been made. So this court cannot make any decisions regarding -- sorry, my sensor just turned off. So the Court doesn't have the ability to address that at this time.

The City would request that notice be sent to the administrative office of the Courts as required by the rules notifying them that the Respondent has been found to be a vexatious litigant and that curbing orders have been issued.

THE COURT: Okay. All right. Mr. Jakeman, I -- so as far as your request to limit the applicability of the vexatious litigant order, I'm declining any request to do that as far as it applies to other courts. Other courts may need to determine whether or not this order applies in those cases.

But as far as right to court or court appointed counsel in this case, Ms. Leon's correct. This case technically is closed. The only open issue is the issue of the continuous protective order. That's not a matter for which the Court can appoint counsel. So I'm going to decline your request there to appoint counsel.

MR. JAKEMAN: Will the Court certify this under Rule 54(b) for immediate appeal?

THE COURT: This is the final order of the Court on this matter, and frankly, the -- I mean, this case should have been closed a long time ago. But for your continued raising of issues, then, you know, the only open issue is the question of a -- of a continuous protective order that is in place. So --

MR. JAKEMAN: So the Court concedes that this is a final judgment --

THE COURT: This --

MR. JAKEMAN: -- and therefore right to appeal?

THE COURT: This is the final order on the issue of whether or not you're a vexatious litigant. So I'll make that clear in the order. Okay. All right. Thank you. We'll go ahead and be concluded.

MR. JAKEMAN: Thank you, Your Honor.

(Hearing Adjourned at 10:22 a.m.)

TRANSCRIBER'S CERTIFICATE

State of UTAH)
County of SALT LAKE)

I, ZACHARY WAY, Certified Court Transcriber, for the State of Utah, do hereby certify:

THAT the foregoing matter was reduced to writing by me from electronic media.

THAT the foregoing pages contain a true and correct transcription of said electronic media to the best of my ability.

IN WITNESS WHEREOF, I have subscribed my name this 17th day of June, 2026.



ZACHARY WAY, CCT

working under my CCR license:



CARLTON WAY, CCR, RPR

Utah License No. 108284-7801
Expires: 05/31/2028

$

$15 [1] - 27:6
$15,000 [2] - 11:15, 24:13

'

'22 [1] - 25:3
'23 [1] - 25:3
'24 [1] - 25:3

0

05/31/2028 [1] - 38:22

1

1 [8] - 1:11, 27:18, 27:23, 28:7, 29:20, 30:11, 31:15, 32:5
10 [1] - 27:8
100 [1] - 23:2
108284-7801 [1] - 38:21
12th [3] - 32:1, 32:2, 32:4
13233 [1] - 2:7
15 [1] - 27:8
17th [1] - 38:14
19th [1] - 31:23
1:28 [1] - 3:2

2

2 [2] - 30:12, 32:7
2/14/2011 [1] - 2:10
2024 [7] - 16:18, 20:11, 21:1, 21:7, 23:1, 32:11, 34:24
2026 [3] - 1:16, 3:2, 38:14
21st [1] - 31:20
22nd [2] - 27:16, 29:13
24 [1] - 37:15
244500188 [3] - 25:23, 26:12, 29:22
24th [4] - 27:9, 28:20, 28:23, 29:3
264500074 [3] - 1:5, 26:10, 29:22
27 [2] - 1:16, 3:2
2:00 [1] - 29:10
2:22 [1] - 37:18

3

3 [1] - 9:21
302 [1] - 9:21
30th [1] - 5:25
3rd [1] - 27:10

4

4 [1] - 6:12
450 [1] - 2:14

5

50,000 [1] - 11:19

6

6 [1] - 36:8
6300 [1] - 1:12
6965 [1] - 2:13
6th [1] - 6:1

7

7 [1] - 36:14
706-9635 [1] - 1:23
76-12 [1] - 9:21
76-12-202 [2] - 9:13, 9:19
76-12-302(2) [1] - 10:13
77-36-1 [1] - 10:7
7th [4] - 29:13, 29:15, 31:11, 31:15

8

801 [2] - 1:23, 2:19
84047 [1] - 2:17
84098 [1] - 1:13
8th [11] - 27:13, 27:17, 27:18, 28:7, 28:19, 28:22, 29:17, 29:18, 29:20, 30:13, 30:17

9

953-0945 [1] - 2:19

A

ability [1] - 38:12
able [5] - 20:21, 23:10, 23:11, 23:12, 27:2
absent [1] - 23:15
absolutely [2] - 11:23, 26:4
access [1] - 6:17
accurate [1] - 20:17
ACLU [1] - 18:21
action [1] - 16:15
Active [1] - 2:8
active [2] - 18:2, 35:6
actor [5] - 5:3, 5:4, 5:10, 5:12, 9:14
acts [1] - 3:16
actual [2] - 21:5, 22:24
additional [1] - 15:25
address [3] - 20:3, 20:6, 21:15
Address [3] - 2:13, 2:14, 2:20
Adjourned [1] - 37:18
Admitted [1] - 2:9
adult [1] - 17:6
advocates [1] - 19:7
aggressor [1] - 15:14
ago [5] - 20:5, 23:9, 28:11, 32:18, 35:4
agree [1] - 23:18
agreed [5] - 3:18, 3:19, 11:15, 13:8, 18:10
agreement [13] - 3:25, 4:17, 4:24, 6:19, 8:16, 9:1, 9:3, 11:13, 12:8, 13:17, 13:18, 13:24
agreements [1] - 23:15
ahead [10] - 3:10, 14:11, 18:20, 19:24, 22:17, 22:22, 23:22, 32:6, 35:9, 35:13
allegation [1] - 7:8
allegations [1] - 26:12
allowed [1] - 26:18
allowing [1] - 21:2
almost [2] - 11:15, 11:19
alone [1] - 13:21
amended [1] - 26:11
Amendment [4] - 3:13, 18:22, 19:6, 26:18
amplifying [1] - 5:9
ANDREW [2] - 1:7, 2:23
Andrew [1] - 6:12
answer [1] - 23:3
apologies [1] - 7:6
apologize [1] - 9:20
application [2] - 14:13, 20:19
apply [1] - 19:9
argue [4] - 21:19, 21:23, 22:2, 26:12
argued [1] - 21:8
argument [5] - 7:13, 11:8, 12:11, 21:13, 29:21
Arlo [2] - 14:24, 17:17
aspect [1] - 22:9
assume [1] - 28:11
attorney [2] - 18:12, 18:13
Attorney [1] - 2:8
attorney's [2] - 11:16, 24:15
audio [2] - 27:3, 30:24
August [8] - 29:13, 29:15, 31:6, 31:11, 31:15, 31:20, 31:21, 32:4
available [2] - 27:17, 31:14
avoid [1] - 25:21
awarded [2] - 7:2, 11:15
aware [1] - 18:5

B

bad [2] - 25:19, 34:22
bailiff [1] - 33:12
Bar [1] - 2:6
barely [1] - 37:11
based [2] - 3:15, 25:24
basement [3] - 5:20, 5:22, 17:9
bed [1] - 21:1
begin [1] - 23:11
beginning [2] - 24:2, 33:18
behalf [1] - 3:5
best [1] - 38:12
between [2] - 10:20, 10:23
body [1] - 22:24
booked [2] - 27:15
bother [1] - 11:14
bound [1] - 20:14
brand [1] - 8:24
brand-new [1] - 8:24
briefing [1] - 11:9
bring [1] - 26:5
Broadbent [1] - 5:18
broadcasting [1] - 5:9
broke [1] - 4:17
broken [1] - 4:23
Buckboard [1] - 18:4
burned [1] - 23:3
Business [1] - 2:11
business [3] - 8:4, 24:6, 35:4
businesswoman [4] - 11:21, 35:3, 35:5, 35:7
BY [1] - 1:22

C

caboodle [1] - 32:8
calendar [4] - 28:12, 30:12, 30:15, 30:20
camera [16] - 6:20, 7:9, 14:24, 15:3, 15:5, 15:10, 15:20, 16:2, 17:3, 17:17, 17:19, 19:15, 19:16, 24:22, 25:7, 34:23
cameras [6] - 6:13, 15:17, 17:22, 18:1, 18:2, 18:3
cannot [1] - 23:15
CARLTON [2] - 1:22, 38:20
case [6] - 3:15, 3:21, 11:8, 13:9, 16:9, 26:9
Case [1] - 1:5
caught [1] - 11:12
CCR [3] - 1:22, 38:17, 38:20
CCT [2] - 1:22, 38:16
Center [1] - 2:13
certain [1] - 23:2
CERTIFICATE [1] - 38:1
Certified [2] - 1:23, 38:6
certify [1] - 38:7
cetera [1] - 10:15
chance [2] - 9:13, 22:4
change [2] - 29:16, 37:10
channel [2] - 11:17, 11:18
characteristics [1] - 5:14
characterize [1] - 35:5
characterized [2] - 21:7, 23:1
cheat [1] - 15:21
check [3] - 10:18, 27:14, 30:14
chronically [1] - 23:25
City [4] - 2:15, 8:4, 11:21, 11:22
CITY [1] - 1:13
civil [1] - 19:7
claim [2] - 20:9, 23:2
claims [1] - 14:20
clarification [1] - 6:11
clarify [1] - 37:7
clear [3] - 14:5, 19:4, 20:21
CLERK [5] - 27:7, 27:14, 29:12, 30:14, 32:1
client [3] - 3:19, 5:17, 28:19
Code [1] - 2:17
coerced [1] - 36:13

