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**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

JEFFREY D. GASTON,

Plaintiff,

vs.

JASON HALL, an individual, NATALIE
HALL, an individual, GEORGE
SCHLIESSER, an individual, and
WOODCRAFT MILL & CABINET, INC., a
Utah corporation, and BLUFFDALE CITY, a
municipality of the State of Utah,

Defendants.

**PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTION TO STAY CASE**

Civil No. 230905528

Judge Chelsea Koch

(HEARING REQUESTED)

Plaintiff Jeffrey D. Gaston ("Gaston"), by and through his counsel of record, Scott L. Sackett II of and for YOUNG HOFFMAN, LLC, hereby responds to the Hall Parties' Motion to Stay Case Pending Resolution of Related Criminal Proceedings (the "Motion").

GROUND AND RELIEF REQUESTED

As grounds for this Memorandum in Opposition (the "Opposition"), Plaintiff asserts that of all the named defendants in this action, only one is the subject of criminal proceedings. Application of a stay in this matter is unwarranted as Plaintiff should not be prohibited from

pursuing claims brought, in large part, against defendants with no valid basis for requesting a stay. Further, imposition of a stay will subject Plaintiff to undue prejudice which outweighs any alleged harm the Hall Parties might suffer. Finally, application of the facts of this case to the six-factor test utilized by Courts in determining whether or not to grant a stay weigh in favor of its denial. Accordingly, Plaintiff respectfully requests that this Court deny the Motion in its entirety.

CONCISE STATEMENT OF RELEVANT FACTS

1. Plaintiff filed a complaint in this matter in July 2023. See *Docket* attached hereto as Exhibit “A”.
2. Plaintiff immediately amended the complaint due to an inadvertent error in the caption. *Id.*
3. Plaintiff again amended the complaint in November 2023 to include claims against a governmental entity. See *Second Amended Complaint* (the caption of which has been attached hereto as Exhibit “B”).
4. Plaintiff had to wait to file the *Second Amended Complaint* to allow the 60-day response period afforded under the Governmental Immunity Act to expire. See *Utah Code Ann.* §63G-7-403 et seq.
5. The Complaint asserts claims against five separate defendants. See *Ex. B.*
6. In the Complaint, Plaintiff has alleged the destruction and attempted destruction of evidence relevant to this case. See relevant excerpts of the *Second Amended Complaint*, a copy of which has been attached hereto as Exhibit “C”.
7. Plaintiff has alleged that one or all of the Hall Parties have destroyed or attempted to

destroy evidence responsive to this litigation. *Id.*

8. Plaintiff has alleged that employees of Bluffdale City have destroyed or attempted to destroy evidence responsive to this litigation. *Id.*

9. Plaintiff's claims are asserted against five defendants, only one of which, Defendant Jason Hall ("Defendant Hall"), is the current subject of criminal proceedings. See *Ex. B.*

10. Defendant Hall's criminal proceeding was initiated in June 2022. A copy of the docket in Defendant Hall's criminal proceeding has been attached hereto as Exhibit "D".

11. The proceedings in Defendant Hall's criminal case have been delayed or cancelled numerous times, including but not limited to the following delays:

- Cancellation of scheduling conference 8/2022;
- Motion to continue preliminary hearing 10/2022;
- Motion to continue preliminary hearing 12/2022;
- Motion to continue preliminary hearing 4/2023;
- Cancellation of pretrial conference 4/2023;
- Continuation of pretrial conference 5/2023;
- Cancellation of final pretrial conference 5/2023;
- Cancellation of final pretrial conference 12/2023;
- Cancellation of final pretrial conference 1/2024;
- Cancellation of pretrial conference 5/2024.

Id.

12. The jury trial scheduled in Defendant Hall's criminal proceeding has been continued on multiple occasions, including, for example:

- 12/2023 trial continued;
- 1/2024 trial continued;
- 5/2024 trial continued.

Id.

13. Trial in Defendant Hall's criminal proceeding is now scheduled for June 2024. *Id.*

ARGUMENT

The Hall Parties bear the burden of showing entitlement to the requested stay, and have no constitutional right to a stay of civil proceedings while parallel criminal proceedings are ongoing. A stay is solely a form of discretionary relief. "Determining whether to grant or deny a motion to stay in a civil matter 'until fear of criminal prosecution is gone' is a discretionary matter for the trial court." *Tibbs v. Vaughn*, No. 2:08CV787, 2012 WL 4480360 at *2 (D. Utah September 28, 2012). "When applying for a stay, a party must show 'a clear case of hardship or inequity' if 'even a fair possibility' exists that the stay would damage another party." *Creative Consumer Concepts, Inc. v. Kreiser*, 563 F.3d 1070, 1080 (10th Cir.2009). Here, Defendant Hall is unable to show a clear case of hardship or inequity sufficient to satisfy the legal threshold for granting the Motion nor is he able to show that the prejudice to Plaintiff is outweighed by any harm he might suffer.

I. THE SIX-FACTOR TEST UTILIZED BY COURTS TO DETERMINE WHETHER OR NOT A STAY IS APPROPRIATE WEIGH IN FAVOR OF DENIAL OF THE MOTION

In determining whether to grant or deny a motion to stay, several courts (including Utah courts) have employed a six-factor test in which they weigh: (1) The extent to which issues in the criminal case overlap with those presented in the civil case; (2) The status of the case, including whether the defendant has been indicted; (3) The private interests of the plaintiff in proceeding expeditiously versus the prejudice to plaintiff caused by the delay; (4) The private interests of, and burden on, the defendant; (5) The interests of the Court; and (6) The public's interest. See *In*

re CFS-Related Securities Fraud Litigation, 256 F. Supp.2d 1227 (N.D. Oklahoma 2003).

Plaintiff addresses each of these elements in turn.

A. Overlap of Criminal and Civil Proceedings

Plaintiff does not contest that the civil and criminal proceedings overlap as they arise from the same set of facts and allege similar harm to the Plaintiff. However, this in and of itself is not sufficient to grant a stay. See *Tibbs v. Vaughn*, 2012 WL 440360 and *In re CFS*, 256 F.Supp.2d 1227 (the courts in both of these cases found significant if not identical overlap of the issues in the civil and criminal proceeding yet still denied the request for a stay).

In addition, Plaintiff's claims include factual allegations against the other defendants in this case which stem from separate occurrences outside the scope of the criminal proceeding. While overlap does exist, significant factual events outside the scope of the criminal proceedings are present, and multiple courts have denied motions requesting a stay of civil proceedings despite this factor weighing heavily in favor of the moving party. See *Id.*

B. The Status of Defendant Hall's Criminal Proceeding Does Not Impact the Remaining Defendants in this Matter, and Denial of the Motion is Appropriate.

