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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.

Defendants.

**THIRD-PARTY DEFENDANTS'
REPLY MEMORANDUM IN SUPPORT
OF THEIR SPECIAL MOTION FOR
EXPEDITED RELIEF**

Civil No. 230905528

Judge Chelsea Koch

(HEARING REQUESTED)

Third-Party Defendants Connie Pavlakis (“Pavlakis”) and Connie Robbins (“Robbins”) (collectively the “TPC Defendants”), by and through their counsel of record, Joseph A. Skinner and Scott L. Sackett II of and for SCALLEY READING BATES HANSEN & RASMUSSEN, P.C., and pursuant to Rule 7 of the *Utah Rules of Civil Procedure* and *Utah Code Ann.* §78B-25-103, hereby submit this Reply Memorandum in Support of their Special Motion for Expedited Relief (the “*Special Motion*”). The *Special Motion* seeks dismissal of certain claims set forth in the Hall

Parties' Third-Party Complaint (the "TPC"); specifically, the Hall Parties' First Cause of Action for intentional infliction of emotional distress, the Second Cause of Action for negligent infliction of emotional distress, and the Third Cause of Action for defamation.

CONCISE STATEMENT OF NEW MATTERS RAISED IN THE *OPPOSITION*

In their *Opposition*, the Hall Parties allege that the *Special Motion* was not timely filed, that UPEPA does not apply to the claims set forth in the *TPC*, and that the Hall Parties have established a prima facie case on each of their causes of action.

RESPONSE TO THE HALL PARTIES' STATEMENT OF RELEVANT FACTS

Hall Parties' Statement of Fact No. 5: - Despite knowing the accusations were false and despite legitimate third-party investigations finding these allegations to be unfounded, Counterclaim Defendants repeatedly told residents that Ms. Hall was "under investigation." *See id.* at ¶ 64

Response: This Statement is made in relation to the purported "smear letters" attached as *Exhibits B and C* to the *Special Motion*. However, the Hall Parties misrepresent the content of the cited paragraph of the *TPC*, which actually alleges that "Despite the three investigations' findings, **Mr. Gaston** used the existence of the investigations to his benefit and to Ms. Hall's detriment, repeatedly telling people that Ms. Hall was 'under investigation.'" (**emphasis added**). *TPC* at ¶64.

Hall Parties' Statement of Fact No. 10: Ms. Robbins and Ms. Pavlakis knowingly provided false statements to the police, which supported Mr. Gaston's fabricated account, specifically claiming to have witnessed bloodied gouges across Mr. Gaston's arms. *See id.* at ¶¶

209, 223.

Response: The Hall Parties misrepresent the content of their own *TPC* in this Paragraph of their *Opposition*, as the *TPC* states that Pavlakis told investigators that Gaston had cuts on his arm “like paper cuts, lots of fine lines”. *TPC* at ¶225.

TPC DEFENDANTS’ STATEMENT OF ADDITIONAL FACTS

1. The *Opposition* identifies limited instances of alleged conduct against the TPC Defendants – 1) delivery of a purported “smear letter” by Robbins to a City Council member addressing potential overpayment of Natalie Hall, a city employee; 2) delivery of a purported “smear letter” by Pavlakis to a City Council member containing eight individually numbered paragraphs addressing issues within Bluffdale City staff, one of which related to a potential “inappropriate relationship” between Natalie Hall (a City employee) and the City manager; 3) TPC Defendants’ purported provision of false statements to police which were limited to their observations of Jeff Gaston (nothing related to the Hall Parties); 4) coordination of protests inside City Council meetings; 5) contact with news media; and 6) Robbins’ placement of signs stating “Natalie Hall supports criminal behavior.” See generally, the Hall Parties’ Statement of Relevant Facts contained in their *Opposition*.

2. In addition, the *Opposition* identifies a “continuing course of conduct” as the basis for the Hall Parties’ claims against the TPC Defendants. *Opposition* at p. 4. That continuing course of conduct includes 1) attempts to secure Mrs. Hall’s resignation from her role as mayor; 2) Coordination of protests at City Council meetings; 3) Robbins placement of signs stating “Resign Natalie Hall” and “Mayor Hall supports criminal behavior”; 4) Robbins contact with

news media; 5) TPC Defendants work to incite rage in other citizens by encouraging them to show up and demand Natalie Hall's resignation. *TPC* at ¶¶229-235.

ARGUMENT IN REPONSE TO NEW MATTERS RAISED IN THE *OPPOSITION*

In brief, the Hall Parties' allege that the *Special Motion* should be denied as it is purportedly untimely, as UPEPA does not apply, and as the Hall Parties allege that they have established a prima facie case for each of the causes of action set forth in the *TPC*. For the reasons set forth in the *Special Motion* and those contained herein, the Hall Parties' claims for IIED, NIED, and Defamation, as against the TPC Defendants, should be dismissed.

