

Aaron B. Clark (15404)
Trinity Jordan (15875)
Jordan E. Westgate (16098)
DENTONS DURHAM JONES PINEGAR, P.C.
111 South Main Street, Suite 2400
Salt Lake City, Utah 84111
Telephone: (801) 415-3000
aaron.clark@dentons.com
trinity.jordan@dentons.com
jordan.westgate@dentons.com

*Attorneys for Jason Hall, Natalie Hall, and
Woodcraft Mill & Cabinet Inc.*

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

JEFFREY D. GASTON,

Plaintiff,

v.

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.

**THE HALL DEFENDANTS’
MOTION TO EXTEND STAY**

Case No: 230905528

Judge Chelsea Koch

(HEARING REQUESTED)

Defendants Jason Hall (“**Mr. Hall**”), Natalie Hall, and Woodcraft Mill & Cabinet Inc.
 (“**Woodcraft**”) (collectively, the “**Hall Defendants**”), pursuant to Rule 7(c) of the Utah Rules of
 Civil Procedure, submit this Motion to Extend Stay (the “**Motion**”).

REQUESTED RELIEF

The Hall Defendants respectfully request that the Court enter an order extending the stay of this case until the criminal charges against Mr. Hall are adjudicated. Although the Court's May 2024 Order contemplated the possibility of future continuances of Mr. Hall's criminal trial and issued conditional orders if that occurred, neither the parties nor this Court could have anticipated the reason necessitating a continuance—the untimely and unexpected death of the lead prosecutor. Mr. Hall was ready and willing to go to trial in June 2024. He should not be prejudiced in this case because of circumstances that were beyond his (or anyone's) control. A new trial has been scheduled in eight weeks for early October 2024. The Court should extend the stay of this case until that trial concludes. The extension will not prejudice Plaintiff Jeffrey D. Gaston ("**Plaintiff**"), who will still get to timely litigate his claims, but the extension will help to safeguard Mr. Hall's Fifth Amendment rights as described in the prior Motion to Stay.

PROCEDURAL HISTORY

1. In early February, the Hall Defendants moved to stay this civil case while Mr. Hall defended himself against criminal charges brought by the State of Utah for the same conduct Plaintiff has alleged here. *See* Motion to Stay Civil Case Pending Resolution of Related Criminal Proceedings, Dkt. 19 (the "**Motion to Stay**"). Briefing for the original Motion to Stay proceeded as follows:

- a. The Hall Defendants filed the Motion to Stay on February 7, 2024. *Id.*
- b. Plaintiff filed his Opposition to Defendants' Motion to Stay on February 22, 2024. Dkt. 24.
- c. The Hall Defendants filed their Reply on March 7, 2024. Dkt. 26.

d. The Court heard oral argument on the Motion to Stay on May 13, 2024.

2. The criminal trial was scheduled for June 19-21 and 27-28 of this year. *See Reply*, at 2.

3. On May 16, 2024, the Court entered its Order granting “the stay for 90 days (or until August 11, 2024).” Order, Dkt. 43, ¶ 6. The Order states: “If the trial gets continued again and is not going to be tried within that 90-day period . . . the stay will expire and require the Defendants to answer the Complaint within 21 days of the expiration of that stay.” *Id.*

4. Plaintiff did not serve Defendant George Schliesser until June 18, 2024. Dkt. 45.

5. On June 18—the eve of trial—the State notified Mr. Hall that the lead prosecutor had passed away unexpectedly. The State further advised that it intended to request a continuance of the trial that was scheduled to begin the following morning.

6. The criminal court granted the continuance and reset the trial to October 9-18, 2024, which were the earliest available trial dates for the parties.

ARGUMENT

The Court should extend the stay of this case to give Mr. Hall an opportunity to defend the criminal charges against him before he is forced to file an answer and engage in discovery with Plaintiff—the alleged victim in the criminal matter. The legal standard applicable to this Motion is the same as it was for the Hall Defendants’ original Motion to Stay. *See Motion to Stay*, at 3; *see also Reply*, at 2. As a reminder, district courts are directed to consider the following six factors when determining whether to grant a stay:

(i) the extent to which issues in the criminal case overlap with those presented in the civil case;

- (ii) the status of the case, including whether the defendant has been indicted;
- (iii) the private interests of the plaintiff in proceeding expeditiously versus the prejudice to plaintiff caused by the delay;
- (iv) the private interests of, and burden on, the defendant;
- (v) the interests of the Court, and
- (vi) the public's interest.

Windham for Marquis Props., LLC v. Snyder, Case No. 2:18-cv-00063-RJS-EJF, 2018 WL 4100512, *3 (D. Utah August 28, 2018) (citation omitted).

To aid judicial economy, the Hall Defendants incorporate by reference their analysis of these factors in the original Motion to Stay. *See* Utah R. Civ. P. 10(c) (“Statements in a paper may be adopted by reference in a different part of the same or another paper.”). Most, if not all, of that analysis is still relevant to this present Motion. For instance, the criminal and civil matters are still essentially the same case, and there is still concern that Mr. Hall’s constitutional rights will be impaired if he is compelled to litigate this case before the criminal matter concludes later this year. The Court recognized that these factors and others weighed in favor of granting the stay in its previous Order. *See* Order ¶¶ 2, 4. The Court should continue to weigh those factors in favor of extending the stay.

The Hall Defendants acknowledge that the Court’s previous Order anticipated future continuances and included orders that would become effective if the criminal trial was not concluded by August 11, 2024. *See id.* ¶ 6. But the Hall Defendants respectfully request that the Court consider the unforeseen events that have transpired since entry of that Order and reassess the decision to “require the Defendants to answer the Complaint within 21 days of the expiration of that stay.” *Id.*

First, Mr. Hall was prepared to go to trial in June 2024. That trial date was continued due to unforeseen and unfortunate circumstances that no one could have predicted. The evening before *voir dire* was schedule to start, the State notified Mr. Hall’s attorneys that the lead prosecutor, Steven Wuthrich, had died unexpectedly that day. The State advised Mr. Hall that it intended to request a continuance to allow sufficient time to grieve the sudden loss of their colleague and prepare another prosecutor for trial. The Court granted the State’s requested extension. During the next hearing, Mr. Hall requested the soonest available trial dates, which are in early October. Mr. Hall is ready and willing to proceed with those dates and will object to further requests for a continuance.

Second, Plaintiff will not be prejudiced if the Court extends the stay. The Court noted in its Order that the timeline of the case would not be particularly delayed because Plaintiff had not served one of the defendants, Mr. Schliesser. Order ¶ 3. Even though his failure to serve Mr. Schliesser was one of the bases on which the Court granted the stay, Plaintiff still did not serve him until more than a month after the hearing. *See* Return of Service, Dkt. 45. It was another two weeks before Plaintiff filed proof of that service. *See id.* The Order explicitly states that “Plaintiff is permitted to continue effecting service on Defendnats during the stay period.” Order ¶ 7.

CONCLUSION

Based on the foregoing, the Hatch Defendants respectfully request that Court grant this

Motion and extend the stay for an additional 90 days. A hearing is requested.

DATED this 12th day of August, 2024.

DENTONS DURHAM JONES PINEGAR

/s/ Jordan E. Westgate

Aaron B. Clark

Trinity Jordan

Jordan E. Westgate

*Attorneys for Defendants Jason Hall, Natalie Hall,
and Woodcraft Mill & Cabinet Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2024, a true and correct copy of the foregoing **MOTION TO EXTEND STAY** was served via the Court's Electronic Filing System on all counsel of record.

/s/ Shelby Irvin