While Courts often consider whether an indictment in a criminal proceeding has been issued, that alone is not determinative of whether this factor weighs in favor of granting a stay. Defendant Hall's situation is similar to the defendant in *In Re CFS*, where, as in this case, the defendant was already indicted and trial in the criminal matter had been scheduled. See *In Re CFS*, 256 F.Supp.2d 1227. Despite the existing indictment and the already scheduled trial date, the court denied the request for a stay of the civil proceedings after weighing the other factors.

Id.

In fact, courts are split as to the propriety of imposing a stay after a criminal indictment has been filed. See *In Re CFS*, 256 F.Supp.2d at 1238. See also, “*Travelers Cas. & Sur., Inc.*, 2002 WL 844345, at *2 (declining to stay civil proceedings where defendants were under indictment); *Boesky*, 660 F.Supp. at 1496–1500 (declining to stay civil proceedings where defendant was facing sentencing); *Paine, Webber, Jackson & Curtis, Inc. v. Malon S. Andrus, Inc.*, 486 F.Supp. 1118, 1119 (S.D.N.Y.1980) (declining to **impose** a **stay** where defendant was under indictment); with *Travelers Cas. & Sur. Co.*, 2002 WL 844345, at *2 (S.D.N.Y. May 2, 2002) (granting stay where defendants were under indictment and where stay was requested by district attorney); *Transworld Mech., Inc.*, 886 F.Supp. at 1141 (granting stay following indictment of individual defendants); *Volmar Distribs., Inc.*, 152 F.R.D. at 39 (S.D.N.Y.1993).”

Id.

Generally, in the cases where a stay was imposed, the request for stay was made or joined by the prosecuting office (representing a strong public interest) or was unopposed by Plaintiff. *In Re CFS*, 256 F.Supp.2d at 1238. That is not the case here.

While Defendant Hall has been indicted and is scheduled for trial, this case is asserted against multiple other defendants (as in *In Re CFS*), who are not parties to the parallel criminal proceeding. See *In Re CFS*, 256 F.Supp.2d 1227. The status of a criminal proceeding against a sole defendant in a multi-defendant litigation should not prevent Plaintiff from promptly pursuing his claims asserted in his complaint. *Id.* Finally, no prosecuting agency has joined in the Motion, nor does Plaintiff stipulate to the relief requested in the Motion. Presented with similar

facts, the court in *In Re CFS* denied the motion to stay despite the existence of an indictment and a trial date. *Id.* Similarly, the Motion in this case should be denied.

C. Plaintiff has a Clear Interest in the Speedy Resolution of his Civil Claim and a Stay will Cause Significant Prejudice to his Position in this Litigation.

The third factor considered by the court addresses the private interests of the Plaintiff in moving forward with the civil proceedings and the prejudice suffered by Plaintiff in the event a stay is granted. *In Re CFS*, 256 F.Supp.2d at 1238-39. Through the mere act of opposing the Motion, Plaintiff evinces his interest in the prompt resolution of the proceedings. See *DTC Entergy Group, Inc. v. Hirschfeld*, No. 17-cv-01718-PAB-KLM, 2019 WL 9512846 *2 (D. Colorado August 19, 2019). While the Motion alleges a number of purported Plaintiff-driven delays in this matter, Plaintiff has moved forward in the most economical and judicially efficient manner considering the nature of the claims and defendants in this case. See *Concise Statement of Relevant Facts* at ¶¶1-4.

In addition, permitting a stay of this proceeding negates the potential benefit to Plaintiff of the negative inferences obtained should Defendant choose to invoke his Fifth Amendment privilege. See *In Re CFS* 256 F.Supp.2d at 1239. Granting a stay would deprive Plaintiff of his ability to depose the most central figure of this case at the outset of discovery and preclude Plaintiff's right to the negative inferences. See *Id.* Should this Court grant the Motion, and deposition or other discovery against Defendant Hall be delayed, even in the event of a partial stay of this matter, the negative inferences obtained, if any, would be of less impact. *Id.* Plaintiff additionally suffers prejudice through the potential additional destruction of evidence,

which has been pled as a valid concern in this matter. *Concise Statement of Relevant Facts* at ¶¶6-8.

Further, Plaintiff suffers significant prejudice through imposition of a stay with no certain date for resolution of the criminal proceedings. Defendant Hall's criminal case has been delayed regularly through cancellation and continuation of pretrial conferences, scheduling conferences and most recently, the delay, yet again, of trial. *Id* at ¶¶10-13. Trial was originally scheduled for Dember 2023. *Id*. The original trial date was continued and rescheduled for January 2024. *Id*. It was then continued and rescheduled for May 2024. *Id*. It has been continued yet again and rescheduled for June 2024. *Id*. This trial date is four months removed from the date of this Opposition, and there is no guarantee that the trial will not again be delayed for any number of reasons. Requiring Plaintiff to sit by as additional evidence is lost or destroyed enables Defendant Hall to take further advantage of the passage of time, promotes further delay of the criminal proceeding, and prejudices Plaintiff as the memories of witnesses fade and the destruction of additional evidence is possible. As a result, the significant prejudice imposed upon Plaintiff by a stay of this matter dictates denial of the Motion.

D. Any Burden on Defendant Hall Resulting from a Stay is Minimal and may be Alleviated through other Discovery Mechanisms.

The Motion's primary basis for requesting a stay relies on Defendant Hall's possible need to either invoke his Fifth Amendment right or harm his position in the criminal proceeding by testifying in this civil matter. Although "the Fifth Amendment protects a party from self-incrimination; it does not protect someone from having to invoke the right to avoid self-

incrimination in the first place.” *Securities and Exchange Commission v. Kimmel*, No. 19-mc-00113-CMA, 2020 WL 28000813 at *3 (D. Colorado, May 29, 2020). “A defendant has no absolute right not to be forced to choose between testifying in a civil matter and asserting his Fifth Amendment privilege.” *Hirshfeld*, 2019 WL 9512846 *3 (quoting *Creative Consumer Concepts*, 563 F.3d 1070 at 1080). “[W]e believe that the law does not require postponement of civil discovery until fear of prosecution is gone.” *Mid-America’s Process Service v. Ellison*, 767 F.2d 684 (10th Cir.1985). Defendant Hall’s possible need to invoke his Fifth Amendment privilege is not a bar to contemporaneous criminal and civil proceedings.

While this Court must consider the extent “to which [Defendant Hall’s] Fifth Amendment rights are implicated”, that consideration is “only one consideration to be weighed against others. Hence, [a] movant must carry a heavy burden to succeed in such an endeavor.” *Creative Consumer Concepts, Inc.*, 563 F.3d 1070 at 1080; See *Wirth v. Taylor*, No. 2:09-cv-127 TS, 2011 WL 222323 at *1 (D.Utah Jan. 21, 2011). It is entirely possible that Defendant Hall may be forced to choose between testifying in the civil proceeding or invoking his Fifth Amendment privilege. Yet, as referenced above, this alone does not mandate a delay of the civil proceedings. There is no allegation in the Motion that the remaining defendants intend to or will assert any Fifth Amendment privilege, and they are not harmed by the advancement of this litigation.

