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*Attorneys for Defendants Jason Hall, Natalie Hall,
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**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.

**REPLY IN SUPPORT OF
MOTION TO EXTEND STAY**

Case No: 230905528

Judge Chelsea Koch

Defendants Jason Hall, Natalie Hall, and Woodcraft Mill & Cabinet, Inc. (collectively, the
“**Hall Parties**”), through counsel, and pursuant to Rule 7(e) of the Utah Rules of Civil Procedure,
respectfully submit this Reply in Support of Motion to Extend Stay (the “**Reply**”).

ARGUMENT

Mr. Hall is anxious to defend himself in this case. However, it is indisputable that Mr. Hall will be prejudiced in both the criminal and civil case if he is compelled to proceed to discovery in this lawsuit before the criminal trial concludes in October. Mr. Hall will be forced to either forgo his constitutional right not to be a witness against himself or face an adverse inference for invoking that right. This is a particularly unjust and inequitable result where, as here, the continuance of the Mr. Hall's June trial was necessitated by the prosecutor's tragic decision to take his own life the day before trial. Under these unique and out of the blue circumstances, Mr. Hall respectfully requests that the Court reconsider its prior contingent order to proceed with the case and instead extend the stay for one additional period of 90 days.

In his Opposition to the Motion to Stay (the "Opposition"), Plaintiff argues that "Defendants' Motion is simply a repetition of its original motion and is an effort to somehow persuade this Court to reconsider its Order on this issue." Opposition at 3. Plaintiff is correct that the Hall Parties have incorporated by reference its original Motion to Stay, as has Plaintiff in his response. *See id.* But rather than asking for reconsideration of a motion the Court already granted in their favor, the Hall Parties are asking this Court to grant one additional stay based on a similar set of factors that the Court weighed when it granted the first stay. In short, if those factors were present when the Court decided the first motion to stay, then they still weigh in favor of a stay where the delay in the criminal trial was caused by a sudden, unexpected turn of events totally outside Mr. Hall's control. Even so, the issue presently before this Court is a separate determination, and this Court should analyze the factors again at this time.

Plaintiff emphasizes a small part of the Order where the Court provided an expiration date should the criminal trial get continued again, however, in granting the stay, the Court weighed several factors that are still present here—and the Court should be afforded an opportunity to analyze those factors again now. *See* Opposition at 3; *see also* Order at ¶ 6. In granting the stay, the Court acknowledged that “criminal matters are often delayed for years,” but understood then that the trial was set to begin in six weeks. *See* Order at ¶ 1. Here, the only reason there was a delay to that trial date was because of the tragic death of the lead prosecutor on the eve of trial. At no point did Mr. Hall ask for the trial to be continued as he has been pushing towards trial since the beginning of January 2024. In fact, after Mr. Wuthrich’s unexpected death, Mr. Hall pushed to reset trial for the soonest date available, ultimately October 9, 2024, and later successfully opposed the State’s request for an additional continuance. Conversely, “Plaintiff could have filed [his] lawsuit earlier based on the fact that the underlying events took place years ago but waited until now to file.” *Id.* at ¶ 5.

As highlighted throughout Plaintiff’s Opposition, the Court also based its decision to stay on several factors that remain unchanged: the facts underlying the two cases completely overlap, there is legitimate prejudice to Mr. Hall in having to participate in discovery while facing a criminal trial that overlaps with the civil case, and Plaintiff could have filed lawsuit earlier but decided to wait. *See id.* at ¶¶ 2, 4–5. Notably, Plaintiff makes no attempt to diminish the serious prejudice that Mr. Hall will suffer if he is required to the criminal case to conclude.

Additionally, Plaintiff has again failed to articulate any real prejudice that one additional 90-day stay will cause to his ability to bring his civil claims. *See* Opposition at 5. In fact, contrary to his assertion, there is no risk that witnesses will fade. Because the civil case is based on the same

conduct relied on for the criminal charges, the cases rely on the same evidence and witnesses. Many of those witnesses will testify at the criminal trial. Their memories will be refreshed, and their testimony secured. Plaintiff can use that testimony to prepare his case here. There is no risk of prejudice and certainly none that outweighs that which Mr. Hall would experience if he were compelled to engage in discovery in the civil case on the eve of his criminal trial.

Finally, there is absolutely no expectation that the trial will be delayed a second time. Plaintiff cannot claim that this unique set of circumstances were within the Court's contemplation. During a recent hearing before the criminal court, Mr. Hall opposed the State's request for another continuance. The Court ultimately denied that continuance after it learned of the issue with the civil stay expiring. The Court confirmed that the criminal case will proceed to trial in October.

CONCLUSION

For the reasons set forth herein, the Hall Parties respectfully request that the Court grant this motion and stay this case for an additional 90 days.

DATED this 3rd day of September, 2024.

DENTONS DURHAM JONES PINEGAR

/s/ Jordan E. Westgate

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

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2024, a true and correct copy of the foregoing was served via the Court's Electronic Filing System on all counsel of record.

/s/ Shelby Irvin