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Woodcraft Mill & Cabinet Inc.*

This motion requires you to respond. Please see the Notice to Responding Party.

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

JEFFREY D. PLAINTIFF,	
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Plaintiff,	
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v.	
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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,	
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Defendants.	
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THE HALL PARTIES' SPECIAL MOTION FOR EXPEDITED RELIEF

Case No: 230905528

Judge Chelsea Koch

Defendants Jason Hall, Natalie Hall, Woodcraft Mill & Cabinet Inc. (collectively, the “**Hall Parties**”), through counsel, and pursuant to Rule 7 of the Utah Rules of Civil Procedure and Section 78B-25-103 of the Uniform Public Expression Protection Act (the “**anti-SLAPP statute**”), bring this special motion for expedited relief to dismiss with prejudice Plaintiff’s second, third, fourth, and fifth causes of action to the extent they arise from the Hall Parties’ protected communications and free speech. Pursuant to Section 78B-25-105(1), Defendants request a hearing within 60 days after the date of the filing of this Motion.

INTRODUCTION

This case arises from a local public official’s lawsuit against his political opponent and her spouse alleged to have made statements that had a “detrimental impact” on his political career. Relevant here, Plaintiff’s Second Amended Complaint (“**SAC**”) asserts claims against the Hall Parties for assault, false light, intentional infliction of emotional distress (“**IIED**”), and conspiracy. Each of these claims is based, in part, on the Hall Parties’ alleged communications addressing Plaintiff’s fitness and competence as a public official and political candidate as well as Plaintiff’s allegations of criminal misconduct. In other words, through this lawsuit, Plaintiff intends to silence the Hall Parties and impeded their right to speak freely in governmental proceedings and about matters of public concern.

“A number of states have adopted statutes designed to guard against meritless lawsuits brought with the intention of chilling or deterring the free exercise of a defendant’s First Amendment right to petition the government by threatening would-be activists with litigation costs.” Barry A. Lindahl, *Modern Tort Law: Liability and Litigation* § 35:41 (2d ed. 2023). These lawsuits are known as SLAPP suits—Strategic Lawsuits Against Public Participation—and the statutes guarding against them are known as anti-SLAPP statutes. Utah is one of those states. On May 3, 2023, Utah’s Uniform Public Expression Protection Act (the “**anti-SLAPP statute**”), codified as Utah Code §§ 78B-25-101 to -115, went into effect.

The purpose of recently enacted law is to dissuade or quickly dispose of cases, such as this one, that are intended to intimidate and silence individuals from exercising constitutionally protected rights.¹ See *Seiller Waterman, LLC v. Bardstown Cap. Corp.*, 643 S.W.3d 68, 79 (Ky.

¹ The filing of a Section 78B-25-103 motion stays “all other proceedings between the moving party and responding party, including discovery and a pending hearing or motion.” Utah Code § 78B-25-104(1)(a). The stay

2022); *see also* *Dimension Townhouses, LLC v. Leganieds, LLC*, 2024 WL 226768, at *4 (Wash. Ct. App. Jan. 22, 2024). With that goal in mind, the Legislature directed courts to “broadly” construe the anti-SLAPP statute “to protect the exercise of the right of freedom of speech . . . guaranteed by the United States Constitution and the Utah Constitution. *Id.* § 78B-25-111 & - 102(2)(c).

The Hall Parties bring this motion pursuant to the act. *See* Utah Code § 78B-25-103. They respectfully request an order of dismissal with prejudice of all Plaintiff’s claims asserted against them based on their protected speech. The Hall Parties also seek an award of their reasonable attorney fees and costs incurred in defending against this baseless lawsuit and in bringing this special motion.

RELEVANT BACKGROUND

Pursuant to Rule 10(c) of the Utah Rules of Civil Procedure, Defendants incorporate by reference the factual background as set forth in Defendants’ contemporaneously filed Motion to Dismiss. As explained in the Motion to Dismiss, the factual background is drawn from the SAC.

ARGUMENT

Utah’s anti-SLAPP statute outlines a three-part process courts apply when ruling on a special motion for expedited relief.² Utah Code § 78B-25-107(1). The first step requires the moving party to establish that the anti-SLAPP statute applies to the causes of action, or parts thereof, that the moving party seeks to dismiss. *Id.* § 78B-25-107(1)(a) (citing *id.* § 78B-25-102(2)). Related to this first step, the responding party has an opportunity to show that that its

remains effective “until the day on which an order ruling on the motion . . . is entered” and the time to time for the moving party to appeal under Rule 4 of the Utah Rules of Appellate Procedure has expired. *Id.* § 78B-25-104(2).