Another potential concern raised by criminal defendants requesting a stay is the use of civil discovery in the criminal proceedings. In *Tibbs*, the court declined to grant the motion for stay despite the overlapping nature of the criminal and civil proceedings because, in part, the government was not a plaintiff in the civil action, which weighed against a stay “because there is

no risk that the government will use the broad scope of civil discovery to obtain information for its use in the criminal prosecution.” No. 2:08CV787, 2012 WL 4480360 at *2 (D. Utah September 28, 2012); See *United States ex rel. Shank v. Lewis Enters., Inc.*, No. 04-cv-4105-JPG, 2006 WL 1064072 at *4 (S.D.Ill.2006). The same is true here. The State is not a party to this action and there is no risk that it will use the broad scope of civil discovery to further its interests in the criminal case against Defendant Hall.

Finally, the law requires that Defendant Hall “be required to make a specific showing of the harm [he] will suffer without a stay and why other methods of protecting [his] interests are insufficient.” *Hirschfeld*, 2019 WL 9512846 at *3 While the Motion references purported harm that Defendant Hall might suffer, it has failed to consider or even provide any alternate methods of protecting his interests, nor does the Motion identify why the other methods are insufficient to prevent any alleged harm. Absent such a showing, the request for a stay is inappropriate.

E. Interests of this Court in Denying the Motion to Stay

A court generally has an interest in promoting the resolution of the litigation before it. “The Court has a strong interest in keeping litigation moving to conclusion without necessary delay.” *In Re CFS*, 256 F.Supp.2d at 1241. “A policy of freely granting stays solely because a litigant is defending simultaneous multiple suits interferes with judicial administration.” *Id.* at 1242. “The interest of the [Plaintiff] in the expeditious resolution of the lawsuit, and the interest of the Court in efficiently proceeding with the civil case, outweigh any detriment to [the defendant].” *Id.* (citing *Digital Equip. Corp.*, 142 F.R.D. at 14, wherein the court noted the lack of persuasion by defendant’s argument that resolution of the criminal proceedings might

streamline issues for the civil litigation).

The Motion seeks to prevent the prompt resolution of this matter. This case involves multiple defendants and multiple factual allegations unrelated to the criminal proceeding. Resolution of the criminal proceeding will neither narrow the issues in this litigation nor streamline any discovery as many of the parties and allegations in this matter are separate and distinct from those in Defendant Hall's criminal case. It is in the Court's interest to efficiently proceed with the expeditious resolution of the civil matter before it, and the Motion should be denied.

F. Public Interest in Denying the Motion to Stay

The final consideration in the six-factor test utilized by the courts to determine whether a stay is appropriate is the public interest in granting or denying the stay. The public interest favors moving a case toward conclusion and obtaining a "prompt resolution of both civil litigation and the prosecution of criminal cases." *Tibbs*, 2012 WL 4480360 at *2; See *In Re CFS*, 256 F.Supp.2d at 1242. In similar federal actions, the level of the public's interest in granting a stay "is measured by the interest the United States Attorney has in the request for a stay." *Tibbs*, 2012 WL 4480360 at *2. An analogous interpretation of such a holding applied to this case would be the interest that the State of Utah and its prosecutors have in the request for a stay. In similar fashion to *Tibbs*, the prosecuting authority has not joined Defendant Hall's request for a stay, and this factor should weigh significantly in Plaintiff's favor in recognition of the public interest in promoting the prompt resolution of civil cases.

II. NONE OF THE REMAINING DEFENDANTS HAVE ALLEGED ANY PREJUDICE THAT WOULD BE SUFFERED ABSENT ENTRY OF AN ORDER STAYING THIS MATTER

Entirely absent from the Motion is any allegation that the defendants, other than Defendant Hall, will suffer any prejudice should this matter proceed. As a result, and in the alternative, should a stay issue, the stay should be extremely limited in scope. Plaintiff should not be prejudiced as against the remaining defendants as no allegation has been made that the other defendants are harmed by allowing Plaintiff to move forward with this case.

III. OTHER MECHANISMS ARE AVAILABLE TO DEFENDANT HALL IN LIEU OF A STAY

Finally, and also in the alternative, should this Court ultimately decide that absent protection Defendant Hall would be unduly prejudiced, he has other options available to him to obtain the requested relief. “A general stay is just one of several procedures available. Other options may be utilized in lieu of imposing a stay.” *In re CFS*, 256 F.Supp.2d at 1236. Some of these options include protective orders or sealed interrogatories and depositions.

Defendant Hall can avail himself of numerous other remedies available to him, including a request for a protective order, to alleviate any alleged or perceived prejudice or detriment he might suffer.

SUMMARY

The Hall Parties are subject to a “heavy burden” in establishing the right to a stay as requested in the Motion. Defendant Hall fails to meet this burden as he primarily relies on the allegation that he will be forced to invoke his Fifth Amendment privilege or risk harming his

position in the criminal proceedings by testifying in this civil matter. Such a dilemma is not novel, and the courts have consistently found that while this is a factor to consider, it does not bar the continuation of the civil proceedings. The denial of a stay is even more appropriate where there is no risk that the State will benefit from civil discovery, there is no request by the State or stipulation by the Plaintiff to the Motion, and Plaintiff will suffer severe prejudice should a stay issue. A stay of this matter essentially bars Plaintiff from taking any action to protect himself against any additional loss of evidence (an occurrence already alleged in his complaint), promotes delay of the criminal proceedings, results in fading memories, and prevents Plaintiff a swift and efficient resolution of his claims.

Based on the foregoing, and considering the prejudice occasioned on Plaintiff by a stay of these proceedings, the multiple other defendants named in this action that are not subject to criminal proceedings, and the minimal prejudice, if any, suffered by Defendant Hall, the factors referenced above weigh in favor of a denial of the Motion to Stay. Accordingly, Plaintiff respectfully requests that this Court deny the Motion in its entirety.

Dated this 14th day of March, 2024.

YOUNG HOFFMAN, LLC

By /s/ Scott L Sackett II
Scott L. Sackett II
Attorneys for Plaintiff Jeffrey D. Gaston

CERTIFICATE OF SERVICE

I certify that on this 14th day of March, 2024, I caused a true copy of the foregoing
Plaintiff's Memorandum in Opposition to Defendants' Motion to Stay Case to be served via
the court's electronic filing system upon the following:

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EXHIBIT 1

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AGAINST YOU AS REQUESTED**

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

JEFFREY D. GASTON

Plaintiff,

vs.