coercion [1] - 36:9
coercive [1] - 36:11
collect [2] - 16:19, 30:24
collected [1] - 5:12
collecting [1] - 17:1
column [1] - 18:16
combative [1] - 15:12
combine [1] - 26:7
coming [1] - 26:24
comment [1] - 36:18
comments [3] - 8:10, 21:5, 22:24
Commissioner [2] - 19:12, 20:1
commits [3] - 5:3, 5:11, 9:14
communicate [1] - 14:16
communicating [1] - 11:24
communication [10] - 4:21, 4:24, 5:12, 9:12, 9:15, 10:8, 10:19, 10:24, 26:2
communications [4] - 9:5, 9:17, 11:24
community [1] - 35:6
compelled [2] - 18:23, 19:21
completely [1] - 15:18
complied [1] - 15:17
concern [1] - 16:1
concerned [2] - 16:23, 25:6
concerns [2] - 3:12, 19:6
conduct [1] - 19:2
connect [1] - 8:18
consent [2] - 5:6, 10:14
consented [1] - 21:16
consider [1] - 15:23
consideration [4] - 3:25, 4:16, 13:20
consistently [2] - 18:22, 19:8
constitutional [1] - 18:24
Cont [1] - 2:14
contact [4] - 10:20, 11:2, 11:3, 11:4
Contact [1] - 2:11
contain [1] - 38:10
contentious [1] - 25:13
context [1] - 34:8
contradictory [1] - 24:3
contradicts [1] - 16:5
control [2] - 11:11, 36:11
convention [1] - 31:19
convince [1] - 8:19
copious [1] - 20:13
copy [1] - 6:14
correct [8] - 3:9, 14:22, 20:3, 20:6, 23:3, 24:13, 32:11, 38:11
Correct [4] - 6:2, 6:5, 25:7, 36:12
correctly [2] - 23:8, 37:2
Cottonwood [1] - 2:15
Country [1] - 2:18
COUNTY [1] - 1:2
County [1] - 38:4
couple [1] - 28:16
couple's [1] - 20:12
course [2] - 11:10, 24:23
court [5] - 3:17, 5:10, 11:12, 18:25, 19:5
COURT [135] - 1:1, 3:3, 3:7, 3:10, 3:23, 4:3, 4:10, 4:13, 5:1, 5:19, 5:25, 6:3, 6:10, 6:22, 7:1, 7:7, 7:16, 7:18, 8:1, 8:12, 8:17, 8:22, 9:9, 9:22, 10:1, 10:9, 10:13, 11:2, 11:25, 12:9, 12:15, 12:19, 13:4, 13:6, 13:10, 14:1, 14:7, 14:11, 14:18, 16:13, 16:22, 17:18, 17:23, 18:6, 18:10, 18:15, 18:19, 19:24, 21:8, 21:11, 21:21, 22:2, 22:6, 22:14, 22:17, 22:22, 23:12, 23:14, 23:19, 23:22, 24:8, 24:15, 24:17, 24:21, 24:24, 25:4, 25:11, 25:17, 25:22, 26:3, 26:15, 26:22, 27:1, 27:5, 27:8, 27:18, 27:22, 27:24, 28:4, 28:8, 28:13, 28:21, 28:23, 28:25, 29:4, 29:7, 29:11, 29:15, 29:18, 29:20, 30:1, 30:4, 30:8, 30:11, 30:16, 30:21, 30:25, 31:6, 31:8, 31:11, 31:15, 31:17, 31:20, 31:24, 32:2, 32:4, 32:12, 32:15, 32:20, 32:24, 33:1, 33:7, 33:11, 33:14, 33:20, 33:22, 33:25, 34:2, 34:7, 34:14, 34:17, 34:25, 35:8, 35:12, 35:15, 36:2, 36:7, 36:11, 36:19, 36:23, 37:1, 37:3, 37:8, 37:12, 37:15
Court [14] - 1:23, 3:12, 9:1, 9:4, 9:7, 12:5, 14:10, 14:17, 15:23, 16:10, 23:8, 23:10, 24:1, 38:6
COURTROOM [1] - 1:11
courts [1] - 19:7
crazy [2] - 8:9
created [1] - 18:23
CREEK [1] - 1:12
cried [1] - 23:5
crime [5] - 8:14, 10:1, 12:1, 13:9, 13:23
crimes [1] - 13:2
criminal [1] - 15:11
cut [1] - 11:12

D

Danielle [2] - 2:4, 3:3
danielle@hawkesquam.com [1] - 2:20
data [2] - 5:12, 5:14
Date [1] - 2:9
date [5] - 20:7, 22:13, 26:8, 26:11, 37:11
day's [1] - 23:9
days [2] - 28:10, 28:16
December [1] - 6:1
decide [1] - 8:13
decline [1] - 16:11
defamation [1] - 8:13
defaming [1] - 7:21
defend [1] - 36:3
defense [1] - 22:10
defenses [1] - 7:4
definition [1] - 10:7
deliberately [3] - 14:24, 15:9, 19:15
destroy [4] - 5:11, 16:8, 19:19, 19:20
destroying [1] - 26:19
destruction [5] - 16:1, 16:7, 16:12, 18:23, 19:12
destructive [1] - 18:16
detailed [1] - 11:9
device [2] - 5:7, 10:15
diametrically [2] - 21:6, 22:25
different [2] - 7:16, 37:10
directed [2] - 11:4, 11:5
direction [1] - 9:8
directly [3] - 15:13, 16:5, 20:8
disabling [1] - 15:9
disagree [3] - 11:25, 12:9, 13:25
discussion [2] - 20:5, 36:16
dismiss [3] - 3:19, 3:20, 13:8
dismissed [1] - 13:11
disrupt [2] - 9:16, 11:1
disseminated [1] - 23:16
disseminating [1] - 7:20
dissemination [1] - 7:18
DISTRICT [1] - 1:1
divorce [11] - 3:21, 11:8, 15:15, 16:9, 16:15, 16:20, 16:24, 18:12, 24:4, 25:13, 25:19
document [1] - 19:21
documentation [2] - 15:7, 19:2
domestic [5] - 8:14, 10:1, 10:6, 12:2, 12:7
done [7] - 11:8, 13:16, 18:20, 19:23, 22:18, 22:20, 24:20
door [1] - 17:14
double [2] - 27:14, 30:14
down [18] - 14:2, 14:6, 14:7, 14:24, 18:16, 22:4, 24:21, 24:22, 26:20, 26:23, 26:24, 28:15, 33:17, 33:21, 34:3, 34:19, 36:15, 37:16
downtown [2] - 11:21
draft [1] - 18:8
drive [1] - 26:5
Drive [1] - 2:13
DRIVE [1] - 1:12
drug [1] - 17:7
due [1] - 14:14

E

ears [1] - 4:5
earth [1] - 17:23
East [1] - 17:10
Educate [1] - 25:17
educational [2] - 25:15, 26:4
effectively [2] - 14:16, 16:8
egging [1] - 7:22
eight [2] - 14:22, 15:20
either [1] - 9:7
electronic [9] - 4:21, 4:24, 9:12, 9:15, 10:7, 10:19, 26:2, 38:9, 38:11
electronically [1] - 28:1
Email [1] - 2:20
email [3] - 28:5, 28:6
end [4] - 7:2, 19:22, 36:13, 36:17
engaged [1] - 11:10
engaging [1] - 24:12
enter [6] - 9:2, 9:4, 12:5, 21:14, 26:11, 36:15
entered [5] - 3:15, 3:17, 21:12, 21:15, 25:23
entering [2] - 15:21, 15:22
entire [1] - 22:11
entitled [2] - 5:7, 10:15
entry [1] - 16:3
especially [1] - 19:9
Esq [1] - 2:6
establish [1] - 10:17
estate [1] - 15:10
et [1] - 10:15
events [1] - 5:9
evidence [14] - 16:2, 16:3, 16:5, 16:8, 16:11, 16:15, 18:16, 19:17, 20:8, 24:4, 24:5, 30:21, 33:2
evidentiary [1] - 24:10
exactly [2] - 15:6, 35:10
example [1] - 13:3
examples [1] - 24:3
exchange [1] - 3:20
exclusive [2] - 5:17, 6:8
exculpatory [1] - 16:8
exhibits [1] - 27:25
exists [1] - 18:25
expectation [1] - 5:13
Expires [1] - 38:22
extreme [1] - 36:9

F

face [2] - 14:24, 19:15
fact [4] - 21:5, 22:24, 24:11, 26:3
facts [4] - 3:8, 19:3, 22:4, 24:5
featured [1] - 20:19
fees [2] - 11:16, 24:15
felt [1] - 19:21
few [1] - 23:4
fewer [1] - 14:22
FF [1] - 10:7
Fifth [1] - 35:17
file [4] - 8:22, 8:23, 13:16, 24:4
filed [3] - 8:24, 30:10, 32:20
final [2] - 20:18, 36:14
fine [3] - 4:9, 31:5, 31:10
finish [4] - 14:4, 18:18, 22:15, 23:22
fired [1] - 18:13
First [3] - 3:13, 18:21, 19:6
first [11] - 3:14, 18:13, 18:14, 20:1, 22:11, 26:18, 30:5, 32:10, 34:9, 35:24, 36:2
fool [2] - 8:5, 11:20
footage [1] - 7:14
foregoing [2] - 38:8, 38:10
forget [2] - 14:4, 23:6
form [1] - 20:6
forum [1] - 20:3
forward [3] - 16:20, 19:15, 21:13
four [1] - 26:22
Fourth [1] - 35:1
frequently [1] - 28:6
Friday [1] - 27:10
frighten [2] - 9:16, 10:25
frivolous [1] - 24:12
front [1] - 3:23
full [3] - 16:7, 19:11, 22:9
fully [1] - 19:3
future [2] - 20:7, 22:13

G

Gallery [1] - 24:6
Gallery's [1] - 24:6
GG [1] - 10:7
given [3] - 5:23, 6:5, 6:8
glaucoma [1] - 22:20
granting [1] - 20:20
Great [1] - 3:24
grew [1] - 17:10
grounds [4] - 4:19, 4:20, 9:2
guess [4] - 6:13, 21:11, 22:10, 30:25
guys [1] - 33:3