² There is no binding Utah case law interpreting the anti-SLAPP statute, which was enacted in May 2023. Consequently, the Hall Parties analyze and cite the Uniform Public Expression Protection Act and other persuasive case law from jurisdictions that have adopted similar laws.

claims are exempt under Subsection 78B-25-102(3). *See id.* § 78B-25-107(1)(b). Significantly, for this part of the analysis, it is unnecessary for the Hall Parties to prove that Plaintiff violated their constitutional rights or that their statements were in fact protected by the First Amendment. Instead, they must prove only that Plaintiff’s suit arises from the exercise of their right to free speech on a matter of public concern. *See* Unif. Pub. Expression Prot. Act § 7, Cmt. 2; *see also Mullen v. Meredith Corp.*, 353 P.3d 598, 603–04 & n.2 (Or. Ct. App. 2015).

Next, if the court determines that the anti-SLAPP statute does apply, the responding party must “establish a *prima facie* case as to each essential element of the cause of action.” *Id.* § 78B-25-107(1)(c)(i). In making this showing, the responding party must provide evidence that, if taken as true, would sustain judgment in favor of the responding party. *See* Unif. Pub. Expression Prot. Act § 7, Cmt. 4. The district court must dismiss the respective causes of action with prejudice if the responding party fails to meet its burden at this stage. Utah Code § 78B-25-107(1)(c)(i); *see also* Unif. Pub. Expression Prot. Act § 7, Cmt. 4 (Unif. L. Comm’n 2020).

If the responding party satisfies its burden, the burden shifts back to the moving party for the final step to show that the claim is not legally viable because either the responding party has failed to state a claim or the moving party is entitled to judgment as a matter of law. *See* Utah Code § 78B-25-107(1)(c)(ii) (describing the standards applicable to Rule 12 motions to dismiss and Rule 56 motions for summary judgment); *see also* Unif. Pub. Expression Prot. Act § 7, Cmt. 5. Dismissal with prejudice is also mandatory if the moving party meets its burden at this stage.

I. The anti-SLAPP Statute Applies to Plaintiff’s Claims.

Plaintiffs’ claims for assault, false light, IIED, and conspiracy are governed by Utah’s anti-SLAPP statute. The relevant subsection states that the anti-SLAPP statute applies to civil

causes of action asserted against a person³ based on that person's

- (a) communication in a legislative, executive, judicial, administrative, or other governmental proceeding;
- (b) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or
- (c) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Utah Constitution, on a matter of public concern.

Utah Code § 78B-25-102(2). The Hall Parties' alleged conduct falls into at least two of those protected categories because Plaintiff asserts civil claims against them based on their communications in a legislative, executive, or governmental proceeding as well as their exercise of the right of freedom of speech on a matter of public concern. *See id.* § 78B-25-102(a), (c).

A. Mayor Halls's communications during the Bluffdale city council meeting occurred in a legislative, executive, or governmental proceeding.

Utah's anti-SLAPP statute applies to Plaintiff's claims based on statements Mayor Hall made during the July 27, 2021 city council meeting. SAC ¶¶ 242, 256, 265–67. As a threshold matter, it is the Hall Parties' position that the Court already dismissed all claims against Mayor Hall that arise from the public statements she made during the city council meeting. *See Order Granting Bluffdale City's Motion to Dismiss with Prejudice*, Dkt. 39, at 4 (dismissing "all claims brought against Mayor Hall in her official capacity under rule 12(b)(1) of the Utah Rules of Civil Procedure"). Nevertheless, the Hall Parties' address Mayor Hall's public statements in this special motion to anticipate any argument by Plaintiff that her comments during the city council meeting expose her to liability in her capacity as a private citizen.

Plaintiff alleges in the SAC that Mayor Hall is liable for false light, IIED, and civil conspiracy for public statements she made to address criminal charges the State had filed against

³ The definition of "person" means "an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity." Utah Code § 78B-25-102(1)(c).

her husband. Mayor Hall’s public statements during the civil council meeting are governed by the anti-SLAPP statute because they were made during a legislative, executive, or other governmental proceeding. *See* Utah Code § 78B-25-102(2)(a). City council is the governing body of Bluffdale and is composed of six-members, including five city council members and the mayor. *See* Bluffdale Municipal Code (“City Code”), § 1.60.020(A). It exercises “the legislative and executive powers,” which include, among other duties, the adoption of legislation and ordinances constituting its City Code. *See id.*, Preface & §§ 1.10.010, 1.60.020(B).