JASON HALL, an individual, NATALIE
HALL, an individual, GEORGE
SCHLIESSER, an individual,
WOODCRAFT MILL & CABINET, INC.,
a Utah corporation, and BLUFFDALE
CITY, a municipality of the State of Utah,
Defendants.

SECOND AMENDED COMPLAINT

Case No. 230905528

Judge: Chelsea Koch

Tier: 3

Plaintiff Jeffrey D. Gaston (“Gaston”), by and through his counsel of record, Scott L. Sackett II of and for Young Hoffman, LLC, complains against defendants Jason Hall, Natalie Hall, George Schliesser, Woodcraft Mill & Cabinet, Inc., and Bluffdale City (collectively “Defendants”) and for causes of action allege as follows:

THE PARTIES

1. Jeffrey D. Gaston (“Gaston”) is an individual residing in Salt Lake County, State of Utah.
2. Jason Hall (“Mr. Hall”) is an individual residing in Salt Lake County, State of

Utah.

3. Natalie Hall (“Mrs. Hall”) is an individual residing in Salt Lake County, State of Utah.

4. Defendant Woodcraft Mill & Cabinet, Inc. (“Woodcraft”) is a Utah corporation with its principal place of business in Salt Lake County, State of Utah.

5. Defendant George Schliesser (“Schliesser”) is a resident of the State of Utah.

6. Defendant Bluffdale City (“Bluffdale”) is a municipality of the State of Utah.

JURISDICTION AND VENUE

7. This Court has jurisdiction over, and venue is proper in, this matter pursuant to Utah Code Ann. §§78A-5-102(1) and 78B-3-307.

8. This is a Tier 3 case pursuant to Rule 26 of the Utah Rules of Civil Procedure as Plaintiff’s claims for damages exceed \$300,000.

FACTS

9. Gaston was elected to public office in Bluffdale City (“Bluffdale”) as a member of its City Council and took office in January 2020.

10. At all times relevant hereto, Gaston has occupied the office of City Council Member.

11. In the fall or winter of 2020, Gaston decided to run for Mayor of Bluffdale.

12. In preparation for the Bluffdale mayoral election which would occur in November 2021, Gaston began fundraising efforts, among other things.

13. While still pursuing his plan to run for mayor, on March 5, 2021, Gaston received

an e-mail from the address “cpacbluffdale@gmail.com”.

14. Gaston believed the e-mail was sent by a group of individuals forming a political organization in Bluffdale.

15. The e-mail contained harassing and demeaning commentary toward Gaston such as the following:

- a. “You act like a schoolyard bully, not a statesman”;
- b. “You would be exposed as a fool”; and
- c. “you will be exposed as a freshman using childish tactics”.

16. The e-mail also contained threatening language stating “[i]n the meantime, you should know that the wheels are in motion to render you irrelevant”.

17. At the time the March 5, 2021, e-mail was received, Gaston was unaware of the identity of its author.

18. This e-mail was meant to harass, intimidate, and threaten Gaston, or otherwise cause him severe emotional distress.

19. On March 8, 2021, an e-mail from “Bluffdale Citizens for Civility” was sent to the Bluffdale mayor, Bluffdale’s city manager and its city attorney, and members of its city council.

20. The e-mail contained various complaints related to Gaston, calling him a “man-child with massive insecurity issues” and “Bluffdale’s own little Donald Trump”.

21. The e-mail contained threatening comments stating that “Gaston needs to be reeled in,” and that Bluffdale needed to “stand up and be finished with this fool once and for all”.

22. The e-mail continued “if he doesn’t get the hint, there is a group of us that are ready to move to the next phase.”

23. These statements indicated that the author/s were prepared to take additional proactive steps to further their unlawful objectives.

24. The author/s further acknowledge the threatening nature of the e-mail stating that if Gaston does what they demand, then “we can return to civil discourse.”

25. This e-mail was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

26. The e-mail was not addressed to Gaston but was provided to him by Bluffdale’s city attorney.

27. Gaston believed that Bluffdale Citizens for Civility was a group of individuals forming a political organization within Bluffdale.

28. At the time the March 8, 2021, e-mail was received and shared with Gaston, Gaston was unaware of the identity of its author.

29. On March 9, 2021, Gaston received a package at his home from an unidentified sender.

30. The package contained an anger management workbook for children.

31. The package also called Gaston an “imbecile” and ordered that he move from Bluffdale.

32. The package also contained death threats, demanding that Gaston kill himself or he would end up being killed.

33. The package contained statements informing Gaston that “this is your final warning. We are moving to the next phase. Do what we ask, or we will do what must be done.”

34. The package and the threats contained therein caused Gaston significant fear for his safety and the safety of his family.

35. Gaston reasonably believed that someone was making active efforts to force him to forego his run for Mayor or he would be killed.

36. The package was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

37. On March 9, 2021, a separate package from an unidentified sender was delivered to Bluffdale with “gag gifts” addressed to other council members of Bluffdale.

38. Gaston was also a named recipient of the “gag gifts.”

39. Each of the “gag gifts” received by the other Bluffdale council members was directed at Gaston.

40. This package was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

41. The March 9, 2021, package was given to law enforcement.

42. Law enforcement permitted Bluffdale council members to examine the package.

43. On March 24, 2021, while at a city council meeting, Gaston was handed a letter that had been received by the Bluffdale city clerk, addressed to Gaston.

44. The letter again contained death threats against Gaston, stating “You will no longer have the will to live in Bluffdale. It’s time we put you down like the dog you are, not a

statesman.”

45. The letter caused Gaston significant fear for his safety and the safety of his family.

46. The letter further promoted Gaston’s reasonable belief that someone was intending to cause Gaston significant bodily harm or death.

47. At the time Gaston received the March 24, 2021, letter, he was unaware of the identity of its author.

48. This letter was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

49. As a result of these threatening communications, and out of fear for the safety of his family, Gaston began having his domestic partner stay with her family when he would be absent from the home.

50. On approximately April 20, 2021, Gaston continued with his efforts to run for mayor, signing up for a time slot wherein potential candidates are interviewed.

51. Mrs. Hall signed up for the time slot immediately following Gaston.

52. On approximately April 30, 2021, Gaston attended his aforementioned interview as part of the process of running for Bluffdale mayor.

53. Mrs. Hall was in attendance at the interview location for the purpose of running for mayor, and saw Gaston leave his interview.

