

STEVEN A. WUTHRICH (6055)
Assistant Attorney General
SEAN D. REYES (7969)
UTAH ATTORNEY GENERAL
5272 S College Drive Suite 200
Murray, Utah 84123
Telephone: (801) 281-1200
Email: swuthrich@agutah.gov

Attorneys for Plaintiff

3RD DISTRICT COURT SALT LAKE COUNTY, STATE OF UTAH	
STATE OF UTAH, Plaintiff, vs. JASON CHRISTOPHER HALL, Defendant.	OBJECTION TO THE PROPOSED ORDER TO COMPEL Case No. 221906445 Judge: PAUL B. PARKER

State of Utah, through Steven A. Wuthrich, Assistant Attorney General, hereby objects to the proposed Order Granting the Motion to Compel (ECF No. 279), which was filed contemporaneously with the Defendant's Motion to Compel. Reason for this objection is the proposed Order is both premature and not authorized by the rules.

Inasmuch as there is no specific rule in the Utah Criminal Rules of Procedure applicable to a Motion to Compel or the time for submission of Orders, the operative rule is U.R.C. P. Rule 7.¹ Rule 7 (a)(6) specifies in relevant part:

¹ U.R.C.P. Rule 81 (e) states: **Application in Criminal Proceedings.** These rules of procedure shall 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.

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.

The State did not stipulate to the motion, nor has the fourteen-day period of time elapsed in which the State is allowed to respond to the Defendant's Motion to Compel.

The proposed order was not reviewed nor approved as to form by the State, nor was it provided to the State's counsel prior to it being filed.²

The State objects and asks the proposed Order Granting Motion to Compel be stricken.

DATED: September 19, 2023

SEAN D. REYES
UTAH ATTORNEY GENERAL

/s/ Steven A. Wuthrich
STEVEN A. WUTHRICH
Assistant Attorney General

² See, U.R.C.P. Rule 7(a)(j)(2)

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served on the following via the court's e-filing system.

D. Loren Washburn - loren@washburnlawgroup.com

Trinity Jordan - tjordan@atllp.com

Jacob R. Lee - jrlee@atllp.com

Aaron Clark - aclark@Atllp.com

Attorneys for Defendant

DATED: September 19, 2023

/s/ Martina Hinojosa
MARTINA HINOJOSA
Paralegal