

1980

Rio Algom Corporation v. Jimco Ltd et al : Petition for Rehearing

Utah Supreme Court

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IN THE SUPREME COURT OF THE STATE OF UTAH

* * * * *

RIO ALGOM CORPORATION,)

Plaintiff-Appellant,)

-vs-)

JIMCO, LTD., HUMECA EXPLORATION)
COMPANY, JIM L. HUDSON, JUANITA)
J. MEYER AS EXECUTRIX OF THE)
ESTATE OF DANIEL H. MEYER, ELDON)
J. CARD, NORMA HUDSON, JEAN L.)
CARD, JUANITA J. MEYER, N. J.)
WHITE, AUDREY WHITE, WILMA WHITE,)
OTIS DIBLER, DOROTHY MAE DIBLER,)
GRACE DAVIS, and MARLOWE C. SMITH,)

Defendants-Respondents.)

CASE NO. 16032

PETITION FOR REHEARING

Petition for Rehearing from the Decision
of the Utah Supreme Court filed September 19, 1980

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FILED

OCT -3 1980

Clerk, Supreme Court, Utah

IN THE SUPREME COURT OF THE STATE OF UTAH

* * * * *

RIO ALGOM CORPORATION,)	
)	
Plaintiff-Appellant,)	
)	PETITION FOR
-vs-)	REHEARING
)	
JIMCO, LTD., HUMECA EXPLORATION)	
COMPANY, JIM L. HUDSON, JUANITA)	
J. MEYER AS EXECUTRIX OF THE)	
ESTATE OF DANIEL H. MEYER, ELTON)	Case No. 16032
J. CARD, NORMA HUDSON, JEAN L.)	
CARD, JUANITA J. MEYER, N. J.)	
WHITE, AUDREY WHITE, WILMA WHITE,)	
OTIS DIBLER, DOROTHY MAE DIBLER,)	
GRACE DAVIS, and MARLOWE C. SMITH,)	
)	
Defendants-Respondents.)	

* * * * *

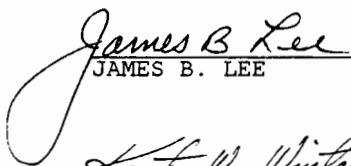
Plaintiff and Appellant, Rio Algom Corporation, ("Rio"), pursuant to the provisions of Rule 76(e) of the Utah Rules of Civil Procedure, hereby petitions this Court for a rehearing with respect to the decision in this action filed on September 19, 1980. Rio asserts that this Court should grant it a rehearing with respect to the Court's decision in this matter for the following reasons:

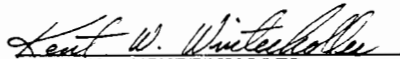
THE COURT ERRED IN NOT DETERMINING THAT RIO
IS TO PARTICIPATE IN THE PROCEEDS RESULTING
FROM THE AUDREY'S PERMANENT NON-EXERCISE OF
THE OPTION TO RECEIVE ROYALTIES BASED UPON
THE FAIR MARKET VALUE OF CRUDE ORE.

THE COURT ERRED IN CONCLUDING THIS LAWSUIT
HAS BEEN SETTLED.

Rio will file with the Court, and serve upon the other parties to this action, its brief of the authorities it relies upon to sustain the points listed in this Petition for Rehearing on or before October 23, 1980 in accordance with that Order granting an extension of time within which to file a Petition for Rehearing signed by Justice D. Frank Wilkins of this Court and dated October 1, 1980.

Respectfully submitted this 3rd day of October, 1980.


JAMES B. LEE


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Appellant Rio Algom
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CERTIFICATE OF HAND DELIVERY

On this 3rd day of October, 1980, I hereby certify that I caused to be hand-delivered a true and accurate copy of the foregoing PETITION FOR REHEARING, to the following parties of record:

Mr. Albert J. Colton
Fabian & Clendenin
800 Continental Bank Building
Salt Lake City, UT 84101

Mr. E. Scott Savage
Van Cott, Bagley, Cornwall & McCarthy
50 South Main Street, Suite #1600
Salt Lake City, UT 84111

Mr. Clinton D. Vernon
415 Kearns Building
Salt Lake City, UT 84101

Daylene L. Butters

MAILING CERTIFICATE

On this 3rd day of October, 1980, I hereby certify that I caused to be mailed a true and accurate copy of the foregoing PETITION FOR REHEARING, to the following parties of record:

Mr. William G. Waldeck
P. O. Box 2188
Grand Junction, CO 81501

Mr. Clifford L. Ashton
Van Cott, Bagley, Cornwall & McCarthy
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