According to Plaintiff, during the July 27, 2021 city council meeting, several city residents demanded that Mayor Hall resign due to Mr. Hall’s alleged misconduct. *Id.* ¶¶ 134, 193. Mayor Hall initially declined to provide public comment, noting that she believed it was the improper forum for her to comment on the issue. *Id.* ¶ 135. Later in the meeting, however, Mayor Hall denied the allegations against Mr. Hall and stated that they had been fabricated. *Id.* ¶¶ 135–38, 194–96. She also denied Plaintiff’s allegations that Mr. Hall had attacked him. *Id.*

The Court must dismiss with prejudice all claims brought against Mayor Hall, in her private capacity, that stem from the public comments she made during the city council meeting. *See* Utah Code § 78B-25-107(1)(a); *see also id.* § 78-25-102(2)(a). These communications were indisputably made during an executive, legislative, or other governmental proceeding and are therefore protected under Subsection 78-25-102(2)(a) of Utah’s anti-SLAPP statutes.

B. Mayor Hall’s statements during the city council meeting and the written communications sent to Plaintiff and city council all implicate the Hall Parties’ right to free speech on matters of public concern.

Speech deals with matters of public concern “when it can be fairly considered as relating to any matter of political, social, or other concern to the community . . . or when it is the subject of legitimate news interest.” *Snyder v. Phelps*, 562 U.S. 443, 453 (2011); *see also Keisel v.*

Westbrook, 2023 UT App 163, ¶ 36, 542 P.3d 536 (same). Whether speech is of public or private concern must be determined by “the content, form, and context of that speech, as revealed by the whole record.” *Snyder*, 562 U.S. at 453 (citations and internal quotation marks omitted). None of those factors are dispositive. *Id.* at 454. Instead, it is necessary to evaluate all the circumstances of the speech, including what was said, where it was said, and how it was said.” *Id.* Plaintiff’s lawsuit seeks to infringe upon the Hall Parties’ constitutional right to speak freely on matters of public concern, including Plaintiff’s fitness for elected office as either a city council member or mayor of Bluffdale and Mr. Hall’s widely publicized criminal charges.

1. The written communications related to a political concern because they addressed a politician’s competence and fitness for elected public office.

All public statements complained of by Plaintiff fall within the purview of the anti-SLAPP statute because they relate to either Plaintiff’s performance as a public official or to his mayoral campaign—each of which is a political concern to the Bluffdale community. “A public official is someone who holds a governmental position that invites public scrutiny and discussion and has such apparent importance that the public has an independent interest in the qualifications and performance of the person who holds it.” *Hatfield v. Herring*, 326 So. 3d 944, 955 (La. App. 2021). To that end, courts have held that “[t]he competence of public officials and their fitness for office are matters of public interest to the community.” *Id.*

Between March and November 2021, the timeframe relevant to this lawsuit, Plaintiff was either a duly elected member of Bluffdale city council, a mayoral candidate, or a city council member campaigning on behalf of Mayor Hall’s opponent. The SAC alleges that Plaintiff took office as a city council member in January 2020 and decided to run for mayor later that year. SAC ¶¶ 9–11. Plaintiff allegedly began to receive anonymous communications and packages in early

March 2021 as he ramped up his campaign-related efforts. *Id.* ¶¶ 11–13. The communications and packages provide the factual basis for Plaintiff’s tort claims against the Hall Parties and are summarized from the SAC as follows:

- On March 5, 2021, Plaintiff received an email, calling him a “schoolyard bully, [and] not a statesman” and warning him that he would be exposed as both “a fool” and “freshman using childish tactics.” *Id.* ¶¶ 13–15. The email, which was sent from “cpacbluffdale@gmail.com” also advised Plaintiff that the “the wheels [were] in motion to render [him] irrelevant.” *Id.* ¶¶ 13, 15–16.
- On March 8, 2021, several Bluffdale public officials, including the then-elected mayor, city manager, city attorney, and other members of city council, all received an email from “Bluffdale Citizens for Civility” referring to Plaintiff as “a man-child with massive insecurity issues” and “Bluffdale’s own little Donald Trump.” *Id.* ¶¶ 19–20. The email demanded that its recipients “reel in,” “stand up,” and “be finished with this fool once and for all” and advised them that there was a group “ready to move to the next phase” if Plaintiff does not “get the hint.” *Id.* ¶¶ 21–22.
- On March 9, 2021, Plaintiff received package, which included a note directing him to kill himself or risk being killed. *Id.* ¶ 32. The note also advised Gaston that this was his “final warning” because the group was “moving to the next phase.” *Id.* ¶ 33. It concluded, “Do what we ask, or we will do what must be done.” *Id.*
- That same day, all Bluffdale city council members, including Plaintiff received a separate package containing unspecified gag gift. *Id.* ¶¶ 37–38. Plaintiff alleges that the gag gifts were “directed at” him. *Id.* ¶ 39.
- During the March 24, 2021 city council meeting, the city clerk handed Plaintiff a letter addressed to him. *Id.* ¶ 43. The letter advised Plaintiff that he would “no longer have the will to live in Bluffdale” and that it was “time we put you down like the dog you are, not a statesman.” *Id.* ¶ 44.
- On June 14, 2021, “cpacbluffdale@gmail.com” sent Plaintiff another email which said that the author heard that Plaintiff had “interviewed to get money for a potential run for mayor.” *Id.* ¶¶ 54–55. This email was purportedly referring to an interview that Plaintiff had attended approximately a month and a half earlier “as part of the process of running for Bluffdale mayor.” *Id.* ¶¶ 50–52. The email acknowledged the gag gift as “brilliant” and stated that Plaintiff would be selling his house “out of humiliation by the time we’re done.” *Id.* ¶¶ 56–57.
- At some time between June and July 2021, Plaintiff ended his bid for mayor but started campaigning for Mayor Hall’s sole opponent. *Id.* ¶¶ 60–61. On July 20, 2021, Plaintiff received another email from “cpacbluffdale@gmail.com” referencing Plaintiff’s support for the other mayoral candidate and stating, “Jesus Fucking Christ, you’re an

imbecile.” *Id.* ¶¶ 62, 64.

- In August 2021, Plaintiff attended Old West Days where he rented a booth to campaign for Mayor Hall’s opponent. *Id.* ¶¶ 67–69. Mr. Hall approached Plaintiff as he was setting up campaign signs and called him “fucking pathetic.” *Id.* ¶¶ 72–74.
- On November 2, 2021, Plaintiff received an anonymous package to his home, which contained a jester’s hat and “another demeaning letter.” *Id.* ¶ 85.
- On November 23, 2021, the final package to Plaintiff included a note, stating, “Unfortunately . . . , 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.” *Id.* ¶ 91. Plaintiff infers that this package was sent in response to Plaintiff’s vote to uphold a city ordinance that would prohibit Mayor Hall, as a Bluffdale employee, from working for Bluffdale while running for office. *Id.* ¶¶ 89–90.

These communications all unequivocally relate to a political concern, namely, Plaintiff’s performance as a city council member as well as his fitness to continue in that role. When viewed in context, the only reasonable interpretation of any statements that advise of future action to “reel in,” be done with, or render Plaintiff “irrelevant” is that the author attempting to garner additional opposition to Plaintiff’s continued public service as either a city council member or mayor. The communications purport to be sent from individuals involved in political organizations focused on municipal government. And at least some of the communications are sent to public officials who have power and influence in Bluffdale. In fact, city council members have discretion to “expel or fine any Council member for disorderly and/or disruptive conduct.” City Code, § 1.60.020(K).

Beginning in June, some of the statements address Plaintiff’s candidacy for mayor or his support for Mayor Hall’s opponent. The United States Supreme Court has consistently held that “[d]iscussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution.” *Buckley v. Valeo*, 424 U.S. 1, 14 (1976), *superseded by statute on other grounds statute* (citation and internal quotation marks omitted). For this reason, “the First Amendment has its fullest and most urgent application to

speech uttered during a campaign for political office.” *Eu v. San Francisco Cnty. Democratic Central Committee*, 489 U.S. 214, 223 (1989). This broad protection helps to cultivate the “unfettered interchange of ideas for the bringing about of political and social changes desired by the people.” *Valeo*, 424 U.S. at 14. Elections are quintessential matter of public concern relating to politics. It is unimagine to fathom a scenario in which a public official seeking another political office would have a claim against any and all individuals who impugned his qualifications to fill those roles, especially where his past conduct and performance as a public official is readily ascertainable.