H

hair [1] - 8:7
half [2] - 33:9, 36:22
hand [2] - 33:11, 34:21
happy [1] - 9:13
harass [4] - 7:23, 9:16, 10:25, 13:21
harassed [1] - 35:20
harassing [1] - 7:22
harassment [13] - 3:22, 4:21, 4:24, 8:15, 8:18, 9:4, 9:6, 9:15, 10:19, 12:8, 12:10, 13:11, 26:2
harassments [1] - 10:8
hard [1] - 4:3
harder [1] - 23:5
harm [1] - 11:22
HAWKES [58] - 3:9, 3:11, 3:24, 4:7, 4:9, 4:11, 4:15, 5:2, 5:21, 6:2, 6:5, 6:15, 6:25, 7:11, 7:17, 7:20, 8:15, 8:21, 8:23, 9:11, 9:25, 10:3, 10:11, 10:22, 11:7, 12:4, 12:13, 12:18, 12:21, 13:5, 13:7, 13:15, 21:10, 21:19, 26:1, 27:20, 27:23, 28:3, 28:5, 28:18, 28:22, 28:24, 29:3, 29:8, 29:16, 29:19, 29:23, 30:2, 30:7, 30:9, 31:5, 31:10, 31:16, 31:18, 31:23, 32:3, 32:22, 33:8
Hawkes [5] - 2:5, 2:12, 3:4, 3:7, 13:4
head [1] - 25:11
hear [6] - 29:21, 30:23, 31:17, 32:5, 32:6, 33:2
heard [5] - 15:17, 17:21, 19:3, 34:12, 37:17
Hearing [1] - 37:18
hearing [10] - 5:8, 12:6, 16:7, 19:11, 24:10, 26:6, 26:7, 29:9, 31:2, 36:4
Heights [1] - 2:15
help [2] - 23:10, 25:14
helpful [1] - 29:24
hereby [1] - 38:7
hidden [1] - 6:20
history [1] - 17:9
hold [1] - 7:3
holiday [1] - 27:11
home [10] - 6:4, 6:18, 7:3, 8:7, 11:20, 17:14, 20:23, 21:3, 34:11, 34:24
Honor [27] - 3:11, 4:25, 5:2, 7:12, 8:5, 9:20, 10:3, 10:12, 10:22, 11:7, 12:13, 13:7, 13:15, 14:5, 14:19, 15:9, 15:25, 19:4, 19:22, 27:21, 28:18, 29:8, 29:14, 29:23, 31:16, 32:1, 33:4
hope [1] - 24:2
hour [2] - 23:3, 23:5
hours [3] - 18:13, 26:22, 37:15
house [6] - 16:18, 17:8, 17:20, 17:22, 18:5, 34:24
hundreds [1] - 11:24

I

idea [2] - 17:17, 25:12
identified [1] - 18:22
ignore [1] - 19:5
imagine [1] - 8:6
immediately [1] - 21:2
impediment [1] - 14:15
implicate [1] - 15:11
important [1] - 35:2
impose [1] - 18:25
impugns [1] - 20:8
IN [1] - 38:13
include [1] - 9:23
included [1] - 18:7
including [2] - 20:18, 35:21
Incorporated [1] - 24:7
incorrect [1] - 34:13
indications [1] - 19:14
indoor [1] - 18:4
information [3] - 5:15, 7:21, 14:17
Information [1] - 2:11
initial [1] - 19:22
inner [1] - 16:13
inside [2] - 17:22, 18:1
Inside [1] - 17:25
install [1] - 17:5
installation [1] - 5:5
installed [5] - 7:8, 7:12, 17:3, 17:6, 25:7
Installs [1] - 10:14
installs [1] - 5:4
instance [1] - 13:19
intent [2] - 9:15, 10:24
interacted [1] - 19:16
interior [1] - 34:23
internet [2] - 18:17, 26:16
interpret [1] - 12:15
interpreting [1] - 12:20
intimate [2] - 7:14, 7:19
intimidate [2] - 9:16, 10:25
irrelevant [1] - 7:13
issue [8] - 12:1, 12:3, 12:6, 12:22, 13:25, 16:24, 19:9
issued [1] - 32:14
issues [2] - 17:10, 19:12
it'd [1] - 25:12
it'll [1] - 33:14
item [4] - 34:21, 35:1, 35:17, 36:14
Item [1] - 36:8
itself [1] - 15:11

J

Jameson [3] - 26:10, 27:6, 37:4
Judge [3] - 1:6, 11:14, 24:10
judgment [2] - 11:10, 24:13
July [11] - 27:10, 27:11, 27:12, 27:16, 27:18, 29:11, 29:13, 29:17, 29:18, 29:20, 30:17
June [4] - 27:9, 28:23, 29:3, 38:14
justification [1] - 20:20

K

Keep [1] - 34:15
kept [1] - 6:16
key [1] - 22:9
KIM [1] - 1:6
kind [2] - 30:24, 34:5
kitten [1] - 32:8
knot [1] - 8:8
knowledge [3] - 14:21, 16:17, 19:14

L

LAKE [1] - 38:4
Lake [1] - 11:21
Last [2] - 2:4, 36:14
late [1] - 25:3
latest [1] - 14:12
Law [1] - 2:10
lawfully [1] - 18:23
laws [1] - 8:12
least [4] - 14:23, 15:20, 19:14, 35:22
leave [4] - 13:21, 21:1, 34:14, 36:13
left [2] - 33:9, 33:10
lens [1] - 14:25
letter [1] - 15:24
level [3] - 12:10, 12:12, 13:12
liberties [1] - 19:7
license [2] - 15:10, 38:18
License [1] - 38:21
licensed [1] - 16:4
lie [1] - 17:21
lied [1] - 24:18
life [1] - 11:12
life's [1] - 20:24
lifetime [1] - 23:6
liftie [1] - 17:11
linked [1] - 8:25
Lisa [1] - 20:12
listed [1] - 4:22
listen [1] - 7:3
listening [1] - 4:4
litigation [2] - 11:13, 24:12
live [2] - 17:13, 20:5
lived [1] - 25:2
LLC [1] - 2:12
locally [1] - 35:3
lock [1] - 17:14
look [2] - 8:5, 12:24
looking [3] - 10:11, 11:20, 22:10
looks [2] - 8:8, 8:9
loser [2] - 35:10, 35:16
lost [1] - 28:10
love [1] - 36:15
Luhn [2] - 19:13, 20:2

LUHN [1] - 1:6
lump [1] - 32:7

M

Ma'am [10] - 3:6, 14:3, 26:14, 27:7, 29:6, 31:13, 35:17, 36:5, 37:7, 37:17
mail [1] - 28:17
Mailing [2] - 2:13, 2:14
main [1] - 20:20
manner [1] - 26:17
matter [3] - 13:13, 16:11, 38:8
MAY [1] - 1:16
mean [2] - 14:6, 21:16
means [1] - 32:10
media [2] - 38:9, 38:11
meet [2] - 10:4, 10:6
meeting [2] - 32:19, 34:12
memory [2] - 14:15, 23:3
mention [1] - 36:8
mentioned [1] - 34:22
Meyer [2] - 23:18, 24:6
MEYER [1] - 1:4
middle [1] - 25:12
might [6] - 10:16, 22:14, 27:15, 27:24, 27:25, 30:16
mine [1] - 15:11
mischief [1] - 15:12
moment [1] - 12:21
month [1] - 29:4
months [1] - 17:7
morning [1] - 20:25
most [1] - 18:24
motion [2] - 11:9, 24:12
move [1] - 21:13
moved [4] - 17:8, 17:11, 18:1, 24:22
MR [78] - 3:6, 4:5, 4:8, 4:14, 6:23, 7:5, 8:3, 14:3, 14:8, 14:12, 14:19, 16:16, 16:25, 17:20, 17:25, 18:8, 18:12, 18:18, 18:21, 19:25, 21:25, 22:3, 22:8, 22:15, 22:19, 22:23, 23:13, 23:17, 23:21, 23:24, 24:14, 24:16, 24:20, 24:23, 25:1, 25:7, 25:14, 25:18, 26:14, 26:21, 26:25, 27:2, 28:10, 28:15, 29:6, 30:19, 30:23, 31:7, 31:13, 32:9, 32:13, 32:17, 32:23, 32:25, 33:4, 33:13, 33:16, 33:21, 33:23, 34:1, 34:4, 34:8, 34:16, 34:18, 35:1, 35:10, 35:14, 35:17, 36:5, 36:8, 36:12, 36:21, 36:24, 37:2, 37:6, 37:9, 37:13, 37:17
Mrazik [3] - 11:15, 24:11, 30:4
MS [58] - 3:9, 3:11, 3:24, 4:7, 4:9, 4:11, 4:15, 5:2, 5:21, 6:2, 6:5, 6:15, 6:25, 7:11, 7:17, 7:20, 8:15, 8:21, 8:23, 9:11, 9:25, 10:3, 10:11, 10:22, 11:7, 12:4, 12:13, 12:18, 12:21, 13:5, 13:7, 13:15, 21:10, 21:19, 26:1, 27:20, 27:23, 28:3, 28:5, 28:18, 28:22, 28:24, 29:3, 29:8, 29:16, 29:19, 29:23, 30:2, 30:7, 30:9, 31:5, 31:10, 31:16, 31:18, 31:23, 32:3, 32:22, 33:8
must [1] - 19:9
muttering [2] - 8:8, 16:14

N

name [2] - 20:22, 38:14
Name [1] - 2:4
narrator [1] - 23:25
nature [2] - 3:22, 5:15
necessarily [1] - 11:25
need [14] - 6:11, 7:1, 10:17, 12:6, 12:7, 14:21, 15:25, 21:22, 23:7, 26:6, 26:20, 37:10, 37:13
needed [4] - 13:16, 13:18, 13:23, 13:24
needing [1] - 27:25
needs [3] - 12:8, 13:21, 31:3
negotiated [1] - 3:18
nephew [3] - 17:6, 17:7, 25:6
never [4] - 20:15, 34:23, 35:15, 35:25
new [20] - 4:19, 4:20, 4:22, 8:20, 8:23, 8:24, 9:5, 10:5, 13:9, 13:16, 13:19, 13:23, 25:24, 32:23, 32:24, 35:21, 36:15, 36:16
next [5] - 25:9, 26:6, 28:16, 29:13, 36:4
night [1] - 34:16
None [1] - 11:4
none [3] - 11:4, 17:20, 18:3
NORTH [1] - 1:12
note [3] - 14:4, 15:8, 36:6
notebook [1] - 20:14
notes [2] - 20:13, 20:15
nothing [4] - 13:18, 24:9, 25:15, 26:4
notice [1] - 21:22
November [1] - 5:25
number [1] - 26:9
Number [2] - 2:6, 36:14