54. On June 14, 2021, Gaston received another e-mail communication from “cpacbluffdale@gmail.com”.

55. The e-mail specifically indicated that the author had heard that Gaston “interviewed to get money for a potential run for mayor.”
56. The e-mail also referenced the “gag gifts” that had been sent to Bluffdale city council, calling the sending of the gag gifts “Brilliant.”
57. The e-mail contained additional threatening communication, stating that Gaston would “be putting your house up for sale out of humiliation by the time we’re done.”
58. At the time the June 14, 2021, e-mail was received, Gaston did not know the identity of its author.
59. This e-mail was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.
60. Based on the threats to his life and the continued hostile and threatening communications received, Gaston discontinued his campaign for mayor.
61. Gaston then began supporting Mrs. Hall’s opponent, John Roberts.
62. On July 20, 2021, Gaston received another e-mail communication from “cpacbluffdale@gmail.com”.
63. The July 20, 2021, e-mail contained additional harassing and demeaning communications toward Gaston.
64. The July 20, 2021, e-mail referenced Gaston’s support for Mrs. Hall’s sole opponent for mayor and in relation to that support stated “Jesus Fucking Christ, you’re an imbecile.”
65. At the time the July 20, 2021, e-mail was received, Gaston had no knowledge of

the identity of the author of the e-mail.

66. This e-mail was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

67. In August 2021, Gaston attended the Bluffdale Old West Days celebration (“OWD”).

68. Gaston had rented a booth at OWD to promote Mr. Roberts’ mayoral campaign.

69. Gaston had signs supporting Mr. Roberts’ campaign at his OWD booth.

70. Gaston’s booth was proximate to the booth of Mrs. Hall.

71. Gaston was unaware that his booth would be adjacent to the booth of Mrs. Hall until he arrived at the OWD event.

72. Gaston began unloading his vehicle and placing the signs up around his booth at OWD.

73. Once he began to place signs up on his booth, Gaston was approached by Mr. Hall.

74. Mr. Hall began to act erratic, cursing at Gaston, calling him “fucking pathetic.”

75. Mr. Hall followed Gaston across the lawn of the OWD event as Gaston attempted to retreat from Mr. Hall.

76. As Mr. Hall followed Gaston, Mr. Hall picked up the signs placed by Gaston’s booth.

77. Gaston retreated to a point significantly removed from his booth and Mrs. Hall’s booth.

78. Despite Gaston's retreat, and without provocation, Mr. Hall attacked Gaston.
79. Mr. Hall threw Mr. Roberts' campaign signs at Gaston.
80. The signs thrown by Mr. Hall struck Gaston in the hands, arms, and face, leaving visible injury to Gaston.
81. Gaston immediately reported the incident to OWD staff, Bluffdale management, and law enforcement.
82. After the attack, Mr. Hall admitted to the attack and attempted to apologize for his actions.
83. Mr. Hall also indicated that the attack was the result of Gaston's communication to Bluffdale's city attorney regarding complaints received from citizens and city employees about Mrs. Hall.
84. Upon information and belief, Mrs. Hall was aware of Mr. Hall's intent to confront Gaston and was complicit with Mr. Hall's actions at OWD.
85. On November 2, 2021, Gaston received a package at his home containing a jester's hat and another demeaning letter.
86. The return address on the November 2, 2021, package was for an axe-throwing society.
87. Upon information and belief, this return address was placed on the package to intimidate Gaston and cause him to fear for his personal safety.
88. This package was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

89. On November 10, 2021, Mrs. Hall and Bluffdale management were attempting to change city ordinances that prevented Mrs. Hall, as a Bluffdale employee, from working while she ran for Bluffdale political office.

90. Gaston voted to uphold the ordinance as it was written, not allowing Mrs. Hall to work for Bluffdale while she ran for mayor.

91. Shortly thereafter, on November 23, 2021, Gaston received a package at his home containing a letter with additional death threats, stating “Unfortunately [Gaston], you have shown you will not change until something is done. It’s time you leave Bluffdale or resign. If you don’t you will end up dead.”

92. Gaston took the threats at face value.

93. This package was meant to harass, intimidate, and threaten Gaston, and otherwise cause him to suffer severe emotional distress.

94. As a result of the continuous threats to Gaston, he experienced constant fear that he would be harmed or killed, and that the same might occur to his family.

95. Gaston and his domestic partner, Jazmine Beeny, were constantly afraid to return to their home for fear that the threats would be carried out.

96. The severity of Gaston’s fear and emotional distress was based upon the content of the communications and packages, as well as the fact that the threats were not only delivered to Bluffdale City Hall, but also to Gaston’s personal residence.

97. As a result of the communications and packages sent to Gaston and to Bluffdale employees and/or council members, Gaston suffered extreme humiliation and estrangement from

other council members and employees of Bluffdale.

98. Upon information and belief, each of the communications and packages described herein were packaged, created, or written by Defendants Mr. Hall, Mrs. Hall, Schliesser, and Woodcraft (the “Hall Defendants”).

99. Upon information and belief, Mr. Hall is an owner or manager of Woodcraft.

100. At all times relevant hereto, Woodcraft was aware of the contents of the packages and communications referenced herein.

101. Schliesser was an employee of Woodcraft.

102. Schliesser’s sole relationship with Mr. Hall and Mrs. Hall was by virtue of his employment at Woodcraft.

103. As part of his employment with Woodcraft, Schliesser was charged with running errands, mailing packages, and delivering information on behalf of Woodcraft.

104. While employed by Woodcraft, and during his normal work hours, Schliesser was instructed by Woodcraft to deliver one or more of the packages and communications referenced herein.

105. One or more of those packages were delivered to the post office by Schliesser.

106. One or more of the packages were hand delivered by Schliesser to Bluffdale City Hall.

107. Schliesser made each of the deliveries at the direction of the other Hall Defendants.

108. At all times relevant hereto, Schliesser was aware of the content of the packages

and communications directed at and delivered to Gaston.

109. Schliesser hid his identity while making the deliveries by, among other things, wearing oversized clothing, wearing a mask, obscuring his license plate, and paying for postage with cash.

110. Schliesser hid his identity at the instruction of the other Hall Defendants.

111. At all times relevant hereto, Schliesser was paid by Woodcraft for the delivery of the packages and/or communications to Gaston.

112. In addition, one or more employees of Woodcraft engaged in the creation of, at least in part, the above-referenced communications and packages which were delivered to, or directed toward, Gaston.

113. Woodcraft's computers and software were used in the creation of threatening communications to Gaston.

114. In approximately November 2021, law enforcement, through its investigation into the unlawful communications received by Gaston, connected Schliesser, Mr. Hall, and Mrs. Hall to the improper and unlawful communications and packages that were sent or directed to Gaston.

115. Upon learning that law enforcement had connected them to the unlawful threats and communications to Gaston, the Hall Defendants destroyed a Woodcraft computer used in the creation of those unlawful threats and communications.

116. The Hall Defendants were aware of the investigation into the criminal actions committed against Gaston.

117. The Hall Defendants were aware that the above referenced computer had

information relevant to the investigation into the criminal conduct committed against Gaston.

118. The destruction of Woodcraft's computer was done to hide the Hall Defendants' unlawful conduct.

119. It was not until approximately November 2021, that Gaston learned that the Hall Defendants were behind the unlawful communications and packages.

