

**THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH
WEST JORDAN DEPARTMENT**

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.

**RULING AND ORDER DENYING THE
HALL PARTIES' SPECIAL MOTION
FOR EXPEDITED RELIEF**

Case No. 230905528

Judge Chelsea Koch

This matter is before the Court on Defendants' Special Motion for Expedited Relief under the Uniform Public Expression Protection Act (the "Act"). Defendants Jason Hall, Natalie Hall, and Woodcraft Mill & Cabinet Inc. (herein "Defendants") brought the motion under Utah Code Section 78B-25-103. Having carefully reviewed the record, including all briefing submitted by the parties, and the arguments of counsel, the Court now issues the following Ruling and Order on the motion.

In ruling on a motion under Section 78B-25-103, the Court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under Utah Rules of Civil Procedure, Rule 56. Utah Code § 78B-25-106. The Act also provides that '[i]n applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to the uniform law's subject matter among states that enact the uniform law.' Utah Code § 78B-25-112.

The Act is an "anti-slapp" act which seeks to prevent frivolous lawsuits designed to punish or curtail political speech and activities. Plaintiff and Ms. Hall have been political opponents: Ms. Hall served as mayor of Bluffdale City while Plaintiff first ran his own campaign to unseat her, then ultimately campaigned on behalf of another of her competitors. Plaintiff now alleges certain comments made by Mr. Hall, Ms. Hall's spouse, have caused him harm. Some of these communications were made in writing via email or regular mail, while others were made in

the context of city council meetings or campaign events. Defendants argue that these are political expressions protected by the Act and that Plaintiff's causes of action for assault, false light, intentional infliction of emotional distress, and conspiracy should be dismissed.

In relevant part, the Act

applies to a cause of action asserted in a civil action against a person based on the 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). It does not apply to a cause of action asserted against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity. Utah Code § 78B-25-102(3).

In ruling on a motion under Section 78B-25-103, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

- (a) the moving party establishes under Subsection 78B-25-102(2) that the Act applies;
- (b) the responding party fails to establish under Subsection 78B-25-102(3) that this chapter does not apply; and
- (c) either:
 - (i) the responding party fails to establish a prima facie case as to each essential element of the cause of action; or
 - (ii) the moving party establishes that:
 - (A) the responding party failed to state a cause of action upon which relief can be granted; or
 - (B) there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

Utah Code § 78B-25-107(1).

I. The Act Applies to Some, but not All, of the Alleged Statements.

The Act applies to any exercise of the right of free speech, so long as that exercise is regarding a matter of public concern. Utah Code § 78B-25-102(2)(c); Uniform Public Expression Protection Act, Unif. L. Commn (2020) at Section 2, cmt. 7. Defendants must show that the Act applies to the causes of action in the Second Amended Complaint ("Complaint") by showing that they involve the "exercise of the right of freedom of speech." Utah Code § 78B-25-102 (in relevant part). Defendants explain that "they must prove only that Plaintiff's suit arises from the

exercise of their right to free speech on a matter of public concern.” Motion p. 4. Both sides agree the Court is to broadly construe and apply the Act to protect the exercise of the right of freedom of speech. *See* Utah Code § 78B-25-111. The Court finds that the speech involves a matter of public concern: the mayor’s position and election.

In opposing the motion, Plaintiff argues that at least some of the statements constitute “true threats,” which are not protected by the Act because they are unprotected speech under the First Amendment. The parties appear to agree that the speech that is unprotected by the First Amendment is also unprotected by the Act.¹ This is supported by persuasive authority as shown below.

Defendants argue that the following statements alleged in the Second Amended Complaint are protected by the Act:

1. 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.” Second Amended Complaint. ¶¶ 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.
2. 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.
3. On March 9, 2021, Plaintiff received a 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.*
4. That same day, all Bluffdale city council members, including Plaintiff received a separate package containing an unspecified gag gift. *Id.* ¶¶ 37–38. Plaintiff alleges that the gag gifts were “directed at” him. *Id.* 39.
5. 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.

¹ For example, see hearing audio, “we are squarely within first amendment protected speech.” Counsel for Hall Defendants, at 9:04:22.

6. On June 14, 2021, “cpacbluffdale@gmail.com” sent Plaintiff another email which stated the author heard Plaintiff had “interviewed to get money for a potential run for mayor.” *Id.* ¶¶ 54–55. This email was purportedly referring to an interview 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.
7. 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.
8. 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.
9. On November 2, 2021, Plaintiff received an anonymous package to his home, which contained a jester’s hat and “another demeaning letter.” *Id.* 85.
10. 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.