O

o'clock [9] - 27:19, 27:23, 28:7, 29:21, 30:11, 30:13, 31:15, 32:5, 32:7
obligation [1] - 29:16
observing [2] - 5:8, 10:15
obtain [3] - 20:10, 23:8, 27:2
obtained [1] - 20:22
occasions [3] - 14:23, 15:20, 35:21
October [3] - 16:18, 20:11, 21:1
OF [1] - 1:2
offense [3] - 10:6, 22:10, 26:1
offenses [6] - 4:22, 4:25, 5:1, 5:3, 10:4, 10:8
office [15] - 6:20, 6:21, 6:23, 6:24, 7:3, 14:23, 15:10, 15:21, 15:22, 16:4, 16:5, 17:13, 19:20, 34:19, 34:20
officer [1] - 20:25
once [2] - 11:11, 35:22
one [29] - 4:17, 5:24, 6:10, 9:13, 9:19, 10:16, 10:18, 12:18, 12:21, 15:25, 19:1, 19:23, 20:1, 20:18, 22:5, 22:9, 24:11, 27:6, 28:25, 29:13, 32:10, 32:13, 32:23, 32:24, 34:4, 34:9, 34:11, 34:18, 36:25
One [1] - 6:10
one's [1] - 9:14
online [6] - 7:22, 7:23, 8:9, 24:25, 25:13, 27:5
opportunity [1] - 26:8
opposed [2] - 21:6, 22:25
opposition [3] - 16:6, 34:10, 36:9
ORDER [1] - 1:7
order [61] - 3:14, 3:15, 3:19, 4:19, 4:23, 5:10, 5:16, 5:22, 6:17, 8:20, 8:24, 8:25, 9:2, 9:5, 9:23, 10:5, 12:3, 12:5, 12:11, 12:24, 12:25, 13:1, 13:2, 13:8, 13:11, 13:13, 13:17, 13:19, 13:23, 14:13, 15:15, 15:18, 15:25, 16:1, 16:12, 18:7, 18:9, 19:12, 20:4, 20:10, 20:20, 20:22, 21:20, 22:1, 22:11, 25:23, 25:24, 26:11, 26:15, 27:6, 32:7, 32:10, 35:19, 35:21, 36:3, 36:16, 37:5
order's [1] - 31:1
ordered [3] - 5:23, 6:7, 24:13
Ordering [2] - 16:6, 19:19
orders [5] - 3:20, 4:18, 26:7, 27:16, 32:5
Organization [1] - 2:12
original [6] - 10:4, 20:4, 20:19, 20:22, 21:20, 21:25
originally [1] - 20:9
outcome [1] - 32:19
outside [1] - 17:25
own [3] - 3:5, 16:9, 17:14
owner [1] - 5:13

P

p.m [2] - 3:2, 37:18
page [2] - 33:9
pages [1] - 38:10
paid [1] - 24:16
Paid [1] - 2:9
pajamas [3] - 8:7, 11:20, 16:14
Paragraph [1] - 6:12
PARK [1] - 1:13
Park [3] - 2:13, 8:4, 11:22
part [9] - 3:24, 4:16, 5:15, 5:16, 6:18, 6:21, 7:9, 33:6, 33:15
Part [1] - 9:21
parties [3] - 10:20, 10:23, 11:5
parties' [1] - 23:15
party's [1] - 12:8
pause [1] - 22:16
pay [1] - 24:13
People [2] - 8:9, 25:18
people [4] - 4:8, 7:22, 9:18, 25:20
percent [1] - 23:2
period [1] - 21:3
perjury [1] - 20:23
permanent [1] - 16:7
permanently [1] - 19:3
person [4] - 5:6, 10:14, 27:20, 29:9
persons [1] - 5:6
petition [2] - 14:19, 16:6
Petitioner [12] - 1:5, 2:3, 3:4, 14:14, 15:3, 15:19, 15:21, 19:13, 20:10, 20:17, 23:24, 23:25
Petitioner's [4] - 14:21, 19:5, 20:19, 20:23
Phone [1] - 2:19
phone [2] - 28:10, 28:16
Phonetic [1] - 17:11
phonetic [1] - 20:13
photographing [1] - 5:8
photos [1] - 7:19
physically [2] - 15:3, 15:19
physician [1] - 7:25
pieces [1] - 36:25
place [6] - 3:14, 5:6, 5:7, 26:17, 30:5, 31:1
PO [1] - 1:5
point [4] - 22:11, 22:24, 30:25
pointing [1] - 35:13
police [2] - 20:25, 25:3
political [1] - 19:8
possession [2] - 5:18,

6:8
possessions [1] - 20:24
possible [3] - 14:16, 20:2, 29:25
post [4] - 9:17, 14:7, 25:13, 37:16
posted [1] - 24:25
PRATT [80] - 1:7, 2:23, 3:6, 4:5, 4:8, 4:14, 6:23, 7:5, 8:3, 14:3, 14:8, 14:12, 14:19, 16:16, 16:25, 17:20, 17:25, 18:8, 18:12, 18:18, 18:21, 19:25, 21:25, 22:3, 22:8, 22:15, 22:19, 22:23, 23:13, 23:17, 23:21, 23:24, 24:14, 24:16, 24:20, 24:23, 25:1, 25:7, 25:14, 25:18, 26:14, 26:21, 26:25, 27:2, 28:10, 28:15, 29:6, 30:19, 30:23, 31:7, 31:13, 32:9, 32:13, 32:17, 32:23, 32:25, 33:4, 33:13, 33:16, 33:21, 33:23, 34:1, 34:4, 34:8, 34:16, 34:18, 35:1, 35:10, 35:14, 35:17, 36:5, 36:8, 36:12, 36:21, 36:24, 37:2, 37:6, 37:9, 37:13, 37:17
Pratt [5] - 3:4, 7:8, 14:2, 28:8, 29:5
precisely [1] - 18:25
prefer [1] - 31:7
prenuptial [1] - 11:13
prepare [1] - 37:4
prepared [1] - 14:10
prescribed [1] - 21:3
present [1] - 6:3
preservation [1] - 16:11
prevent [1] - 15:4
previous [1] - 8:25
previously [1] - 32:18
primary [1] - 20:9
principle [1] - 18:25
privacy [16] - 4:21, 4:25, 5:1, 5:2, 5:4, 5:7, 5:14, 9:6, 9:18, 9:20, 9:24, 10:8, 10:15, 25:25, 26:1
private [5] - 5:5, 5:7, 7:21, 8:6, 34:19
Pro [1] - 2:23
problem [1] - 8:12
procedural [1] - 21:12
proceeding [1] - 24:4
proceedings [1] - 15:16
process [1] - 23:11
professional [2] - 16:4
prohibited [2] - 3:21, 15:16
prominent [1] - 35:8
prongs [1] - 9:6
proof [1] - 19:20
property [9] - 5:13, 5:23, 5:24, 6:6, 6:7, 6:9, 6:18, 6:25
Property [1] - 5:18
protected [1] - 30:12
protection [2] - 19:7, 19:11
protective [36] - 3:14, 3:15, 3:19, 4:19, 4:23, 5:16, 5:22, 8:20, 8:24, 8:25, 9:2, 9:5, 9:22, 10:5, 12:11, 13:1, 13:8, 13:11, 13:13, 13:17, 13:19, 13:23, 14:13, 20:4, 20:10, 21:20, 22:1, 25:23, 25:24, 27:16, 32:5, 36:3, 36:16, 37:4
PROTECTIVE [1] - 1:7
prove [1] - 13:9
pull [2] - 21:18, 30:21
pulled [1] - 22:14
puppy [1] - 25:13
purpose [2] - 10:18, 11:23
purposes [1] - 25:15
put [5] - 6:14, 17:16, 21:22, 22:4, 28:13

Q

Quam [1] - 2:12
questions [2] - 33:18, 33:22
quickly [1] - 34:5

R

raise [1] - 15:25
raised [4] - 15:12, 19:3, 34:21
rather [1] - 21:13
read [4] - 9:13, 14:10, 20:15, 35:22
reading [1] - 36:25
ready [5] - 21:19, 21:23, 22:6, 22:8, 22:12
real [1] - 15:10
really [1] - 30:11
reason [2] - 11:18, 13:25
receive [1] - 13:18
recipient [1] - 11:3
recognize [1] - 24:2
recommend [1] - 26:10
record [3] - 15:1, 15:8, 35:15
recorded [4] - 19:13, 25:1, 25:2, 25:9
recording [4] - 5:8, 15:4, 27:2, 27:3
recordings [5] - 14:20, 15:18, 16:1, 17:4, 19:17
records [1] - 16:17
recover [1] - 8:13
Rector [1] - 20:13
Rector's [1] - 23:8
reduced [1] - 38:8
reenter [2] - 4:18, 13:22
reference [1] - 35:23
references [1] - 35:2
referred [1] - 35:18
referring [2] - 16:21, 21:4
refers [1] - 35:22
refile [1] - 13:1
reflect [1] - 35:15
reflection [1] - 20:17
regarding [4] - 5:14, 24:5, 34:9
rehab [1] - 17:7
relations [1] - 7:14
relationship [1] - 11:11
relative [1] - 24:5
relevant [1] - 15:13
relying [1] - 9:10
remain [2] - 6:7, 31:1
remaining [1] - 33:5
remedy [1] - 30:2
remember [2] - 21:4, 27:4
remind [1] - 24:10
remove [3] - 5:11, 5:24, 6:6
removed [1] - 5:23
reopen [1] - 21:25
reopening [1] - 20:4
repeated [3] - 11:2, 16:2, 16:3
repeatedly [2] - 15:9, 19:16
report [1] - 25:8
reputation [1] - 35:3
requires [1] - 19:11
resolved [1] - 26:17
respectfully [2] - 14:21, 24:9
respond [1] - 26:8
Respondent [2] - 1:8, 2:22
response [1] - 14:12
restraining [5] - 4:18, 12:2, 12:5, 32:6, 32:10
restriction [1] - 26:17
resulted [2] - 8:20, 12:10
retired [1] - 35:5
return [1] - 21:3
review [1] - 27:25
righty [1] - 27:9
rise [1] - 13:12
room [1] - 27:12
RPR [1] - 38:20