I. The Special Motion was Timely Filed.

"Not later than 60 days after the day on which a party is served... the party may file a special motion for expedited relief..." *Utah Code Ann.* §78B-25-103. As stated in the *Opposition*, service of the *TPC* occurred on July 23, 2025. While the Hall Parties allege that the clock might begin to run at the time the *TPC* was filed, such an assertion is incorrect and completely contradictory to the statutory provision governing the applicable deadlines. *Id.*

Based on Utah law, the TPC Defendants had 60 days to file the *Special Motion* from "**the day on which a party is served.**" See *Id* (**emphasis added**). While the sixtieth day did occur on September 21, 2025, the Hall Parties ignore the impact of the *Utah Rules of Civil Procedure* on the calculation of deadlines. The following rules apply in computing any time period specified... in any statute that does not specify a method of computing time. (1) When the period is stated in days or a longer unit of time:... (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that

is not a Saturday, Sunday, or legal holiday.” *Utah R. Civ. P.* 6(a)(1).

September 21, 2025, the date on which the Hall Parties allege the *Special Motion* needed to be filed, was a Sunday. Accordingly, the TPC Defendants’ deadline to file the *Special Motion* did not occur until September 22, 2025, the same day the *Special Motion* was filed. Clearly, there can be no legitimate or reasonable dispute that the TPC Defendants complied with UPEPA’s statutory filing period.

II. UPEPA Applies to the Causes of Action set forth in the TPC.

As the Hall Parties have previously argued in relation to their own *Special Motion for Expedited Relief* which was already ruled on by this Court, the purpose of UPEPA is to resolve and ultimately dispose of claims which are “intended to intimidate and silence individuals from exercising constitutionally protected rights.” Hall Parties’ *Special Motion* at pp. 2-3; See *Seiller Waterman, LLC v. Bardstown Cap. Corp.*, 643 S.W.3d 68, 79 (Ky. 2022). “[T]his chapter applies to a cause of action asserted in a civil action against a person based on the person’s:… (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 Ann.* §78B-25-102(2)(c).

As clearly articulated in the *Special Motion*, the conduct of which the Hall Parties complain, and the conduct which forms the bases for each of their causes of action against the TPC Defendants (IIED, NIED, Defamation and Conspiracy) consist of exercises of the right of freedom of speech, the right to assemble or petition, and the right of association. See generally, *Special Motion*. See *Utah Code Ann.* §78B-25-102. Each of these alleged instances of conduct

relate to a matter of public concern. See *Special Motion* at p. 9. In fact, with the exception of allegations related to statements made to the police, each of claims asserted against the TPC Defendants relate to an exercise of the freedom of speech or the right to assemble or petition related to Mrs. Hall's performance as a public official/employee (the exact type of conduct the Hall Parties claimed fell within the purview of the anti-SLAPP statute in their own Special Motion). See generally, the *TPC*; see the Hall Parties' *Special Motion for Expedited Relief* at p. 7.

Further, the Hall Parties have taken a completely contradictory position in the *Opposition* to that taken as the moving party in their own Special Motion. For example, the Hall Parties previously argued that "It is unimagine [*sic*] 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." The Hall Parties' *Special Motion* at p. 10. Yet in the *Opposition*, the Hall Parties seek to penalize and assert claims against individuals for engaging in exactly that type of conduct – demanding a public official's resignation and organizing protests and contacting news media related to same.

In brief, each of the claims and allegations in the *TPC* asserted against the TPC Defendants, and all of the statements and conduct complained of falls within the scope of speech related to a matter of public concern (including the statements made to police regarding Gaston's report of a purported public assault on his person), and to the right to assemble and petition, and therefore, UPEPA applies.

III. The Hall Parties have Failed to Establish a Prima Facie Case as to Each of Their Causes of Action.

In the *Opposition*, the Hall Parties allege that they have established a prima facie case as to each of their causes of action. Yet a review of the pleadings and the elements of the various causes of action negates the Hall Parties' assertion.

To establish a prima facie case, the Hall Parties "must present some competent evidence on every element needed to make out a cause of action." *MacKey v. Krause*, 2025 UT 37, ¶58, 2025 LX 331400 (citing *Winegar v. Slim Olson, Inc.*, 122 Utah 487, 252 P.2d 205, 206 (Utah 1953)). In addition to those failures identified in the *Special Motion* and in light of the Hall Parties' claims in the *Opposition*, the TPC Defendants identify the following failures:

A. Statements to Police (Defamation)

In relation to the Hall Parties' claim for defamation, to prevail on a claim for defamation, the Hall Parties must prove that the TPC Defendants "published the statements *concerning the [Hall Parties]*." *John Bean Techs. Corp. v. B GSE Grp., LLC*, 2020 US Dist. LEXIS 146261, 480 F. Supp.3d 1274, 1321-1322.

Here, the statements made to police relate solely to the TPC Defendants statements to police about **Gaston** and their respective observations of **Gaston's** arms. Nowhere does the *TPC* allege that the TPC Defendants made any statements to police or investigators concerning the Hall Parties. Accordingly, as it relates to the claim for defamation based upon statements to investigators, the Hall Parties have failed to establish a prima facie case.

