

1980

Velma Gladys Yates v. Vernal Family Health Center,
A Project of Division of Family And Community
Medicine, University of Utah; Uintah County
Hospital; Vernal Drug Company, A Utah
Corporation; And Gordon Lee Balka, M.D : Brief
of Respondent Vernal Drug Company

Utah Supreme Court

Follow this and additional works at: https://digitalcommons.law.byu.edu/uofu_sc2

 Part of the [Law Commons](#)

Original Brief submitted to the Utah Supreme Court; funding for digitization provided by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Utah State Library, and sponsored by the S.J. Quinney Law Library; machine-generated OCR, may contain errors. Robert M. McRae; Attorneys for Appellant YatesWilliam T. Evans; Attorney for Respondent Vernal Family Health CenterJohn H. Snow; Attorney for Respondent Vernal Drug CompanyLeonard H. Russon; Attorney for Respondents Uintah County and Uintah County HospitalD. Gary Christian; Attorney for Respondent Balka

Recommended Citation

Brief of Respondent, *Yates v. Vernal Family Health Center*, No. 16602 (Utah Supreme Court, 1980).
https://digitalcommons.law.byu.edu/uofu_sc2/1871

This Brief of Respondent 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 (1965 –) by an authorized administrator of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

IN THE SUPREME COURT OF THE STATE OF UTAH

VELMA GLADYS YATES,

Plaintiff-
Appellant,

vs.

VERNAL FAMILY HEALTH CENTER,
a project of the Division of
Family and Community Medicine, University of Utah;
UINTAH COUNTY; UINTAH COUNTY
HOSPITAL; VERNAL DRUG COMPANY, a Utah Corporation;
and GORDON LEE BALK, M.D.,

Case No. 16602

Defendants-
Respondents.

BRIEF OF RESPONDENT VERNAL DRUG COMPANY

Appeal from a Judgment of the
Fourth Judicial Court for Uintah County
Honorable Allen B. Sorensen, Judge

JOHN H. SNOW, Esq.
700 Continental Bank Building
Salt Lake City, Utah 84101
Attorney for Respondent
Vernal Drug Company

WILLIAM T. EVANS, Esq.
25 South Wolcott
Salt Lake City, Utah 84112
Attorney for Respondent
Vernal Family Health Center

GAYLE F. McKEACHNIE, Esq.
53 South 200 East
Vernal, Utah 84078
Attorney for Respondent
Vernal Drug Company

LEONARD H. RUSSON, Esq.
702 Kearns Building
Salt Lake City, Utah 84101
Attorney for Respondents
Uintah County and Uintah
County Hospital

ROBERT M. McRAE, Esq.
72 East 4th South, #355
Salt Lake City, Utah 84111
Attorney for Appellant Yates

D. GARY CHRISTIAN, Esq.
600 Commercial Club Building
Salt Lake City, Utah 84111
Attorney for Respondent Balka

IN THE SUPREME COURT OF THE STATE OF UTAH

VELMA GLADYS YATES,

Plaintiff-
Appellant,

vs.

VERNAL FAMILY HEALTH CENTER,
a project of the Division of
Family and Community Medi-
cine, University of Utah;
UINTAH COUNTY; UINTAH COUNTY
HOSPITAL; VERNAL DRUG COM-
PANY, a Utah Corporation;
and GORDON LEE BALK, M.D.,

Case No. 16602

Defendants-
Respondents.

BRIEF OF RESPONDENT VERNAL DRUG COMPANY

Appeal from a Judgment of the
Fourth Judicial Court for Uintah County
Honorable Allen B. Sorensen, Judge

JOHN H. SNOW, Esq.
700 Continental Bank Building
Salt Lake City, Utah 84101
Attorney for Respondent
Vernal Drug Company

GAYLE F. McKEACHNIE, Esq.
53 South 200 East
Vernal, Utah 84078
Attorney for Respondent
Vernal Drug Company

ROBERT M. McRAE, Esq.
72 East 4th South, #355
Salt Lake City, Utah 84111
Attorney for Appellant Yates

WILLIAM T. EVANS, Esq.
25 South Wolcott
Salt Lake City, Utah 84112
Attorney for Respondent
Vernal Family Health Center

LEONARD H. RUSSON, Esq.
702 Kearns Building
Salt Lake City, Utah 84101
Attorney for Respondents
Uintah County and Uintah
County Hospital