S

sale [1] - 24:6
SALT [1] - 38:4
Salt [1] - 11:21
saw [1] - 37:2
scan [2] - 33:12, 36:20
scanned [1] - 36:21
scholars [1] - 18:22
School [1] - 2:10
Se [1] - 2:23
second [3] - 14:13, 31:24, 34:18
secondly [1] - 35:25
section [2] - 9:18, 10:11
security [8] - 6:16, 6:19, 6:21, 7:9, 15:10, 17:19, 17:21, 18:4
see [4] - 6:14, 7:25, 22:21, 25:4
seeing [1] - 10:22
send [1] - 32:20
sense [2] - 4:7, 26:9
separate [2] - 6:16, 14:22
serious [1] - 18:24
session [3] - 20:14, 20:18, 23:9
set [2] - 26:7, 26:11
seven [2] - 9:20, 33:19
several [4] - 17:7, 35:2, 35:18, 35:21
shall [1] - 6:12
shelf [1] - 14:25
Sheriff [2] - 34:2, 34:3
short [1] - 14:15
short-term [1] - 14:15
shorter [1] - 9:14
show [2] - 15:18, 20:7
shut [2] - 24:21, 24:22
SILVER [3] - 1:1, 1:11, 1:12
simply [2] - 15:2, 17:16
sister's [1] - 17:10
sit [1] - 34:3
situation [2] - 12:7, 15:14
situations [1] - 19:1
sleeping [2] - 5:19, 5:21
slept [2] - 20:25, 34:16
slow [1] - 22:23
snark [1] - 26:23
sold [1] - 35:4
sole [1] - 5:17
solution [1] - 17:16
someone [4] - 15:5, 15:6, 19:1, 19:10
son [1] - 17:11
soon [2] - 23:11, 30:17
Sorry [2] - 4:1, 34:21
sorry [2] - 9:19, 9:21
sort [1] - 30:22
sorts [1] - 3:16
sounds [1] - 5:9
space [1] - 29:12
specifically [1] - 15:16
Specifically [1] - 20:12
spectrum [1] - 19:8
speech [2] - 18:23, 19:9
spiral [1] - 20:14
spirit [1] - 15:24
spring [1] - 23:20
stalker [1] - 35:20
stalking [2] - 3:22, 9:4
staring [2] - 4:2, 4:12
start [1] - 3:13
started [2] - 8:19, 17:4
STATE [1] - 1:2
State [3] - 17:8, 38:3, 38:7
State/Province [1] - 2:16
statement [9] - 14:10, 14:17, 18:18, 19:22, 22:15, 23:23, 33:8, 34:10, 36:20
statements [1] - 16:6
states [1] - 5:3

States [1] - 2:18
Status [1] - 2:8
statute [5] - 4:22, 9:6, 9:9, 9:23
statutes [2] - 9:11, 15:12
statutory [1] - 10:23
stayed [1] - 34:10
stick [2] - 24:18, 24:19
still [4] - 8:10, 13:13, 20:24, 35:8
stipulate [1] - 20:16
stipulated [1] - 15:15
stipulation [1] - 21:16
stood [1] - 15:2
stop [1] - 15:7
straight [1] - 4:2
stuff [4] - 16:23, 17:1, 25:5, 27:25
subjects [1] - 32:16
submit [1] - 33:5
submitted [1] - 14:14
subscribed [1] - 38:13
Suffix [1] - 2:5
summary [2] - 11:10, 24:12
SUMMIT [3] - 1:1, 1:2, 1:11
Sun [1] - 31:18
supposed [1] - 16:19
surface [1] - 14:25
surreptitiously [1] - 17:1
surveillance [1] - 34:23
SUSAN [1] - 1:4
Susan [1] - 34:11
Susan's [1] - 35:2
sworn [1] - 16:5
system [7] - 6:16, 6:20, 6:21, 7:9, 18:4, 34:23

T

tamper [1] - 6:12
tampered [1] - 15:4
tampering [5] - 6:16, 15:16, 15:19, 16:3, 19:18
tape [2] - 16:13, 30:23
temporary [17] - 3:20, 5:16, 12:2, 12:5, 12:24, 12:25, 13:2, 14:13, 18:7, 21:14, 25:23, 26:7, 26:11, 26:19, 31:1, 32:6, 32:10
term [1] - 14:15
terms [2] - 18:11, 21:5
testimony [2] - 14:6, 23:8
THAT [2] - 38:8, 38:10
THE [140] - 1:1, 3:3, 3:7, 3:10, 3:23, 4:3, 4:10, 4:13, 5:1, 5:19, 5:25, 6:3, 6:10, 6:22, 7:1, 7:7, 7:16, 7:18, 8:1, 8:12, 8:17, 8:22, 9:9, 9:22, 10:1, 10:9, 10:13, 11:2, 11:25, 12:9, 12:15, 12:19, 13:4, 13:6, 13:10, 14:1, 14:7, 14:11, 14:18, 16:13, 16:22, 17:18, 17:23, 18:6, 18:10, 18:15, 18:19, 19:24, 21:8, 21:11, 21:21, 22:2, 22:6, 22:14, 22:17, 22:22, 23:12, 23:14, 23:19, 23:22, 24:8, 24:15, 24:17, 24:21, 24:24, 25:4, 25:11, 25:17, 25:22, 26:3, 26:15, 26:22, 27:1, 27:5, 27:7, 27:8, 27:14, 27:18, 27:22, 27:24, 28:4, 28:8, 28:13, 28:21, 28:23, 28:25, 29:4, 29:7, 29:11, 29:12, 29:15, 29:18, 29:20, 30:1, 30:4, 30:8, 30:11, 30:14, 30:16, 30:21, 30:25, 31:6, 31:8, 31:11, 31:15, 31:17, 31:20, 31:24, 32:1, 32:2, 32:4, 32:12, 32:15, 32:20, 32:24, 33:1, 33:7, 33:11, 33:14, 33:20, 33:22, 33:25, 34:2, 34:7, 34:14, 34:17, 34:25, 35:8, 35:12, 35:15, 36:2, 36:7, 36:11, 36:19, 36:23, 37:1, 37:3, 37:8, 37:12, 37:15
theft [1] - 17:9
therapist [1] - 20:12
therapy [2] - 21:6, 23:14
therefore [1] - 16:10
third [1] - 11:5
THIRD [1] - 1:1
Third [1] - 34:21
thoughts [1] - 30:24
threat [3] - 8:1, 8:2, 8:3
threaten [3] - 7:23, 9:16, 10:25
threatening [1] - 7:24
three [1] - 28:10
throughout [3] - 11:11, 20:14, 20:18
throwing [2] - 3:16, 35:23
thrown [5] - 16:18, 18:2, 25:3, 35:25, 36:1
tied [1] - 8:7
tight [1] - 7:3
tilted [2] - 14:24, 19:15
Today [1] - 26:22
today [15] - 8:10, 9:1, 9:8, 15:13, 19:19, 20:3, 20:5, 21:23, 22:7, 22:12, 24:9, 33:18, 35:2, 35:18, 35:23
today's [1] - 9:2
together [1] - 30:22
took [3] - 6:13, 6:14, 20:13
tools [4] - 3:16, 35:24, 36:1
top [1] - 8:7
touch [1] - 6:19
TRANSCRIBED [1] - 1:22
Transcriber [2] - 1:23, 38:6
TRANSCRIBER'S [1] - 38:1
transcription [1] - 38:11
treat [1] - 16:10
trespass [2] - 10:10, 10:14
trial [2] - 16:19, 16:20
tried [3] - 12:4, 15:6, 33:17
triggered [1] - 9:7
TRO [4] - 3:8, 3:12, 29:24, 30:8
trouble [1] - 30:18
true [3] - 20:16, 35:4, 38:10
try [1] - 22:20
trying [4] - 7:5, 7:23, 11:14, 21:17
Twenty [1] - 26:22
Twenty-four [1] - 26:22
two [11] - 9:11, 10:20, 10:23, 17:2, 26:7, 27:17, 33:17, 36:23, 36:24, 37:1
Type [1] - 2:7
type [1] - 8:18

U

ultimately [1] - 26:3
unauthorized [2] - 5:5, 16:3
unaware [1] - 15:5
uncomfortable [1] - 19:10
under [8] - 8:15, 8:25, 9:2, 9:5, 10:5, 10:6, 12:8, 38:17
Union [1] - 2:13
United [1] - 2:18
University [1] - 2:11
unlawful [2] - 5:4, 9:24
unless [2] - 23:2, 26:16
unlikely [1] - 37:11
unreliable [1] - 23:25
up [11] - 8:7, 15:2, 17:2, 17:7, 17:10, 17:17, 21:18, 22:14, 27:10, 28:4, 29:8
uses [1] - 5:5
UT [1] - 2:16
UTAH [3] - 1:2, 1:13, 38:3
Utah [3] - 2:11, 38:7, 38:21
Utah's [1] - 15:11
utcourts.gov [1] - 27:9

V

Valley [1] - 31:19
Via [1] - 27:20
video [2] - 7:14, 26:5
videos [2] - 11:19, 25:8
view [1] - 26:6
views [2] - 8:10, 11:19
violated [1] - 11:13
violating [1] - 15:24
violation [7] - 5:4, 5:11, 9:3, 9:24, 12:25, 13:12, 25:25
violations [1] - 18:24
violence [5] - 8:14, 10:2, 10:6, 12:2, 12:7
violent [2] - 3:16, 35:22
vs [1] - 1:6

