

2001

William D. Conrad and Joan V. Conrad v. Donald A. Mower : Response to Petition for Rehearing

Utah Supreme Court

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_sc2



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Supreme Court; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Robert A. Echard; Attorney for Respondents; William H. Henderson; Attorney for Appellant
David Lloyd; Attorneys for Respondent

Recommended Citation

Legal Brief, *Conrad v. Mower*, No. 14475.00 (Utah Supreme Court, 2001).
https://digitalcommons.law.byu.edu/byu_sc2/1523

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

UTAH
DOCUMENT
KFU
45.9
\$.99
DOCKET NO.

UTAH SUPREME COURT

BRIEF

14475 AB

RECEIVED
LAW LIBRARY

14 JUN 1977

BRIGHAM YOUNG UNIVERSITY
J. Reuben Clark Law School

IN THE SUPREME COURT
OF THE STATE OF UTAH

WILLIAM D. CONRAD and
JOAN V. CONRAD,

Plaintiffs and
Respondents

Case No. 14475

-v-

DONALD A. MOWER,

Defendant and
Appellant

ANSWER OF APPELLANT DONALD A. MOWER

TO

MOTION FOR REHEARING OF DEFENDANT GLENN C. ANDERSON, JR.

WILLIAM H. HENDERSON
208 Metropolitan Law Building
431 South Third East Street
Salt Lake City, Utah 84111

Attorney for Appellant
Donald A. Mower

DAVID LLOYD
606 Newhouse Building
Ten Exchange Place
Salt Lake City, Utah 84111

Attorney for Defendant
Glenn C. Anderson, Jr.

ROBERT A. ECHARD
427 - 27th Street
Ogden, Utah 84401

Attorney for Respondents

FILED

FEB 14 1977

Clerk, Supreme Court, Utah

IN THE
SUPREME COURT
OF THE
STATE OF UTAH

WILLIAM D. CONRAD and
JOAN V. CONRAD,

Plaintiffs and
Respondents

-v-

DONALD A. MOWER,

Defendant and
Appellant

:
:
:
:
:
:
:
:
:
:

Case No. 14475

ANSWER OF APPELLANT DONALD A. MOWER
TO
MOTION FOR REHEARING OF DEFENDANT GLENN C. ANDERSON, JR.

Appellant Donald A. Mower, respectfully submits that defendant Glenn C. Anderson's Motion for Rehearing of this Court's decision, filed January 28, 1977, should be denied for the following reasons:

1. Defendant Glenn C. Anderson, Jr. has no standing in this Court. He settled with plaintiffs and dismissed his appeal. He was not a party to the appeal.

2. Defendant Anderson had full knowledge of appellant's appeal (notice having been served upon him). Further, although not required by appellant Mower (as Anderson was not a party to

the appeal proceeding), a copy of appellant's brief was served on Anderson. Anderson had ample opportunity to present his views to this Court before final decision, but he did not do so. And he had no standing to do so.

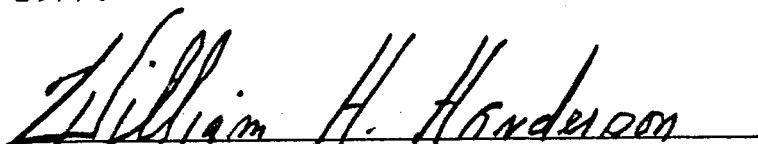
3. Glenn C. Anderson, Jr. made his settlement with the plaintiffs and respondents, the details of which were strictly a matter between defendant Anderson and respondents Conrad. Appellant Mower also made his settlement with the Conrads, the details of which were strictly a matter between appellant Mower and respondents Conrad.

4. None of the papers of settlement were filed with the Court. The only documents filed by appellant Mower were appellant's Opening Brief. The respondents Conrad's statement that they had settled the case and admitted the validity of appellant's appeal was filed by the Conrads.

5. Considering the fact that both defendant Mower and defendant Anderson made separate and independent settlements with plaintiffs Conrad, the question of any right to contribution by either plaintiff is doubtful to say the least. But, however that may be, the question of contribution is not the problem of this Court. Any such right is a problem for independent proceedings in the District Court.

IT IS RESPECTFULLY SUBMITTED that defendant Glenn C. Anderson's Motion for Rehearing should be denied.

Dated: February 14, 1977.


WILLIAM H. HENDERSON

RECEIVED
LAW LIBRARY

14 JUN 1977

BRIGHAM YOUNG UNIVERSITY
J. Reuben Clark Law School