D. GARY CHRISTIAN, Esq.
600 Commercial Club Building
Salt Lake City, Utah 84111
Attorney for Respondent Balka

TABLE OF CONTENTS

Page

Cases Cited	ii
Statutes Cited.	iii
NATURE OF THE CASE.	1
DISPOSITION IN THE LOWER COURT.	1
RELIEF SOUGHT ON APPEAL	2
STATEMENT OF FACTS.	2
ARGUMENT.	6
POINT I - THE DISMISSAL OF THE ACTION FOR FAILURE TO COMPLY WITH THE NOTICE REQUIRE- MENT OF THE UTAH HEALTH CARE MALPRACTICE ACT WAS CORRECT AND SHOULD BE AFFIRMED.	6
POINT II - APPELLANT HAS FAILED TO PROVE HER CLAIM THAT THE UTAH HEALTH CARE MAL- PRACTICE ACT IS UNCONSTITUTIONAL, AND HER CLAIM SHOULD THEREFORE BE DENIED.	14
CONCLUSION	15

CASES CITED

	<u>PAGE</u>
<u>Cleghorn v. Schow, et al.</u> , 603 P.2d 786 (Utah 1979)	13
<u>Crowder v. Salt Lake County</u> , 552 P.2d 646 (Utah 1976)	15
<u>Foil v. Ballinger</u> , 601 P.2d 144 (Utah 1979)	12
<u>Gallegos v. Midvale City</u> , 497 P.2d 1335 (Utah 1972)	13
<u>Hackney, et al., v. Rumel Chest Clinic, et al.</u> , 603 P.2d 786 (Utah 1979).	13
<u>McGuire v. University of Utah Medical Center</u> , 603 P.2d 786 (Utah 1979).	13
<u>Scarborough v. Granite School District</u> , 531 P.2d 480 (Utah 1975).	13
<u>State of Utah v. Daniel Lee Laird</u> , 601 P.2d 926 (Utah 1979).	14
<u>Trade Commission of Utah v. Skaggs Drug Centers, Inc.</u> , 446 P.2d 958 (Utah 1968)	15
<u>Varoz v. Sevey</u> , 506 P.2d 435 (Utah 1973)	13
<u>Vealy v. Clegg</u> , 579 P.2d 919 (Utah 1978)	13
<u>White v. Intermountain Health Care, Inc., et al.</u> , 603 P.2d 786 (Utah 1979).	13

STATUTES CITED

	<u>Page</u>
Sec. 68-3-11, U.C.A.	11
Sec. 78-14-8, U.C.A.	5, 8

IN THE SUPREME COURT OF THE STATE OF UTAH

VELMA GLADYS YATES,

Plaintiff-
Appellant,

vs.

VERNAL FAMILY HEALTH
CENTER, a project of the
Division of Family and
Community Medicine,
University of Utah;
UINTAH COUNTY; UINTAH COUNTY
HOSPITAL; VERNAL DRUG COM-
PANY, a Utah corporation;
and GORDON LEE BALKLA, M.D.,

Case No. 16602

Defendants-
Respondents.

BRIEF OF RESPONDENT
VERNAL DRUG COMPANY

NATURE OF THE CASE

This was a malpractice action against a health care provider as defined in the Utah Health Care Malpractice Act enacted by the Legislature as Chapter 23, Laws of Utah 1976, and as amended by Chapter 128, Laws of Utah 1979.

DISPOSITION IN THE LOWER COURT

The trial court dismissed the action because plaintiff failed to give the required prior notice of intent to commence an action, as required by the Utah Health Care

Malpractice Act.

RELIEF SOUGHT ON APPEAL

Respondent Vernal Drug Company seeks affirmance of the order of dismissal.

STATEMENT OF FACTS

The facts necessary for an understanding and a determination of the claim against respondent Vernal Drug Company are summarized as follows:

During an indeterminate period ending in March 1978, the appellant Velma Gladys Yates was a patient of Gordon Lee Balka, M.D., who was a physician employed by respondent Vernal Family Health Center. During his care of the patient, Dr. Balka prescribed numerous and varied medications. Prescriptions for these medications were presented to Vernal Drug Company, whose pharmacists dispensed the drugs as so prescribed.

The patient was hospitalized in Uintah County Hospital March 12, 1977, and after a few days of treatment she was transferred to Holy Cross Hospital in Salt Lake City and later was returned to Uintah County Hospital where she was discharged about April 12, 1977.