At the hearing on this matter, the parties requested that the Court identify which statements constitute true threats that would not be barred by the Act and upon which Plaintiff may rely to support his causes of action.

“[T]rue threats are a category of speech that has historically fallen outside the bounds of First Amendment protection.” *Ragsdale v. Fishler*, 2025 UT App 36, ¶57, *reh’g denied* (Apr. 24, 2025). *See Counterman v. Colorado*, 600 U.S. 66, 74, 143 S.Ct. 2106, 216 L.Ed.2d 775 (2023). “True threats are serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Id.* They “subject individuals to fear of violence and to the many kinds of disruption that fear engenders.” *Id.* (quotation simplified)

“The term ‘true threat’ has been adopted to help distinguish between words that literally threaten but have an expressive purpose such as political hyperbole, and words that are intended to place the target of the threat in fear.” *Van Liew v. Stansfield*, 474 Mass. 31, 39 (2016). Terms such as “corrupt and a liar” are protected speech because they relate to “performance ... as a public official.” *Id.* at 38.

However, terms like “I’m going to kill you,” “I just want to hit you in the neck—hard.... [G]o to the 405 [freeway] bridge and jump” and “I am looking forward to your death” are, or may be proven to be, truth threats that are not protected by anti-slapp or First Amendment protections. *D.C. v. R.R.*, 182 Cal. App. 4th 1190, 1202, 106 Cal. Rptr. 3d 399, 419 (2010), *as modified* (Apr. 8, 2010)(quoting *Virginia v. Black*, 538 U.S. 343, 344 (2003))

The test for what constitutes a “true threat” is a question of fact. Plaintiff will need to “show that the defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence.” *Counterman v. Colorado* at 69. For purposes of this order, the Court will identify those purported statements that *could* be found to be true threats under this standard by a reasonable trier of fact. These statements include:

1. In the March 5, 2021 email, “[i]n the meantime, you should know that the wheels are in motion to render you irrelevant.”
2. In the March 8, 2021 email, “stand up and be finished with this fool once and for all” and “if he doesn’t get the hint, there is a group of us that are ready to move to the next phase.”
3. In the March 9, 2021 package, “this is your final warning. We are moving to the next phase. Do what we ask, or we will do what must be done.” Also, the demand that “Gaston kill himself or he would end up being killed” as per Complaint 32.
4. The March 24, 2021 letter, “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.”
5. The June 14, 2021 email, “be putting your house up for sale out of humiliation by the time we’re done.”
6. The return address on the November 2, 2021 package that was for an axe-throwing society.
7. The November 23, 2021 package, “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.”

Because these statements likely are true threats, and may adequately support the elements of the causes of action alleged by Plaintiff, the Court denies the motion.

It is important to clarify that the Court is not making a finding that these statements are true threats. Only that a trier of fact may, in conjunction with any other evidence, find that they constitute true threats under the *Counterman* standard. If a jury finds that none of these meet the *Counterman* standard, then the relevant causes of action will have to be dismissed under the Act.

Furthermore, this ruling is not a ruling on the admissibility of any evidence. Nor is it a prohibition or limitation on discovery.

II. Other Steps in the Act's Analysis.

If defendants “did not satisfy their burden with respect to the first step of the anti-SLAPP analysis, [the Court does] not consider whether plaintiff[] demonstrated a probability of prevailing on the merits of [his] claims.” *D.C. v. R.R.*, 182 Cal. App. 4th 1190, 1231, 106 Cal. Rptr. 3d 399, 430 (2010), *as modified* (Apr. 8, 2010).

As such, the Court does not undertake an analysis of Utah Code §78B-25-107(1)(b) and (c). Similarly, because the Court is denying the Motion, it also does not reach the timeliness issue raised by Plaintiff.

III. False Light Claim

The parties asked the Court to clarify that Plaintiff's third cause of action “False Light” has been dismissed as to Defendant Natalie Hall in her professional and personal capacity pursuant to the Order Granting Bluffdale City's Motion to Dismiss with Prejudice signed on May 13, 2024. It is hereby ordered that Plaintiff's third cause of action “False Light” is dismissed with prejudice as to Natalie Hall in both her professional and personal capacities.

IV. Attorney's Fees

The Court does not award attorney's fees to either party as it does not find “that the motion was frivolous or filed solely with intent to delay the proceeding.” Utah Code § 78B-25-110. Although the motion is denied, it raised an important question that has assisted in the narrowing of the issues to be litigated.

CONCLUSION

For the reasons stated above, Defendants' Motion is DENIED.

DATED this 23rd day of May, 2025.

BY THE COURT:



Judge Chelsea Koch
DISTRICT COURT JUDGE