Plaintiff’s alleged offense or embarrassment by the statements is not enough to strip the Hall Parties of their constitutional or statutory protections even if those statements may be “inappropriate or controversial.” *See Snyder*, 562 U.S. at 453 (citation and internal quotation marks omitted) (“The arguably inappropriate or controversial character of a statement is irrelevant to the question whether it deals with a matter of public concern.”). The anti-SLAPP statute applies for this separate reason.

2. The alleged statements and communications were the subject of legitimate news interest.

Plaintiff concedes in the SAC that the written communications sent to or directed at Plaintiff were the subject of legitimate news interest. *See* SAC ¶¶ 122, 142, 192, 246. Plaintiff alleges that, around that in or about November 2021, shortly after the mayoral election, law enforcement connected the Hall Parties to the communications and packages sent to Plaintiff and city council. *Id.* ¶ 114. In July 2022, the State charged Mr. Hall for his alleged involvement in creating and disseminating the communications of which Plaintiff now complains. *Id.* ¶ 121. The filing of those charges garnered significant media attention on at least two occasions as did Mayor Hall’s public comments addressing the charges. *Id.* ¶¶ 122, 141–42, 192, 246.

The charges themselves are newsworthy given the involved parties (*e.g.*, a city council member, the mayor, and the mayor's husband). The community is interested in the alleged conduct of its elected public officials and, in many cases, their family members. *See Russell v. Thomson Newspapers, Inc.*, 842 P.2d 896, 902 (Utah 1992) (allegations of misconduct against trusted members of a tight-knit community "are certainly matters of public concern"); *DeHart v. Tofte*, 533 P.3d 829, 843 (Or. Ct. App. 2023) (finding discussions involving people in the public eye and topics "having received local, statewide, and national media attention" were of public interest).

Here, the media was interested not only in Mayor Hall's public statements in response to the allegations but also to the statements themselves. In each instance, a public official's capacity to continue in their elected role was being scrutinized. On the one hand, the written communications to Plaintiff and city council each criticized Plaintiff's fitness for office. On the other hand, Mayor Hall's public statements were made to defend her husband against public accusations as well as any demands for her resignation. In each instance alleged in the SAC, the Hall Parties were exercising their right to speak on newsworthy matters of public concern.

II. Plaintiff Cannot Meet his Burden to Make *Prima Facie* Showing as to Each Element of the Causes of Action.

In the concurrently filed Motion to Dismiss, the Hall Parties and Mr. Schliesser analyze why all of Plaintiff's claims against them fail as a matter of law. That Motion specifically addresses each one of Plaintiff's theory of recovering, including any theory that relies on the Hall Parties' communications and speech that are protected under section 78B-25-102(2)(a)-(c). In the interest of judicial economy and an effort to comply with Rule 7's page limitations, the Hall Parties incorporate by reference their arguments explaining why Plaintiff's claims for assault, false light, IIED, and conspiracy each fail under Rule 12(b)(6) due to Plaintiff's inability to plead or otherwise establish each *prima facie* element of each cause of action. *See* Utah R. Civ. P. 10(c).

III. Defendants' Statements are protected by the First Amendment and Utah Constitution.

The First Amendment of the United States Constitution and the Utah Constitution broadly protect an individual's right to free speech. *See* U.S. Const. amend. I (made applicable to state governments under the equal protection clause of the Fourteenth Amendment (see *id.* amend. XIV)); Utah Const. art. I, §§ 1, 15. State law cannot permit causes of action that impair state or federal constitutional freedom of expression. *West v. Thomson Newspapers*, 872 P.2d 999, 1004 (Utah 1994). Accordingly, no matter how they are styled, claims that are speech-based and seek defamation-type damages must meet First Amendment strictures. *Keisel*, 2023 UT App 163, ¶ 70. "A plaintiff may not attempt an end-run around First Amendment strictures protecting speech by instead suing for defamation-type damages under non-reputational tort claims." *Id.* ¶ 70 (citing *Allen v. Beirich*, 2019 WL 5962676, at *5 (D. Md. Nov. 13, 2019)).

The United States Supreme Court has expressly prohibited public figures and officials from recovering for IIED claims based on statements, such as the those alleged, "without showing in addition that the publication contains a false statement of fact which was made with 'actual malice,' *i.e.*, with knowledge that the statement was false or with reckless disregard as to whether or not it was true." *Hustler Mag., Inc. v. Falwell*, 485 U.S. 46, 56 (1988). The Supreme Court later extended this holding to foreclosed tort liability where the subject matter of the speech addressed matters of public concern⁴ unless the plaintiff could show "actual malice." *See Snyder*, 562 U.S. at 451.