W

wait [3] - 7:2, 30:16, 37:4
Wait [1] - 27:15
walked [1] - 14:23
walking [2] - 8:5, 8:6
wants [2] - 19:1, 21:23
Washington [1] - 17:8
watch [2] - 4:1, 4:6
WAY [4] - 1:22, 38:6, 38:16, 38:20
ways [2] - 21:6, 22:25
Webex [2] - 27:20, 27:22
Wednesday [2] - 31:21, 31:25
week [6] - 5:24, 6:18, 7:10, 34:11, 34:13, 37:14
welcome [1] - 22:3
West [1] - 24:6
WHEREOF [1] - 38:13
whole [1] - 32:8
wife [1] - 36:9
willing [2] - 14:9, 20:15
WITNESS [1] - 38:13
woken [1] - 20:25
woman [1] - 8:4
wonder [1] - 36:12
wondered [1] - 30:4
wondering [1] - 6:13
words [1] - 21:4
works [2] - 28:7, 30:9
would've [2] - 12:10, 13:14
write [1] - 33:17
writing [1] - 38:9
written [1] - 33:15
wrongful [1] - 19:2
wrote [6] - 28:15, 33:21, 34:5, 34:19, 36:15

Y

year [1] - 17:2
years [9] - 16:17, 17:1, 17:2, 20:5, 23:9, 24:1, 25:1, 32:18, 35:4
yourself [2] - 8:8, 20:7
YouTube [2] - 11:17, 11:18

Z

ZACHARY [2] - 38:6, 38:16

zip [1] - 26:5
Zip/Postal [1] - 2:17

ADDENDUM ITEM 8

June 1, 2026 appellate consolidation order

Utah Court of Appeals, No. 20260698-CA (consolidating Nos. 20260700-CA, 20260702-CA, 20260704-CA, and 20260706-CA)

The Order of the Court is stated below:
Dated: June 01, 2026
04:46:20 PM

At the direction of:
/s/ JUDGE RYAN M HARRIS

by
/s/ Jennifer A. Gadbois
Clerk of Court

IN THE UTAH COURT OF APPEALS

OREM CITY,
Appellee,
v.
DAVID AMMON JAKEMAN,
Appellant.

ORDER

Case No. 20260698-CA

Case Nos. 20260700-CA, 20260702-CA, 20260704-CA, 20260706-CA

Trial Court Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162

This matter is before the court on its own motion.

It appears that judicial economy will result by consolidating the appeals for a single determination. IT IS HEREBY ORDERED that the above appeals are consolidated as Case No. 20260698-CA. All future filings shall be filed under **Case No. 20260698-CA**.

End of Order - Signature at Top of the First Page

ADDENDUM ITEM 9

Utah Rule of Civil Procedure 83

Official text, utcourts.gov (printed August 15, 2026)

Utah Courts
URCP Rule 83 (Rules of Civil Procedure)

Rule 83. Vexatious litigants.

Effective: 5/1/2024

Rule printed on August 15, 2026 at 7:55 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) Definitions.

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

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

(B) After a claim for relief or an issue of fact or law in the claim has been finally determined, the person two or more additional times re-litigates or attempts to re-litigate the claim, the issue of fact or law, or the validity of the determination against the same party in whose favor the claim or issue was determined.

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

(i) files unmeritorious pleadings or other papers,

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

(iii) conducts unnecessary discovery or discovery that is not proportional to what is at stake in the litigation, or

(iv) engages in tactics that are frivolous or solely for the purpose of

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

(D) The person purports to represent or to use the procedures of a court other than a court of the United States, a court created by the Constitution of the United States or by Congress under the authority of the Constitution of the United States, a tribal court recognized by the United States, a court created by a state or territory of the United States, or a court created by a foreign nation recognized by the United States.

(2) "Claim" and "claim for relief" mean a petition, complaint, counterclaim, cross claim or third-party complaint.

(b) Vexatious litigant orders. The court may, on its own motion or on the motion of any party, after notice and an opportunity to be heard, enter an order requiring a vexatious litigant to:

(1) furnish security to assure payment of the moving party's reasonable expenses, costs and, if authorized, attorney fees incurred in a pending action;

(2) obtain legal counsel before proceeding in a pending action;

(3) obtain legal counsel before filing any future claim for relief;

(4) abide by a prefiling order requiring the vexatious litigant to obtain the court's permission before filing any paper, pleading, or motion, in a pending action, except that the court may not require a vexatious litigant to obtain the court's permission before filing a notice of or petition for permission to appeal;

(5) abide by a prefiling order requiring the vexatious litigant to obtain the court's permission before filing any future claim for relief in any court; or

(6) take any other action reasonably necessary to curb the vexatious litigant's abusive conduct.

(c) Necessary findings and security.

(1) Before entering an order under subparagraph (b), the court must find by clear and convincing evidence that:

convincing evidence that:

(A) the party subject to the order is a vexatious litigant; and

(B) there is no reasonable probability that the vexatious litigant will prevail on the claim.

(2) A preliminary finding that there is no reasonable probability that the vexatious litigant will prevail is not a decision on the ultimate merits of the vexatious litigant's claim.

(3) The court shall identify the amount of the security and the time within which it is to be furnished. If the security is not furnished as ordered, the court shall dismiss the vexatious litigant's claim with prejudice.

(d) Prefiling orders in a pending action.

(1) If a vexatious litigant is subject to a prefiling order in a pending action requiring the court's permission to file any paper, pleading, or motion, the vexatious litigant shall submit any proposed paper, pleading, or motion, except for a notice of or petition for permission to appeal, to the judge assigned to the case and must:

(A) demonstrate that the paper, pleading, or motion is based on a good faith dispute of the facts;

(B) demonstrate that the paper, pleading, or motion is warranted under existing law or a good faith argument for the extension, modification, or reversal of existing law;

(C) include an oath, affirmation or declaration under criminal penalty that the proposed paper, pleading or motion is not filed for the purpose of harassment or delay and contains no redundant, immaterial, impertinent or scandalous matter;

(2) A prefiling order in a pending action shall be effective until a final determination of the action on appeal, unless otherwise ordered by the court.

(3) After a prefiling order has been effective in a pending action for one year, the

(3) After a prefiling order has been effective in a pending action for one year, the person subject to the prefiling order may move to have the order vacated. The motion shall be decided by the judge to whom the pending action is assigned. In granting the motion, the judge may impose any other vexatious litigant orders permitted in paragraph (b).

(4) All papers, pleadings, and motions filed by a vexatious litigant subject to a prefiling order under this paragraph (d) shall include a judicial order authorizing the filing and any required security. If the order or security is not included, the clerk or court shall reject the paper, pleading, or motion.

(e) Prefiling orders as to future claims.

(1) A vexatious litigant subject to a prefiling order restricting the filing of future claims shall submit an application seeking an order before filing. The presiding judge of the judicial district in which the claim is to be filed shall decide the application. The presiding judge may consult with the judge who entered the vexatious litigant order in deciding the application. In granting an application, the presiding judge may impose in the pending action any of the vexatious litigant orders permitted under paragraph (b).

(2) To obtain an order under paragraph (e)(1), the vexatious litigant's application must:

(A) demonstrate that the claim is based on a good faith dispute of the facts;

(B) demonstrate that the claim is warranted under existing law or a good faith argument for the extension, modification, or reversal of existing law;

(C) include an oath, affirmation, or declaration under criminal penalty that the proposed claim is not filed for the purpose of harassment or delay and contains no redundant, immaterial, impertinent or scandalous matter;

(D) include a copy of the proposed petition, complaint, counterclaim, cross-claim, or third party complaint; and

(E) include the court name and case number of all claims that the applicant has filed against each party within the preceding seven years and the disposition of each claim.

(3) A prefiling order limiting the filing of future claims is effective indefinitely unless the court orders a shorter period.

(4) After five years a person subject to a pre-filing order limiting the filing of future claims may file a motion to vacate the order. The motion shall be filed in the same judicial district from which the order entered and be decided by the presiding judge of that district.

(5) A claim filed by a vexatious litigant subject to a prefiling order under this paragraph (e) shall include an order authorizing the filing and any required security. If the order or security is not included, the clerk of court shall reject the filing.

(f) Notice of vexatious litigant orders.

(1) The clerks of court shall notify the Administrative Office of the Courts that a pre-filing order has been entered or vacated.

(2) The Administrative Office of the Courts shall disseminate to the clerks of court a list of vexatious litigants subject to a prefiling order.

(g) Statute of limitations or time for filing tolled. Any applicable statute of limitations or time in which the person is required to take any action is tolled until 7 days after notice of the decision on the motion or application for authorization to file.

(h) Contempt sanctions. Disobedience by a vexatious litigant of a pre-filing order may be punished as contempt of court.

(i) Other authority. This rule does not affect the authority of the court under other statutes and rules or the inherent authority of the court.

(j) Applicability of vexatious litigant order to other courts. After a court has issued a vexatious litigant order, any other court may rely upon that court's findings and order its own restrictions against the litigant as provided in paragraph (b).

ADDENDUM ITEM 10

Utah Rule of Civil Procedure 81(f)

Official text, utcourts.gov (printed August 15, 2026)

Utah Courts

URCP Rule 81 (Rules of Civil Procedure)

Rule 81. Applicability of rules in general.

Effective: 11/1/2024

Rule printed on August 15, 2026 at 7:56 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) Special statutory proceedings. These rules apply to all special statutory proceedings, except insofar as such rules are by their nature clearly inapplicable. Where a statute provides for procedure by reference to any part of the former Code of Civil Procedure, such procedure will be in accordance with these rules.

(b) Probate and guardianship. These rules do not apply to proceedings in uncontested probate and guardianship matters, but apply to all proceedings subsequent to the joinder of issue therein, including the enforcement of any judgment or order entered.

(c) Application to small claims. These rules do not apply to small claims proceedings except as expressly incorporated in the Small Claims Rules.

(d) Application to business and chancery court. These rules apply in the business and chancery court except where there is a rule of the same number in the Utah Rules of Business and Chancery Procedure, or where the Utah Rules of Business and Chancery Procedure exclude application of these rules by specific rule number.

(e) Administrative proceedings. On appeal from or review of a ruling or order of an administrative board or agency. These rules apply to the practice and procedure in appealing from or obtaining a review of any order, ruling or other action of an administrative board or agency, except insofar as the specific statutory procedure in connection with any such appeal or review is in conflict or inconsistent with these rules.