120. Upon information and belief, at the very least, the March 5, 2021, and March 8, 2021, e-mails described herein were sent from Woodcraft's server.

121. In approximately July 2022, Mr. Hall was charged with various crimes related to unlawful conduct toward Gaston.

122. The charges were widely reported in various media outlets.

123. The Hall Defendants' actions caused such severe emotional distress to Gaston that he requested a police escort to future Bluffdale meetings.

124. This was especially true once Gaston became aware that the Hall Defendants were the source of the threats as his position as an elected city council member required him to regularly be in contact with some of the Hall Defendants, including Mrs. Hall who had since been elected mayor of Bluffdale.

125. In early July 2022, Mrs. Hall publicly accused Gaston of threatening her, attacking her, wrongly accusing her, and bullying her, creating a hostile workplace.

126. Mrs. Hall made these accusations with her official Bluffdale Mayor account on social media.

127. Mrs. Hall further falsely stated that Mr. Hall had never sent any threatening

letters.

128. Mrs. Hall further falsely stated that Mr. Hall was never involved with threats of violence.

129. Mrs. Hall knew that her statements were false.

130. Mrs. Hall made her statements to cast Gaston in a false light.

131. On July 27, 2022, a Bluffdale city council meeting was held (the “Meeting”).

132. As part of his duties, Gaston was present at the Meeting.

133. Mrs. Hall, as mayor, was also present at the Meeting.

134. At the Meeting multiple city residents demanded the resignation of Mrs. Hall based upon the unlawful conduct committed against Gaston during Mrs. Hall’s mayoral campaign.

135. Mrs. Hall refused to answer questions posed to her during the Meeting, and specifically indicated that the Meeting was not a place for her to provide commentary.

136. Despite her representations, once the comment period had closed and Bluffdale residents were no longer permitted to provide commentary, Mrs. Hall falsely denounced the allegations against Mr. Hall.

137. Mrs. Hall proceeded to state that the allegations against Mr. Hall were fabricated and were untrue.

138. Mrs. Hall proceeded to indicate that Mr. Hall never attacked Gaston.

139. These allegations cast a false light on Gaston, the witness and victim of the Hall Defendants’ criminal conduct.

140. In fulfillment of his duties as a Council member, Gaston was present at the Meeting.

141. The Meeting was broadcast to the Bluffdale residents in attendance and online.

142. The Meeting was also the subject of significant media coverage by various news outlets.

143. At all times relevant hereto, Gaston intended to pursue a career in politics.

144. The portrayal of Gaston in a false light by Mrs. Hall has significantly impeded Gaston's ability to continue that pursuit.

145. In each of the instances of threatening communications received, Gaston informed law enforcement.

146. At all times relevant hereto, law enforcement services were provided to Bluffdale by the Saratoga Springs police department.

147. At all times relevant hereto, Bluffdale was aware of the threatening communications and packages sent to or directed at Gaston.

148. Despite Bluffdale's knowledge of the severity of the threatening communications received by Gaston, Bluffdale, through its city manager Mark Reid ("Reid"), instructed law enforcement to not speak to Gaston.

149. Reid, in his capacity as city manager, further instructed its local law enforcement that Gaston was "too close to them", and that Gaston was "manipulating them".

150. Bluffdale's instructions to local law enforcement cast Gaston in a false light.

151. Bluffdale's actions caused Gaston to suffer severe emotional distress.

152. Upon receipt of the death threats and other communications, Gaston requested that a police officer be made available to accompany him to public meetings.

153. At all times relevant hereto, Officer Nick Stidham was the highest-ranking law enforcement officer on duty in Bluffdale.

154. Officer Stidham was one of the investigating officers that discovered that the threatening communications and/or packages were created or delivered by one or more of the Hall Defendants.

155. Officer Stidham and other local law enforcement officers were available to accompany Gaston to these public meetings.

156. The request made by Gaston was reasonable in light of the death threats directed toward him and the demands that he remove himself from political office.

157. Despite Gaston's request, Bluffdale instructed Officer Stidham not to accompany Gaston to public meetings.

158. Upon information and belief, this instruction was also provided to other members of local law enforcement.

159. These instructions were provided despite Bluffdale's knowledge of the severity of the threats levied against Gaston.

160. Bluffdale's instructions to law enforcement were unlawful and without authority.

161. Further, Bluffdale, through Reid, contacted Andrew Burton, police chief for the Saratoga Springs police department, and demanded that Officer Stidham be transferred from Bluffdale.

162. Bluffdale's request was unlawful and without authority.

163. Bluffdale's demands were intended to impede the investigation into the threatening conduct against Gaston, and to further cast Gaston in a false light.

164. After the first package containing demeaning comments and/or threats against Gaston was delivered to Bluffdale City Hall, Bluffdale, through Reid, demanded that law enforcement not show or produce video footage of the package delivery to Gaston.

165. Bluffdale's instructions were unlawful.

166. Bluffdale's instructions were intended to impede Gaston's ability to determine the source of the threatening communications.

167. As part of the investigation into the threatening communications directed at Gaston, local law enforcement was provided a package directed to Gaston.

168. This package was evidence in law enforcement's investigation into the criminal conduct occasioned on Gaston.

169. Bluffdale demanded that law enforcement turn over the package.

170. Law enforcement gave the package to Reid.

171. Despite Bluffdale's knowledge of the nature of the package as evidence in the investigation regarding the threats made to Gaston, it, through Reid, destroyed the package and its contents.

172. The destruction of the package by Bluffdale was unlawful and was made to impede the investigation into the threats against Gaston.

173. Upon information and belief, Bluffdale, through its management, attempted to

access the law enforcement evidence storage locker located in Bluffdale City Hall.

174. The evidence storage locker could only be accessed by law enforcement.

175. The attempted break-in occurred shortly after a search warrant was served on Schliesser.

176. Upon information and belief, various electronic items and other evidence were obtained from Schliesser and his residence.

177. In addition, upon information and belief, law enforcement found a firearm in Schliesser's residence.

178. As referenced above, Schliesser was employed by Woodcraft, and was complicit in the threatening conduct and communications toward Gaston.

179. Upon information and belief, certain evidence related to the investigation into the threats against Gaston, was stored in the evidence storage locker.

180. At the time of the attempted break-in to the evidence storage locker, the security cameras that surveilled that area were turned off.

181. This was unusual as the surveillance cameras operated 24/7 and were never turned off.

182. Bluffdale management has sole access to its security cameras.

183. Upon information and belief, Bluffdale, through its city management attempted to access the evidence storage locker to impede the investigation into the threats against Gaston.

184. Bluffdale further impeded the investigation into the Hall Defendants' unlawful conduct through improper refusal to comply with lawful GRAMA requests.