Plaintiff's claims fail under this line of cases. Plaintiff concedes that he is public figure for purposes of First Amendment law. He alleges throughout the SAC that, at all relevant times, he

⁴ If the Court determines that Plaintiff is not a public figure or official, it should nevertheless apply the heightened standard for tort recovery because, as explained above, his claims stems from the Hall Parties' speech on matters of public concern. The same analysis applies here. Accordingly, the burden shifts to Plaintiff to prove the statements were false statements of fact made with actual malice.

was an elected public official, a political candidate for mayor, and that he has future political aspirations. SAC ¶¶ 9–13, 253.

Additionally, the Hall Parties’ communications and public statements are protected free speech because they reflect their lawfully held opinions. “Speech does not lose its protected character . . . simply because it may embarrass others or coerce them into action.” *Hustler Mag., Inc.*, 485 U.S. at 55 (alteration in original) (citation omitted). To the contrary,

[t]he fact that society may find speech offensive is not a sufficient reason for suppressing it. Indeed, if it is the speaker’s opinion that gives offense, that consequence is a reason for according it constitutional protection. For it is a central tenet of the First Amendment that the government must remain neutral in the marketplace of ideas.

Id. at 55–56. In this case, Plaintiff’s non-defamatory tort claims each stem from the Hall Defendants’ alleged statements of their opinion that Plaintiff is, among other things, “schoolyard bully,” “not a statesman,” “a fool,” “a freshman using childish tactics,” “an imbecile,” “a man-child with massive insecurity issues,” “Bluffdale’s own little Donald Trump,” “pathetic,” and “a dog.” *Id.* ¶¶ 13–15, 19–20, 44, 62, 64, 72–74. Viewed in context of the mayoral election, as well as Plaintiff’s adversarial history with Mayor Hall, it is evident that each of these statements is a non-actionable expression of opinion.

Finally, even if Plaintiff can establish certain statements are false statements of fact, he has failed to plead sufficient facts to show “actual malice.” To establish “actual malice,” a plaintiff must show that the statement was made with knowledge that the statement was “false or with reckless disregard of whether it was false or not.” *Hustler Mag.*, 485 U.S. at 56. This includes when a defendant acts “with a high degree of awareness of [the statement’s] probable falsity or [if the defendant] entertained serious doubts as to the truth of his publication.” *Harte-Hanks Commc’ns, Inc. v. Connaughton*, 491 U.S. 657, 667 (1989). Plaintiff cannot meet his burden to

show actual malice where, as here, the SAC contains only conclusory allegations that the Hall Parties' actions were malicious. The SAC is devoid of allegations to establish the Hall Defendants' knowledge that any of their alleged statements of fact were false or that they otherwise acted with a reckless disregard while entertaining doubts as to the statements' truth. This applies to both the written communications sent to Plaintiff and the city council as well as to Mayor Hall's public statements addressing Plaintiff's criminal allegations against Mr. Hall. The Court should dismiss Plaintiff's claims for this independent reason.

ATTORNEY FEES

Defendants' request an award of their attorney fees and costs incurred in bringing this special motion for expedited relief. The anti-SLAPP statute expressly allows Defendants to recover attorney fees for having to defend against Plaintiff's claims that are based on Defendants' protected communications and speech. *See* Utah Code § 78B-25-110(1). The pertinent subsection states, in mandatory language, that "the court shall award court costs, reasonable attorney fees, and reasonable litigation expenses related to the motion . . . to the moving party if the moving party prevails on the motion." *Id.* At the Court's request, Defendants will submit a supporting affidavit or declaration to set forth the attorney fees and costs expended in responding to this SLAPP suit and bringing this Motion.

CONCLUSION

For the foregoing reasons, the Court should grant Defendants' special motion for expedited relief and Plaintiff's Second Amended Complaint pursuant to the anti-SLAPP statute. Defendants have established that the anti-SLAPP statute applies to the communications that Plaintiff alleges form the basis of this lawsuit. They have also shown that Plaintiff has failed to state a claim upon

which relief can be granted because he cannot establish a *prima facie* case as to each element of each of cause of action he has asserted in this case.

DATED this 5th day of September, 2024.

DENTONS DURHAM JONES PINEGAR

/s/ Jordan Westgate

Aaron B. Clark

Trinity Jordan

Jordan E. Westgate

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

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2024, a true and correct copy of the foregoing was served via the Court's Electronic Filing System to all counsel of record.

/s/ Shelby Irvin