Nearly a year later, on April 10, 1978, respondent Vernal Drug Company was served with a copy of a letter reading as follows:

April 7, 1978

TO: Vernal Family Health Center
Dr. Lee Balka
Vernal Drug Company
Uintah County Hospital

Gentlemen:

Pursuant to 78-14-8, UCA, notice is herewith given that Marzine Yates, husband of Velma Gladys Yates, potentially is asserting and claiming and may commence a civil action for damages arising out of possible negligent prescribing, negligent dispensing of drugs or other forms of prescribed medicine, and negligent hospitalization and treatment of his wife. In compliance with the aforesaid section of the Utah Code, it is believed and will be alleged in the event a civil action is commenced that from approximately March 1976 until March 1978, claimant's wife received prescriptions from the Vernal Drug Company believed to have been prescribed by Dr. Lee Balka in his official capacity as a partner or responsible agent of the Vernal Family Health Center, which prescriptions, in combination of use or separate (sic), were dispensed in an excessive amount which has resulted in permanent mental damage to claimant's wife. It is further believed that as a result of the prolonged excess abuse of the prescription medicine, the seizure and subsequent coma which claimant's wife suffered approximately one year ago were possibly the result of negligence.

Claimant is unable to supply further information about the details of the possible claim or the possible believed responsible parties until an exam of all the books and records of recipients of this notice has been accomplished.

/s/ Marzine Yates
Marzine Yates

/s/ Robert M. McRae
Robert M. McRae
Attorney for Claimant

SUBSCRIBED AND SWORN to before me this
7th day of April, 1978.

/s/ Cleo W. Chew
NOTARY PUBLIC
Residing at Vernal, Utah
Commission Expires Dec. 14, 1978

Marzine Yates, described in the foregoing letter as a
"claimant" who "potentially is asserting and claiming and may
commence a civil action," did not file the threatened suit.
His letter, alleging negligence during a two-year period
from March 1976 to March 1978, was neither withdrawn nor
amended, and it is still pending.

On July 19, 1978, appellant Velma Gladys Yates filed
this action, alleging she had been the patient of Dr. Balka
from December 1975 through March 1978, during which period Dr.
Balka "prescribed medication to plaintiff, and permitted
plaintiff to receive prescribed drugs and narcotics" which
resulted in plaintiff's becoming addicted to same
(R. 1, 3.)

The complaint next alleges that "During the approximate
fifteen month (sic) period, plaintiff was supplied with
approximately two hundred seventeen (217) separate prescriptions
or refills of varying drugs and narcotics," resulting in
seizures and hospitalization March 12, 1977 (R. 2).

The complaint was filed by appellant in her own name

and without the aid of a guardian ad litem or a conservator. She gave no prior notice of her intent to commence the action, although such notice was then required by Section 78-14-8, Utah Code Annotated (1953), as amended, which then read, to the extent pertinent here, as follows:

78-14-8. Notice of intent to commence action.
No malpractice action against a health care provider may be commenced unless and until the plaintiff gives the prospective defendant or his executor or successor, at least ninety days' prior notice of intent to commence an action. Such notice shall include the nature of the claim, the persons involved, the date, time and place of the occurrence, the circumstances thereof, specific allegations of misconduct on the part of the prospective defendant, the nature of the alleged injuries and other damages sustained. Notice may be in letter or affidavit form executed by the plaintiff and his attorney

Appellant's failure to comply with the notice requirement of the statute formed the basis for this respondent's motion to dismiss, with supporting memorandum, dated May 14, 1979. The trial court heard argument on this and other motions at the pretrial conference June 8, 1979, and on July 16, 1979, the motions were granted by the court with the following significant comment:

Plaintiff in reliance upon Hatch v Weber County, 23 U₂144, 459 P.2d 436, asserts that plaintiff complied substantially with the notice requirement of 78-14-8, U.C.A., '53. Nothing in the record indicates that Velma Gladys Yates complied at all with the statutory notice requirement. Defendants' motions to dismiss are granted. (Emphasis in original) (R. 218).

The court entered its formal order of dismissal July 20, 1979, and this appeal followed.

ARGUMENT

POINT I

THE DISMISSAL OF THE ACTION FOR FAILURE TO COMPLY WITH THE NOTICE REQUIREMENT OF THE UTAH HEALTH CARE MALPRACTICE ACT WAS CORRECT AND SHOULD BE AFFIRMED.