185. Bluffdale received GRAMA requests for Mrs. Hall's electronic documents and other electronic information stored on Bluffdale's computers.

186. Bluffdale improperly refused to comply with the lawful GRAMA requests.

187. Bluffdale additionally attempted to hold closed door city council meetings without Gaston.

188. Bluffdale left Gaston out of e-mail chains related to city business.

189. The attempts to hold closed door meetings without Gaston and without notice to Gaston, were unlawful.

190. Bluffdale's failure to include Gaston in communications with city council members related to city business was unlawful.

191. Bluffdale's intended exclusion of Gaston was meant to ostracize him and further cause him emotional distress despite Bluffdale's knowledge of the threats received by Gaston.

192. Bluffdale further caused Gaston to be cast in a false light to numerous Bluffdale residents as well as in front of various media outlets.

193. As of the date of the Meeting referenced herein, criminal charges had been levied against Mr. Hall for his participation in the threatening conduct occasioned upon Gaston.

194. During the Meeting, numerous Bluffdale residents attempted to ask questions of Mrs. Hall.

195. Mrs. Hall refused to respond, stating that she, the city council, and Bluffdale management were there to simply listen to the complaints posed by Bluffdale residents.

196. During the Meeting, as more fully described above, Mrs. Hall improperly and

unlawfully proceeded to cast Gaston in a false light.

197. At the time of the Meeting, Mrs. Hall was acting in her capacity as Bluffdale's mayor.

198. In fact, Mrs. Hall's attendance at the Meeting was solely in fulfillment of her duties as mayor and representative of Bluffdale.

199. Despite Bluffdale's knowledge of the truthfulness of Gaston's claims, it permitted Mrs. Hall, on its behalf, to cast Gaston in a false light.

200. Mrs. Hall's statements improperly indicated that Gaston's claims were false.

201. Bluffdale failed to prevent or otherwise stop Mrs. Hall from using its public forum to cast Gaston in a false light.

202. At all times relevant hereto, Bluffdale had the capacity and authority to direct the actions of its representatives at the Meeting.

203. Bluffdale's actions were meant to, at least in part, cause further distress to Gaston.

204. Bluffdale was aware of Mrs. Hall's use of her formal Bluffdale Mayor social media account to post accusations against Gaston.

205. Bluffdale failed to take any steps to prohibit the use of its official mayoral social media account from making accusations against Gaston.

206. Bluffdale was aware of the charges against Mr. Hall and permitted the use of its official mayoral social media account to claim that Mr. Hall had not engaged in threatening or violent conduct.

207. At the time these posts were made, Mrs. Hall was acting in her capacity as

Bluffdale's mayor.

208. Bluffdale was aware of the falsity of the accusations levied by Mrs. Hall against Gaston.

209. Bluffdale was aware of the falsity of Mrs. Hall's denial of the threatening conduct engaged in by Mr. Hall.

210. At all times relevant hereto, Bluffdale was aware of the threats to Gaston and Mr. Hall's physical assault of Gaston.

211. At no time did Bluffdale offer any support or assistance to Gaston.

212. At all times relevant hereto, Bluffdale sought to hinder Gaston's investigation into the source of the threatening conduct.

213. At all times relevant hereto, Bluffdale sought to hinder Gaston's ability to protect himself from the threats received.

214. Bluffdale's actions were performed in furtherance of the Defendants' intent to cause Gaston extreme emotional distress.

215. Gaston has complied with §63G-7-401 of the Governmental Immunity Act, having provided a timely Notice of Claim to Bluffdale's identified recipient in the Governmental Immunity Act Database.

216. Bluffdale has failed to respond to the Notice of Claim, and more than 60 days have lapsed since its delivery.

FIRST CAUSE OF ACTION
(Battery – Defendant Jason Hall)

217. Plaintiff incorporates the allegations contained in Paragraphs 1 through 216 of the Complaint as though fully set forth herein.

218. As described more fully above, Mr. Hall deliberately attacked Gaston at the Bluffdale OWD event, striking him with campaign signs.

219. Mr. Hall's striking of Gaston caused Gaston to suffer injury and was offensive to Gaston as a matter of law.

220. At all times relevant hereto, Mr. Hall's actions were willful and malicious, and manifested a knowing and reckless disregard toward and indifference to the rights of Gaston.

221. As a result of the battery occasioned upon Gaston by Mr. Hall, Gaston has suffered significant damage for which he seeks recovery, including damages for the emotional distress and mental anguish suffered as a result of the attack, the amount of which will be proved at trial.

222. Based on the foregoing, Gaston is entitled to judgment against Mr. Hall for battery in an amount to be determined at trial, plus pre- and post-judgment interest to the extent permitted by law, and punitive damages.

SECOND CAUSE OF ACTION
(Civil Assault – Hall Defendants)

223. Plaintiff incorporates the allegations contained in Paragraphs 1 through 222 of the Complaint as though fully set forth herein.

224. Mr. Hall, through his conduct at OWD in the manner described above, intended to

cause harmful or offensive contact with Gaston, or at the very least, intended to cause imminent apprehension of harmful or offensive conduct to Gaston.

225. As a result of Mr. Hall's actions, Gaston was put in imminent apprehension of harmful or offensive contact by Mr. Hall, at the OWD event.

226. Gaston suffered severe emotional distress and mental anguish as a result of the imminent apprehension of harmful or offensive contact by Mr. Hall at the OWD event.

227. Further, the Hall Defendants, through the creation and delivery of the threatening communications described more fully above, intended to cause Gaston to suffer imminent apprehension of harmful contact or death.

228. At all times relevant hereto, Schliesser was acting within the course and scope of his employment with Woodcraft.

229. Schliesser's unlawful conduct, including the delivery of the threatening communications described herein, was done at the direction of the other Hall Defendants.

230. Schliesser was compensated by Woodcraft for his participation in the Hall Defendants' threatening conduct.

231. Gaston, as a result of the Hall Defendants' conduct described herein, suffered imminent apprehension of significant bodily harm or death.

232. At all times relevant hereto, the Hall Defendants' actions were willful and malicious, or manifested a knowing and reckless indifference toward and disregard to the rights of Gaston.

233. Based on the imminent apprehension of significant bodily harm or death, Gaston

suffered severe emotional distress and mental anguish.

234. Based on the foregoing, Gaston is entitled to judgment against the Hall Defendants, jointly and severally, for the assault occasioned upon him as described above, in an amount to be determined at trial, plus pre- and post-judgment interest to the extent permitted by law, and punitive damages.

THIRD CAUSE OF ACTION
(False Light- Defendants Bluffdale and Natalie Hall)

235. Plaintiff incorporates the allegations contained in Paragraphs 1 through 234 of the Complaint as though fully set forth herein.

236. As described more fully above, on approximately July 6, 2022, Mrs. Hall utilized her formal Bluffdale mayor social media account to make accusation against Gaston, including but not limited to, that he threatened her, attacked her, made false accusations against her, and created a hostile work environment.