B. Intentional Infliction of Emotional Distress (All allegations of speech/conduct)

One of the requisite elements of a claim for IIED is that the conduct be outrageous and intolerable. “It is difficult to satisfy the ‘outrageous conduct’ element. In this context, ‘outrageous conduct’ means ‘conduct that evokes outrage or revulsion; it must be more than unreasonable, unkind, or unfair.’” *MacKey*, 2025 UT 37 at ¶87 (citing *Prince v. Bear River Mut. Ins.*, 202 UT 68, ¶38, 56 P.3d 524). The Hall Parties have failed to provide any competent evidence of “outrageous and intolerable” conduct. Organization of protests, contacting news media, giving statements to police that do not refer to the Hall Parties, placement of signs, and delivery of the “smear letters” to a single member of the Bluffdale City Council do not constitute “outrageous and intolerable” conduct under Utah law.

C. Negligent Infliction of Emotional Distress (All alleged conduct)

“The Utah Supreme Court has adopted the ‘zone of danger’ theory of recovery for negligent infliction of emotional distress claims.” *Kingsley v. Amazon.Com Servs. LLC*, 2025 U.S. Dist. LEXIS 168409, at p. 8 (citing *Johnson v. Rogers*, 763 P.2d 771, 784 (Utah 1988)). “This theory allows recovery only for those who are victims of another’s breach of duty. In other words, only those placed in actual peril as a result of a defendant’s breach of duty are allowed recovery for negligent infliction of emotional distress.” *Id* (citing *Hansen v. Sea Ray Boats, Inc.*, 830 P.2d 236, 239 (Utah 1992)).

Here, at no point in the *Opposition* or in the *TPC*, do the Hall Parties allege any duty owed by the TPC Defendants to the Hall Parties, nor do they identify a “zone of danger” to which they were subjected as would be required to maintain a claim for negligent infliction of

emotional distress. As a result, the Hall Parties are unable to establish a prima facie case related to same.

CONCLUSION

The *TPC* is nothing more than the Hall Parties' improper effort to influence the political election process in Bluffdale City. This is supported by their inclusion of claims for conduct which is clearly protected and for which dismissal is proper. It is also supported by the Hall Parties' active decision to solely assert claims against "Connie" despite their recitation of allegations of identical conduct against numerous individuals in the *TPC*.¹ Despite those allegations, no other third-party was brought into the litigation. Finally it is further supported by the timing of the filing of the *TPC* (shortly prior to the deadline to declare the intent to run for mayor and shortly after it was circulated that a "Connie" would be running for mayor), which contained a counterclaim during a period in which such a claim was explicitly barred by the stay that existed in the case – a stay of which the Hall Parties were well aware.²

While the *TPC* Defendants dispute the factual allegations in the *TPC* as well as the characterization of the conduct, events and intent alleged throughout the *TPC*, even if those factual allegations were accepted as true, the Hall Parties' claims merit dismissal. Claims for

¹ As alleged in the Answer to the *TPC*, the Hall Parties filed a counterclaim in violation of the stay in this case, and only included the *TPC*, after information was circulated that a "Connie" would be running against Natalie Hall in the upcoming election. While they name numerous individuals giving the same witness statements or similar witness statements to investigators as the *TPC* Defendants, and other individuals protesting and putting up the same signs as Robbins, no other individual was named as a third-party defendant.

² The Hall Parties' own Special Motion specifically referred to the stay in place and the timing of that stay as it related to the filing of their Special Motion. See the Hall Parties' Special Motion at p. 2, footnote 1. The Hall Parties were fully aware that the filing of their counterclaim violated that stay. The only basis for such a violation was to file the pleading upon being notified that a "Connie" was running for mayor.

posting of signs demanding Natalie Hall’s resignation, coordination of protests demanding her resignation, contacting the news media related to the circumstances surrounding Jason Hall’s unlawful conduct, and the “smear letters” all fall within the realm of free speech and rights afforded to the TPC Defendants. To allow parties to be sued for coordinating protests, or to allow parties to be sued for contacting news media, or to allow parties to be sued for demanding the resignation of public officials, among other things, would do nothing more than flood the courts with meritless claims and chill an individual’s ability to exercise their right to freedom of speech.

Based on the foregoing, and as articulated in the *Special Motion*, the Hall Parties’ claims against the TPC Defendants must be dismissed. Should the Court determine that the Hall Parties’ claims survive the *Special Motion*, the TPC Defendants respectfully request that this Court identify which areas of conduct for which a claim may be sustained so as to permit the TPC Defendants to engage in focused discovery, thereby promoting an economical and efficient resolution of this litigation.

Dated this 17th day of October, 2025.

**SCALLEY READING BATES
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing was delivered via e-filing on October 17th, 2025, on the following parties of record.

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