Appellant claims that the letter of April 7, 1978, which identified her husband as the claimant and which was signed by her husband and by Robert M. McRae as her husband's attorney, should be construed as her compliance with the notice requirement of the Utah Health Care Malpractice Act.

Appellant thus concedes that the statute required a plaintiff to give prior notice of an intent to commence a malpractice action, but after so conceding the meaning of the statute, she admits that she, as the ultimate plaintiff, failed to give the required notice, but she does not explain that failure. Instead, she contends that the letter of April 7, 1978, identifying her husband as the claimant should be construed as notice of her intent to file an action and that the letter should otherwise be viewed as constituting "substantial compliance" with the statute. When the letter is measured against the statutory yardstick, it clearly falls short and it demonstrates that the appellant's

contention must fail.

First, the statute requires that the plaintiff must give the prior notice of intent to commence an action and the notice must be signed by the plaintiff and his attorney. In the letter in question, the appellant was never identified as the claimant, she never stated an intent to commence an action, she did not sign the letter, no one identified as her attorney signed it, and for all that appears from the record she was totally unaware it had been prepared or served.

Concerning the statutory requirement that an intent to commence an action be expressed, the language of this letter is hesitant and uncertain, and thus is inadequate as an expression of the required intent. The letter says Marzine Yates "potentially is asserting and claiming and may commence a civil action for damages" (Emphasis added.) The uncertainty concerning the intent is enhanced by the language of the next sentence in which it is said, "It is believed and will be alleged in the event a civil action is commenced" and it is compounded by the language of the last paragraph of the letter which refers to details "of the possible claim" or the "possible believed responsible parties." (Emphasis added.)

Even if the appellant had been identified as the claimant and had signed the letter as the claimant, together with her attorney, the letter would not fulfill the mandatory requirements of Section 78-14-8. The statute states:

Such notice shall include the nature of the claim, the persons involved, the date, time and place of the occurrence, the circumstances thereof, specific allegations of misconduct on the part of the prospective defendant, the nature of the alleged injuries and other damage sustained (Emphasis added).

When the April 7 letter is compared with the requirements of the statute the following inadequacies are apparent:

1. Nature of Claim. The letter states that there was "possible negligent prescribing, negligent dispensing of drugs or other forms of prescribed medicine. . . ," that Mr. Yates' wife "received prescriptions from the Vernal Drug Company believed to have been prescribed by Dr. Lee Balka . . . which prescriptions, in combination of use or seperate (sic) were dispensed in an excessive amount." From this it cannot be determined whether the potential claim would involve excessive amounts of medication prescribed by Dr. Balka or proper amounts of such medication dispensed in violation of the doctor's instruction. Moreover, it cannot be determined whether the claimant contended that it was Dr. Balka's fault, or that of the drug company, that the drugs were prescribed and dispensed in combinations which would harm the recipient.

2. The Persons Involved. No attempt was made to identify any employee of Vernal Drug Company, although it is to be assumed that a two-year period of purchases in a small town drugstore would have led to sufficient familiarity with persons involved for them to have been identified.

3. The Date, Time and Place of the Occurrence. The only dates specified by Marzine Yates are March 1976 to March 1978. However, the complaint subsequently filed by the appellant alleges a time period from December 1975 through March 1978, a period of more than two and one-quarter years, but

the time period is blurred by a subsequent allegation in the complaint that plaintiff was supplied with the medications "during the approximate 15 month period" which ended when the plaintiff suffered seizures and was hospitalized March 12, 1977.

4. Specific Allegations of Misconduct on the Part of the Prospective Defendant. The uncertainty of the allegations made by Marzine Yates concerning the conduct of the defendants, as described in paragraph 1 above, is equally applicable here. It cannot be determined whether the letter charged that Dr. Balka described too many medications in improper combinations or whether it was contended that Vernal Drug Company violated its duty by failing to dispense medicines as the doctor had prescribed.

5. Nature of the Alleged Injuries. On the subject of damage, the letter signed by Marzine Yates states that his wife had sustained "permanent mental damage" but no further details of the alleged damage were set forth, although Yates expressed the belief that "the seizure and subsequent coma which claimant's wife suffered approximately one year ago were possibly the result of negligence." In the light of the allegations against the other prospective defendants, this respondent certainly could not determine what injuries or other damage were allegedly caused by its conduct.