(f) Application in criminal proceedings. These rules also govern in any aspect of criminal proceedings where there is no other applicable statute or rule, provided, that any rule so applied does not conflict with any statutory or constitutional requirement.

ADDENDUM ITEM 11

Utah Rule of Criminal Procedure 33

Official text, utcourts.gov (printed August 15, 2026)

Utah Courts

URCRP Rule 33 (Rules of Criminal Procedure)

Rule 33. Regulation of conduct in the courtroom.

Effective: 11/1/2008

Rule printed on August 15, 2026 at 2:41 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) All pleadings, written motions and other papers must be free from burdensome, irrelevant, immaterial, scandalous, or uncivil matters. All attorneys must likewise govern their conduct. Pleadings, written motions and other papers and attorney conduct which are not in compliance may be disregarded or stricken, in whole or in part, and the court may impose sanctions against the offending person.

(b) The court may make appropriate orders regulating the conduct of officers, parties, spectators and witnesses prior to and during the conduct of any proceeding.

ADDENDUM ITEM 12

Utah Rule of Civil Procedure 7(l)(1)(E)

Official text, utcourts.gov (printed August 15, 2026)

Utah Courts

URCP Rule 7 (Rules of Civil Procedure)

Rule 7. Pleadings allowed; motions, memoranda, hearings, orders.

Effective: 11/1/2025

Rule printed on August 15, 2026 at 7:56 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) Pleadings. Only these pleadings are allowed:

(1) a complaint;

(2) an answer to a complaint;

(3) an answer to a counterclaim designated as a counterclaim;

(4) an answer to a crossclaim;

(5) a third-party complaint;

(6) an answer to a third-party complaint; and

(7) a reply to an answer if ordered by the court.

(b) Motions. A request for an order must be made by motion. The motion must be in writing unless made during a hearing or trial, must state the relief requested, and must state the grounds for the relief requested. Except for the following, a motion must be made in accordance with this rule.

(1) A motion, other than a motion described in paragraphs (b)(2), (b)(3) or (b)(4), made in proceedings before a court commissioner must follow Rule 101.

(2) A request under Rule 26 for extraordinary discovery must follow Rule 37(a).

(3) A request under Rule 37 for a protective order or for an order compelling disclosure or discovery—but not a motion for sanctions—must follow Rule 37(a).

(4) A request for an order related to a subpoena under Rule 45 must follow Rule 37(a).

(5) A motion for summary judgment must follow the procedures of this rule as supplemented by the requirements of Rule 56.

(c) Name and content of motion.

(1) The rules governing captions and other matters of form in pleadings apply to motions and other papers.

(2) **Caution language.** For all dispositive motions, the motion must include the following caution language at the top right corner of the first page, in bold type: **This motion requires you to respond. Please see the Notice to Responding Party.**

(3) **Bilingual notice.** All motions must include or attach the bilingual Notice to Responding Party approved by the Judicial Council.

(4) **Failure to include caution language and notice**. Failure to include the caution language in paragraph (c)(2) or the bilingual notice in paragraph (c)(3) may be grounds to continue the hearing on the motion, or may provide the non-moving party with a basis under Rule 60(b) for excusable neglect to set aside the order resulting from the motion. Parties may opt out of receiving the notices set forth in paragraphs (c)(2) and (c)(3) while represented by counsel.

(5) **Title of motion.** The moving party must title the motion substantially as: “Motion [short phrase describing the relief requested].”

(6) **Contents of motion.** The motion must include the supporting memorandum. The

(6) **Contents of motion.** The motion must include the supporting memorandum. The motion must include under appropriate headings and in the following order:

(A) a concise statement of the relief requested and the grounds for the relief requested; and

(B) one or more sections that include a concise statement of the relevant facts claimed by the moving party and argument citing authority for the relief requested.

(7) If the moving party cites documents, interrogatory answers, deposition testimony, or other discovery materials, relevant portions of those materials must be attached to or submitted with the motion.

(d) Name and content of memorandum opposing the motion.

(1) A nonmoving party may file a memorandum opposing the motion within 14 days after the motion is filed. The nonmoving party must title the memorandum substantially as: “Memorandum opposing motion [short phrase describing the relief requested].” The memorandum must include under appropriate headings and in the following order:

(A) a concise statement of the party’s preferred disposition of the motion and the grounds supporting that disposition;

(B) one or more sections that include a concise statement of the relevant facts claimed by the nonmoving party and argument citing authority for that disposition; and

(C) objections to evidence in the motion, citing authority for the objection.

(2) If the non-moving party cites documents, interrogatory answers, deposition testimony, or other discovery materials, relevant portions of those materials must be attached to or submitted with the memorandum.

(e) Name and content of reply memorandum.

(1) Within seven days after the memorandum opposing the motion is filed, the moving party may file a reply memorandum, which must be limited to rebuttal of new matters raised in the memorandum opposing the motion. The moving party must title the memorandum substantially as "Reply memorandum supporting motion [short phrase describing the relief requested]." The memorandum must include under appropriate headings and in the following order:

(A) a concise statement of the new matter raised in the memorandum opposing the motion;

(B) one or more sections that include a concise statement of the relevant facts claimed by the moving party not previously set forth that respond to the opposing party's statement of facts and argument citing authority rebutting the new matter;

(C) objections to evidence in the memorandum opposing the motion, citing authority for the objection; and

(D) response to objections made in the memorandum opposing the motion, citing authority for the response.

(2) If the moving party cites documents, interrogatory answers, deposition testimony, or other discovery materials, relevant portions of those materials must be attached to or submitted with the memorandum.

(f) Objection to evidence in the reply memorandum; response. If the reply memorandum includes an objection to evidence, the nonmoving party may file a response to the objection no later than seven days after the reply memorandum is filed. If the reply memorandum includes evidence not previously set forth, the nonmoving party may file an objection to the evidence no later than seven days after the reply memorandum is filed, and the moving party may file a response to the objection no later than seven days after the objection is filed.

(g) Request to submit for decision. When briefing is complete or the time for briefing

has expired, either party may file a “Request to Submit for Decision,” but, if no party files a request, the motion will not be submitted for decision. The request to submit for decision must state whether a hearing has been requested and the dates on which the following documents were filed:

(1) the motion;

(2) the memorandum opposing the motion, if any;

(3) the reply memorandum, if any; and

(4) the response to objections in the reply memorandum, if any.

(h) Hearings. The court may hold a hearing on any motion. A party may request a hearing in the motion, in a memorandum or in the request to submit for decision. A request for hearing must be separately identified in the caption of the document containing the request. The court must grant a request for a hearing on a motion under Rule 56 or a motion that would dispose of the action or any claim or defense in the action unless the court finds that the motion or opposition to the motion is frivolous or the issue has been authoritatively decided. A motion hearing may be held remotely, consistent with the safeguards in Rule 43(b).

(i) Notice of supplemental authority. A party may file notice of citation to significant authority that comes to the party’s attention after the party's motion or memorandum has been filed or after oral argument but before decision. The notice must state the citation to the authority, the page of the motion or memorandum or the point orally argued to which the authority applies, and the reason the authority is relevant. Any other party may promptly file a response, but the court may act on the motion without waiting for a response.

(j) Orders.

(1) Decision complete when signed; entered when recorded. However designated, the court's decision on a motion is complete when signed by the judge. The decision is entered when recorded in the docket.

(2) Preparing and serving a proposed order. Within 14 days of being directed by the court to prepare a proposed order confirming the court's decision, a party must serve the proposed order on the other parties for review and approval as to form. If the party directed to prepare a proposed order fails to timely serve the order, any other party may prepare a proposed order confirming the court's decision and serve the proposed order on the other parties for review and approval as to form.

(3) Effect of approval as to form. A party's approval as to form of a proposed order certifies that the proposed order accurately reflects the court's decision. Approval as to form does not waive objections to the substance of the order.

(4) Objecting to a proposed order. A party may object to the form of the proposed order by filing an objection within seven days after the order is served.

(5) Filing proposed order. The party preparing a proposed order must file it:

(A) after all other parties have approved the form of the order (The party preparing the proposed order must indicate the means by which approval was received: in person; by telephone; by signature; by email; etc.);

(B) after the time to object to the form of the order has expired (The party preparing the proposed order must also file a certificate of service of the proposed order.); or

(C) within seven days after a party has objected to the form of the order (The party preparing the proposed order may also file a response to the objection.).

(6) Proposed order before decision prohibited; exceptions. A party may not file a proposed order concurrently with a motion or a memorandum or a request to submit for decision, but a proposed order must be filed with:

(A) a stipulated motion;

(B) a motion that can be acted on without waiting for a response;

(C) an ex parte motion;

(D) a statement of discovery issues under Rule 37(a); and

(E) the request to submit for decision a motion in which a memorandum opposing the motion has not been filed.

(7) Orders entered without a response; ex parte orders. An order entered on a motion under paragraph (l) or (m) can be vacated or modified by the judge who made it with or without notice.

(8) Order to pay money. An order to pay money can be enforced in the same manner as if it were a judgment.

(k) Stipulated motions. A party seeking relief that has been agreed to by the other parties may file a stipulated motion which must:

(1) be titled substantially as: “Stipulated motion [short phrase describing the relief requested]”;

(2) include a concise statement of the relief requested and the grounds for the relief requested;

(3) include a signed stipulation in or attached to the motion and;

(4) be accompanied by a request to submit for decision and a proposed order that

(4) be accompanied by a request to submit for decision and a proposed order that has been approved by the other parties.

(l) Motions that may be acted on without waiting for a response.

(1) The court may act on the following motions without waiting for a response:

(A) motion to permit an over-length motion or memorandum;

(B) motion for an extension of time if filed before the expiration of time;

(C) motion to appear pro hac vice;

(D) motion for Rule 16 conference;

(E) motion to strike a document filed by a vexatious litigant in violation of Rule 83(d);

(F) motion to appear remotely; and

(G) other similar motions.