237. The post was made in a public forum, with no restrictions on the viewers that could access the social media post.

238. Bluffdale did not take any action to prevent Mrs. Hall from making the social media post.

239. Bluffdale did not take any action to remove the social media post.

240. Mrs. Hall made the post in her role as mayor of Bluffdale.

241. Bluffdale was complicit in the content appearing on its official mayor's page, including the above referenced post and the content contained therein.

242. As described more fully above, on July 27, 2023, Mrs. Hall alleged, among other things, that Gaston had not suffered an attack by Mr. Hall at the OWD event and claimed that the allegations of the threatening and demeaning communications sent by Mr. Hall to Gaston were untrue.

243. Bluffdale did not take any action to prevent Mrs. Hall from making statements during the Meeting about Gaston.

244. Bluffdale did not take any action to terminate Mrs. Hall's statement about Gaston at the Meeting.

245. Mrs. Hall's allegations referenced above were false.

246. This improper portrayal of Gaston by Mrs. Hall occurred in a public forum, with numerous Bluffdale residents present, and was the subject of significant media coverage.

247. Mrs. Hall's unlawful and improper statements were made to cast false light upon Gaston.

248. Mrs. Hall was acting in her capacity as mayor of Bluffdale.

249. Bluffdale further cast Gaston in a false light by, among other things, disseminating unlawful and improper instructions to law enforcement and members of the city council, meant to portray Gaston's claims as false, and to portray Gaston as a manipulator, liar, and to otherwise ostracize him.

250. At all times relevant hereto, Bluffdale knew that its statements to law enforcement, and the statements made at the Meeting regarding Gaston's claims were false.

251. Both Bluffdale and Mrs. Hall acted intentionally, and with actual malice in their

portrayal of Gaston, giving the impression that Gaston was a liar and manipulator, and that the allegations that he was a victim of the crimes referenced herein, were false.

252. The false light in which Gaston was placed by Bluffdale and Mrs. Hall is highly offensive to a reasonable person and presented Gaston's persona in a highly offensive manner.

253. Based on Bluffdale and Mrs. Hall's conduct described above, Gaston has suffered detrimental impact to his political career, among other things, and caused him to suffer severe emotional distress.

254. Based on the foregoing, Gaston is entitled to judgment against Bluffdale and Mrs. Hall for their portrayal of Gaston in a false light in an amount to be determined at trial, including but not limited to compensatory damages including damages for emotional distress, plus pre- and post-judgment interest to the extent permitted by law, and punitive damages.

FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress – All Defendants)

255. Plaintiff incorporates the allegations set forth in Paragraphs 1 through 254 of the Complaint as though fully set forth herein.

256. Defendants' unlawful conduct described more fully above included, but is not limited to, harassment and intimidation of Gaston, portraying Gaston in a false light, impeding the investigation into the threats against Gaston, committing battery against Gaston, and assaulting Gaston, including through the communication of numerous death threats directed to Gaston at both his public office as well as his home.

257. Defendants' conduct described herein is outrageous and intolerable and offends

against the generally accepted standards of decency and morality as a matter of law.

258. Defendants intended to cause or acted in reckless disregard of the likelihood of causing emotional distress to Gaston.

259. Any reasonable person would have known that Gaston would suffer emotional distress as a result of Defendants' conduct described herein.

260. As a result of Defendants' conduct described herein, Gaston did suffer severe emotional distress.

261. At all times relevant hereto, Defendants' actions were willful and malicious, or manifested a knowing and reckless indifference toward and disregard of the rights of Gaston.

262. Based on the foregoing, Gaston is entitled to judgment against Defendants for intentional infliction of emotional distress in an amount to be determined at trial, plus pre- and post-judgment interest to the extent permitted by law, and punitive damages.

FIFTH CAUSE OF ACTION
(Civil Conspiracy – All Defendants)

263. Plaintiff incorporates the allegations contained in Paragraphs 1 through 262 of the Complaint as though fully set forth herein.

264. At all times relevant hereto, Defendants acted in concert, one with another.

265. At all times relevant hereto, Defendants had a common objective to cause injury to Gaston in the manner described herein, which included but was not limited to, causing Gaston severe emotional distress and mental anguish, civil assault, and casting Gaston in a false light.

266. Each of Defendants understood and agreed to the objective and conduct causing

injury to Gaston, which included, but was not limited to, harassment and intimidation of Gaston, impeding the investigation into the threats against Gaston, portrayal of Gaston in a false light, battery against Gaston, and assault which included death threats directed to Gaston.

267. At least one or more of Defendants did engage in conduct causing injury to Gaston in the manner described herein, including but not limited to, striking Gaston with campaign signs, sending hostile and threatening communications to Gaston including death threats, and casting Gaston in a false light through a denial of his claims and improperly and unlawfully alleging Mr. Hall's innocence and lack of involvement in any criminal conduct against Gaston, in a public forum.

268. As a result of Defendants' conduct, Gaston suffered damages, including but not limited to, severe emotional distress and mental anguish.

269. As a result of Defendants' conduct as described herein, Gaston did suffer injury, both physical and emotional, including severe emotional distress.

270. Based on the foregoing, Gaston is entitled to judgment against Defendants for civil conspiracy in an amount to be determined at trial, including compensatory damages for emotional distress, plus pre- and post-judgment interest to the extent permitted by law, and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, having pled his claims for relief against Defendants, Plaintiff prays for judgment as follows:

1. ON THE FIRST CAUSE OF ACTION: for judgment against Jason Hall for battery in

an amount to be determined at trial, plus pre- and post-judgment interest, and punitive damages.

2. ON THE SECOND CAUSE OF ACTION: for judgment against the Hall Defendants for civil assault in an amount to be determined at trial, plus pre- and post-judgment interest, and punitive damages.
3. ON THE THIRD CAUSE OF ACTION: for judgment against Defendants Bluffdale and Natalie Hall for their portrayal of Gaston in a false light in an amount to be determined at trial, plus pre- and post-judgment interest, and punitive damages.
4. ON THE FOURTH CAUSE OF ACTION: for judgment against all Defendants for damages suffered from their intentional infliction of emotional distress in an amount to be determined at trial, plus pre- and post-judgment interest, and punitive damages.
5. ON THE FIFTH CAUSE OF ACTION: for judgment against all Defendants for civil conspiracy in an amount to be determined at trial, plus pre- and post-judgment interest, and punitive damages.
6. For attorneys' fees and costs to the extent permitted by Utah law.
7. For all other relief that this Court deems just and proper.

DATED this 11th day of December, 2023.

YOUNG HOFFMAN, LLC

By /s/ Scott L Sackett II
Scott L. Sackett II
Attorneys for Plaintiff Jeffrey D. Gaston