On page 7 of this brief, respondent has emphasized four significant facts concerning the letter of April 7, 1978: appellant was not named as the claimant, she did not state an intent to commence an action, she did not sign the letter, and the attorney who did sign identified himself as attorney for "claimant," who had been described or identified at least five times in the letter as Marzine Yates, appellant's husband.

These facts assume even greater significance in the light of the circumstances which are obvious from the letter

itself. The letter was prepared on the letterhead of an attorney who has recognized knowledge and ability in the practice of personal injury law. As of the date of the letter, the Utah Health Care Malpractice Act had been in effect more than two years and its terms were presumptively known and understood by that attorney. Indeed, the letter cited a section of the Act and claimed compliance with that section.

These circumstances strongly suggest that the failure to identify appellant as the claimant, her failure to state an intent to sue and her failure to sign the letter were deliberate and intentional and, at that time, Marzine Yates was in actual fact the claimant, acting for himself.

This conclusion is strengthened by the absence of any other explanation by or on behalf of the appellant, either here or in the trial court. As this respondent previously observed, for all that can be found in this record, appellant was totally unaware that the letter had been prepared or served.

Appellant contends in her brief that her failure to give notice of her intent to commence an action and the inadequacies of her husband's notice should be held by this Court to be of no consequence because the various respondents had actual notice of her claim. She argues that to require

"strict and technical compliance" with the notice statute "would be an obvious injustice" and asserts it was not the intent of the legislature "to create a technical stumbling block for unwary plaintiffs" (appellant's brief, pp. 9, 10, 11).

These contentions should be rejected. This Court should not be asked to ignore or rewrite legislation, particularly when the statute in question was obviously the product of careful Legislative consideration. If the Legislature had intended that its enactment should be construed as urged by the appellant, it could have so provided without the detailed requirements of the notice specified in Section 8. The appellant failed to comply with the statute and she should not be permitted to excuse that failure by minimizing the statute as a "technical stumbling block for unwary plaintiffs."

Appellant, in effect, is requesting that the specific language in the statute be ignored or that the words employed should not be construed according to their usual meanings. Such a request is in contradiction to the established law of statutory construction as found in Section 68-3-11, Utah Code Annotated 1953, which provides "Words and phrases are to be construed according to the context and the approved usage of the language; . . ."

In her attempt to minimize or to negate the manifest intent of the Legislature when it adopted the Utah Health Care Malpractice Act, appellant has failed to consider the significance of the action taken by the 1979 Legislature when it reviewed and amended Section 8. As this Court pointed out in Foil v. Ballinger, 601 P.2d 144 (September 1979), the 1979 Legislature fully considered House Bill 164 which was offered to amend portions of Section 8 but which, as finally adopted unanimously, did not make substantial change in the notice requirements of the statute. It is thus seen that the Legislature had the entire section before it for consideration and it chose to reaffirm the language which is relevant to the controversy in this case.

In her attempt to justify her failure to comply with the notice statute, appellant noted in her brief at page 4 that since the statute had only recently been enacted, there was no case decision to aid in its interpretation and appellant thus resorted to an examination of cases involving other legal controversies in an attempt to support her claim that the notice sent by her husband should be construed as "substantial compliance" with the Utah Health Care Malpractice Act. Appellant's reliance upon case decisions in other controversies is misplaced.

For example, decisions construing the Utah Governmental Immunity Act have consistently held that the notice requirement

under that Act mean what they say and the information required by the statutory language must be supplied or the action will fail. See Varoz v. Sevey, 506 P.2d 435 (Utah 1973); Gallegos v. Midvale City, 497 P.2d 1335 (Utah 1972), and Scarborough v. Granite School District, 531 P.2d 480 (Utah 1975).

While it is true there have not been many decisions of this Court which have considered the Utah Health Care Malpractice Act, those decisions which have reviewed the Act have given full recognition to its provisions. In Vealy v. Clegg, 579 P.2d 919 (Utah 1978), this Court confirmed that an action could not be commenced until the notice required by Section 8 had been given (the Legislature, in its 1979 session, effectively overturned that portion of Vealy which retroactively applied the notice requirement, but the principle of the case still stands).

Moreover, in four separate cases which were combined for argument and reported by this Court November 1, 1979, the Court gave implicit recognition to the statute and it neither minimized its effect nor challenged its provisions. See McGuire v. University of Utah Medical Center: Hackney, et al., v. Rumel Chest Clinic, et al.; White v. Intermountain Health Care, Inc., et al.; Cleghorn v. Schow, et al., all of which were decided November 1, 1979, and may be found at 603 P.2d 786.