(2) A motion that can be acted on without waiting for a response must:

(A) be titled as a regular motion;

(B) include a concise statement of the relief requested and the grounds for the relief requested;

(C) cite the statute or rule authorizing the motion to be acted on without waiting for a response; and

(D) be accompanied by a request to submit for decision and a proposed order.

(m) Ex parte motions. If a statute or rule permits a motion to be filed without serving the motion on the other parties, the party seeking relief may file an ex parte motion which must:

(1) be titled substantially as: “Ex parte motion [short phrase describing the relief requested]”;

(2) include a concise statement of the relief requested and the grounds for the relief requested;

(3) cite the statute or rule authorizing the ex parte motion; and

(4) be accompanied by a request to submit for decision and a proposed order.

(n) Motion in opposing memorandum or reply memorandum prohibited. A party may not make a motion in a memorandum opposing a motion or in a reply memorandum. A party who objects to evidence in another party’s motion or memorandum may not move to strike that evidence. Instead, the party must include in the subsequent memorandum an objection to the evidence.

(o) Overlength motion or memorandum. The court may permit a party to file an overlength motion or memorandum upon a showing of good cause. An overlength motion or memorandum must include a table of contents and a table of authorities with page references.

(p) Limited statement of facts and authority. No statement of facts and legal authorities beyond the concise statement of the relief requested and the grounds for the relief requested required in paragraph (c) is required for the following motions:

(1) motion to allow an over-length motion or memorandum;

(2) motion to extend the time to perform an act, if the motion is filed before the time to perform the act has expired;

(3) motion to continue a hearing;

(4) motion to appoint a guardian ad litem;

(5) motion to substitute parties;

(6) motion to refer the action to or withdraw it from alternative dispute resolution

under Rule 4-510.05 of the Code of Judicial Administration;

(7) motion for a conference under Rule 16; and

(8) motion to approve a stipulation of the parties.

(q) Length of Filings.

(1) Unless one of the following filings complies with the page limits set forth below, it must comply with the corresponding word limits:

Type of Filing	Page Limit	Word Limit
Motion for Relief Authorized by Rule 12(b), 12(c), 56, or 65A	25	9,000
All Other Motions	15	5,400
Memorandum Opposing Motion Authorized by Rule 12(b), 12(c), 56, or 65A	25	9,000
Memorandum Opposing All Other Motions	15	5,400
Reply Memorandum Supporting Motion for Relief Authorized by Rule 12(b), 12(c), 56, or 65A	15	5,400
Reply Memorandum Supporting All Other Motions	10	3,600
Objection and Response under Rule 7(f)	3	1,100
Notice of Supplemental Authority and Response under Rule 7(i)	2	700
Statement of Discovery Issues and Objection under Rule 37(a)(2) and 37(a)(3)	12	4,500

(2) The word and page limits in this rule exclude the following: caption, table of contents, table of authorities, signature block, certificate of service, certification, exhibits, and attachments.

(3) Any filer relying on the word limits in this rule must include a certification that the document complies with the applicable word limit and must state the number of

words in the document.

ADDENDUM ITEM 13

Utah Rule of Civil Procedure 11(b)

Official text, utcourts.gov (printed August 28, 2026)

Rule 11. Signing of pleadings, motions, affidavits, and other papers; representations to court; sanctions.

Effective: 5/8/2018

Rule printed on August 28, 2026 at 3:07 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) Signature.

(a)(1) Every pleading, written motion, and other paper must be signed by at least one attorney of record, or, if the party is not represented, by the party.

(a)(2) A person may sign a paper using any form of signature recognized by law as binding. Unless required by statute, a paper need not be accompanied by affidavit or have a notarized, verified or acknowledged signature. If a rule requires an affidavit or a notarized, verified or acknowledged signature, the person may submit an unsworn declaration as described in Title 78B, Chapter 18a, Uniform Unsworn Declarations Act. If an affidavit or a paper with a notarized, verified or acknowledged signature is filed, the party must comply with Rule 5(f).

(a)(3) An unsigned paper will be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) Representations to court. By presenting a pleading, written motion, or other paper to the court (whether by signing, filing, submitting, or advocating), an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,

(b)(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(b)(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(b)(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(b)(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) Sanctions. If, after notice and a reasonable opportunity to respond, the court determines that paragraph (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated

paragraph (b) or are responsible for the violation.

(c)(1) How initiated.

(c)(1)(A) By motion. A motion for sanctions under this rule must be made separately from other motions or requests and must describe the specific conduct alleged to violate paragraph (b). It must be served as provided in Rule 5, but may not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney fees incurred in presenting or opposing the motion. In appropriate circumstances, a law firm may be held jointly responsible for violations committed by its partners, members, and employees.

(c)(1)(B) On court's initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate paragraph (b) and directing an attorney, law firm, or party to show cause why it has not violated paragraph (b) with respect thereto.

(c)(2) Nature of sanction; limitations. A sanction imposed for violation of this rule must be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in paragraphs (c)(2)(A) and (c)(2)(B), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation.

(c)(2)(A) Monetary sanctions may not be awarded against a represented party for a violation of paragraph (b)(2).

(c)(2)(B) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(c)(3) Order. When imposing sanctions, the court will describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed.

Advisory Committee Notes

The 1997 amendments conform state Rule 11 with federal Rule 11. One difference between the rules concerns holding a law firm jointly responsible for violations by a member of the firm. Federal Rule 11(c)(1)(A) states: "Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees." Under the federal rule, joint responsibility is presumed unless the judge determines not to

impose joint responsibility. State Rule 11(c)(1)(A) provides: "In appropriate circumstances, a law firm may be held jointly responsible for violations committed by its partners, members, and employees." Under the state rule, joint responsibility is not presumed, and the judge may impose joint responsibility in appropriate circumstances. What constitutes appropriate circumstances is left to the discretion of the judge, but might include: repeated violations, especially after earlier sanctions; firm-wide sanctionable practices; or a sanctionable practice approved by a supervising attorney and committed by a subordinate.

Effective May 8, 2018 pursuant to CJA Rule 11-105(5)

ADDENDUM ITEM 14

Utah Rule of Appellate Procedure 11(d)(1)

Official text, utcourts.gov (printed August 29, 2026)

Rule 11. The record on appeal.

Rule printed on August 29, 2026 at 6:31 pm. Go to https://www.utcourts.gov/rules *for current rules.*

Effective: 5/1/2026

(a) **Composition of the record on appeal**. The record on appeal consists of the documents and exhibits filed in or considered by the trial court, including the presentence report in criminal matters, and the transcript of proceedings, if any.

(b) **Preparing, paginating, and indexing the record**.

(1) **Preparing the record.** On the appellate court's request, the trial court clerk will prepare the record in the following order:

(A) all original documents in chronological order;

(B) all published depositions in chronological order;

(C) all transcripts prepared for appeal in chronological order;

(D) a list of all exhibits offered in the proceeding;

(E) all exhibits; and

(F) in criminal cases, the presentence investigation report.

(2) **Pagination.**

(A) Using Bates numbering, the entire record must be paginated.

(B) If the appellate court requests a supplemental record, the same procedures as in (b)(2)(A) apply, continuing Bates numbering from the last page number of the original record.

(3) **Index.** A chronological index of the record must accompany the record on appeal. The index must identify the date of filing and starting page of the document, deposition, or transcript.

(4) **Examining the record.** Appellate court clerks will establish rules and procedures for parties to check out the record after pagination.

(c) **The transcript of proceedings; duty of appellant to order; notice to appellee if partial transcript is ordered**.

(1) **Request for transcript; time for filing.** Within 21 days after filing the docketing statement, the appellant must order the transcript(s) online at www.utcourts.gov, specifying the entire proceeding or parts of the proceeding to be transcribed that are not already on file. The appellant must serve on the appellee a designation of those parts of the proceeding to be transcribed. If no such parts of the proceedings are to be requested, within the same period the appellant must file a certificate to that effect with the appellate court clerk and serve a copy on the appellee.

(2) **Transcript required of all evidence regarding challenged finding or conclusion.** If the appellant intends to argue on appeal that a finding or conclusion is unsupported by or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion. Neither the court nor the appellee is obligated to correct appellant's deficiencies in providing the relevant portions of the transcript.

(3) **Statement of issues; cross-designation by appellee.** If the appellant does not order the entire transcript, the appellee may, within 14 days after the appellant serves the designation or certificate described in paragraph (c)(1), order the transcript(s) in accordance with (c)(1), and serve on the appellant a designation of additional parts to be included.

(d) **Supplementing or modifying the record.**

(1) If any dispute arises as to whether the record is complete and accurate, the dispute may be submitted to and resolved by the trial court. The trial court will ensure that the record accurately reflects the proceedings before the trial court, including by entering any necessary findings to resolve the dispute.

(2) If anything material to either party is omitted from or misstated in the record by error of the trial court or court personnel, by accident, due to audio issues, or because the appellant did not order a transcript of proceedings that the appellee needs to respond to issues raised in the appellant's brief, the omission or misstatement may be corrected and a supplemental record may be created and forwarded:

(A) on stipulation of the parties;

(B) by the trial court before or after the record has been forwarded; or

(C) by the appellate court on a motion from a party. The motion must state the position of every other party on the requested supplement or modification or why the movant was unable to learn a party's position.

(3) The moving party, or the court if it is acting on its own initiative, must serve on the parties a statement of the proposed changes. Within 14 days after service, any party may serve objections to the proposed changes.

(e) **Accessing sealed records.** Any portion of the record properly designated as sealed in the trial court remains sealed on appeal. A party may file a motion or petition to access the sealed portion of the record in accordance with Rule 4-202.04 of the Utah Code of Judicial Administration.

CERTIFICATE OF MAILING

I, Appellant David Ammon Jakeman, hereby certify that I emailed a true and correct copy of the foregoing Opening Brief of Appellant, and all addenda, on August 30, 2026, to the following. (The hard copy requirement of UT. R. APP. P. 26(b) has been waived.)

Email: djsummers@orem.org, oremprosecutor@orem.gov, anleon@orem.gov
Mr. Jake Summers
Aliisa N. Leon
Orem City Prosecutor's Office
56 North State Street
Orem, Utah 84057

Dated: August 30, 2026

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, pro se