POINT II

APPELLANT HAS FAILED TO PROVE HER CLAIM THAT THE UTAH HEALTH CARE MALPRACTICE ACT IS UNCONSTITUTIONAL, AND HER CLAIM SHOULD THEREFORE BE DENIED.

In her attack upon the constitutionality of the Utah Health Care Malpractice Act, the appellant contends, at page 20 of her brief, that for the Act to be constitutional, "it must be shown that a medical malpractice crisis does in fact exist in Utah, that a classification based upon the lines of health care providers and non-health care providers is not arbitrary, and that the legislation does in fact reduce the number and amount of medical malpractice awards. Absent such a showing, the Utah Health Care Malpractice Act must be declared (sic) unconstitutional as violative of equal protection."

The appellant did not raise this issue in the trial court in any pleading, memorandum or oral argument. It has long been the rule in this and other jurisdictions that an appellant who failed to present an issue in the trial court will not be permitted to present it for the first time on appeal. For the most recent expression of this rule, see State of Utah v. Daniel Lee Laird, 601 P.2d 926 (Utah 1979).

If the Court nevertheless agrees to consider this issue, it should be obvious that the appellant has incorrectly assumed that the Legislature has the burden of proving that its enactments are constitutional and she has failed to

recognize that she has the burden of proving her contention that a statute violates the Constitution. This Court has so ruled repeatedly as exemplified in its 1968 decision in Trade Commission of Utah v. Skaggs Drug Centers, Inc., 446 P.2d 958, and in the more recent decision of Crowder v. Salt Lake County, 552 P.2d 646 (Utah 1976).

The appellant has failed to establish that the challenged Act is constitutionally infirm and she has thus failed in her burden of proof. In the absence of such proof, this Court should follow the principles contained in its decision in Trade Commission of Utah v. Skaggs Drug Centers, Inc., supra, where it said:

In order to preserve the independence and the integrity of the three branches of government, it is of the utmost importance that the judicial exercise restraint and not intrude into the legislative prerogative. It cannot strike down and nullify a legislative enactment unless it is clearly and expressly prohibited by the Constitution or in violation of some plain mandate thereof. The court must make every reasonable presumption which favors constitutionality. The courts have a duty to investigate and, insofar as possible, discover any reasonable avenues by which the statute can be upheld. Every reasonable doubt must be resolved in favor of the constitutionality of the statute. Those who assert the invalidity of the statute must bear the burden of showing it to be unconstitutional. 446 P.2d at 962.

CONCLUSION

In dismissing the action, the trial court properly noted "nothing in the record indicates that Velma Gladys Yates complied at all with the statutory notice requirements."

(Emphasis in original.) The accuracy of this observation is apparent when it is realized that the only notice given was found in the April 7 letter, which did not name the appellant as a claimant, which was not signed by her nor by anyone identified as her attorney.

Aside from these deficiencies, the letter itself fails to meet the statutory requirements of notice required in Section 8 of the Act, and thus the trial court correctly dismissed the action because appellant failed to comply with its specific terms.

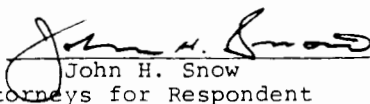
Appellant failed to urge the constitutional issue in the trial court, and when she undertook to raise it here, she failed to carry her burden of proof on the issue of constitutionality and thus her contention in that respect must also fail.

Accordingly, the order of dismissal of the action against this respondent should be affirmed.

Respectfully submitted,

GAYLF F. McKEACHNIE
and
JOHN H. SNOW

By


John H. Snow
Attorneys for Respondent
Vernal Drug Company

MAILING CERTIFICATE

I hereby certify that I mailed two copies of the Brief of Respondent Vernal Drug Company, postage prepaid, this 27th day of February, 1980, to the following:

Robert M. McRae, Esq., 72 East 4th South #355, Salt Lake City, Utah, 84111, attorney for Appellant Yates;

William T. Evans, Esq., 25 South Wolcott, Salt Lake City, Utah 84112, attorney for Respondent Vernal Family Health Center;

Leonard H. Russon, Esq., 702 Kearns Building, Salt Lake City, Utah 84101, attorney for Respondents Uintah County and Uintah County Hospital; and

D. Gary Christian, Esq., 600 Commercial Club Building, Salt Lake City, Utah 84111, attorney for Respondent Balka.
