

1988

# Paul David Destafano v. Oregon Mutual Insurance : Unknown

Utah Supreme Court

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H Ralph Klemm; Attorney for Plaintiff.

Don J Hanson; Bayle, Hanson, Nelson & Chipman; Attorneys for Defendant.

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## Recommended Citation

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ORIGINAL

UTAH COURT OF APPEALS  
BRIEF

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SALT LAKE CITY, UTAH 84111

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VICTORIA H. HALES  
J. ANGUS EDWARDS  
M. TAYLOR FLORENCE

January 13, 1987

DOCUMENT U  
CKET NO. 88-0085-CA

88-0085-CA

Office of the Clerk  
Utah Supreme Court  
332 State Capitol Building  
Salt Lake City, UT 84114

Re: Destafano v. Oregon Mutual Insurance; No. 864<sup>04</sup>072

Dear Mr. Butler:

In a letter dated January 7, 1987, Mr. Don J. Hanson indicated that the appellant, Oregon Mutual Insurance Company, had erroneously designated Mr. Hanson's client, Mid-Century Insurance Exchange, as a defendant/respondent. However, our review of the file shows that this assertion is incorrect. In particular, Mid-Century Insurance Company filed a Motion for Summary Judgment and an accompanying memorandum, as well as a Notice of Hearing on or about July 18, 1986. We have enclosed copies of the Notice of Hearing dated July 18, 1986, and the Motion whereon the certificate of mailing is dated July 18, 1986. Thereafter, on or about July 21, 1986, plaintiff filed his Motion for Summary Judgment and Notice of Hearing, a copy of which is enclosed herein. Oregon Mutual had previously filed a Motion for Summary Judgment on July 10, 1986.

On July 31, 1986, all three motions were heard by the Honorable Raymond S. Uno and were taken under advisement. The trial court rendered its decision on August 5, 1986, and the minute entry order prepared by Judge Uno expressly states that Mid-Century Insurance Exchange's Motion for Summary Judgment was granted. Please find a copy of the minute entry order prepared by the Court enclosed herewith.

FILED

JAN 29 1987

860472

Clerk, Supreme Court, Utah

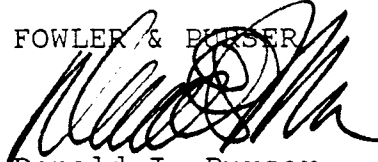
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Office of the Clerk  
January 13, 1987  
Page 2

We apologize for any inconvenience this matter has caused,  
but felt that a response to Mr. Hanson's letter was appropriate.

Very truly yours,

FOWLER & PURSER



Donald J. Purser

J. Angus Edwards

Attorneys for Appellant for  
Oregon Mutual Insurance  
Company

JAE/jec

Enclosures

cc H. Ralph Klemm, attorney for plaintiff/respondent  
Don Hanson, attorneys for defendant/respondent

DON J. HANSON, USB NO. 1354  
BAYLE, HANSON, NELSON & CHIPMAN  
Attorneys for Defendant Mid-Century  
Insurance Company  
1300 Continental Bank Building  
Salt Lake City, Utah 84101  
Telephone: (801) 364-3627

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IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY  
STATE OF UTAH

---

PAUL DAVID DESTEFANO,	)	
Plaintiff,	)	MOTION FOR SUMMARY
	)	JUDGMENT
vs.	)	
OREGON MUTUAL INSURANCE	)	Civil No. C85-6209
COMPANY and MID-CENTURY	)	JUDGE RAYMOND S. UNO
INSURANCE COMPANY,	)	
Defendants.	)	

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Pursuant to the Utah Rules of Civil Procedure, Rule 56, defendant Mid-Century Insurance Company moves the Court for a summary judgment in its favor and against the plaintiff because the pleadings, requests for admissions and other discovery do not show any genuine issues of material fact and Mid-Century is entitled to a judgment as a matter of law as more fully set forth in the Statement of Points and Authorities in support of the Motion for Summary Judgment filed with this Motion.

DATED this \_\_\_\_\_ day of July, 1986.

BAYLE, HANSON, NELSON & CHIPMAN

---

Attorneys for Defendant Mid-Century  
Insurance Company

CERTIFICATE OF MAILING

Mailed a copy of the foregoing Motion for Summary Judgment this 18 day of July, 1986, to:

H. Ralph Klemm  
Attorney for Plaintiff  
500 Clark Leaming Office Center  
175 South West Temple  
Salt Lake City, Utah 84101

Donald J. Purser  
J. Angus Edwards  
FOWLER & MOXLEY  
Attorneys for Defendant Oregon  
Mutual Insurance Company  
340 East 400 South  
Salt Lake City, Utah 84111

151

---

Secretary

DON J. HANSON, USB NO. 1354  
BAYLE, HANSON, NELSON & CHIPMAN  
Attorneys for Defendant Mid-Century  
Insurance Company  
1300 Continental Bank Building  
Salt Lake City, Utah 84101  
Telephone: (801) 364-3627

---

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY  
STATE OF UTAH

---

PAUL DAVID DESTEFANO,	)	
Plaintiff,	)	NOTICE OF HEARING
vs.	)	
OREGON MUTUAL INSURANCE	)	Civil No. C85-6209
COMPANY and MID-CENTURY	)	JUDGE RAYMOND S. UNO
INSURANCE COMPANY,	)	
Defendants.	)	

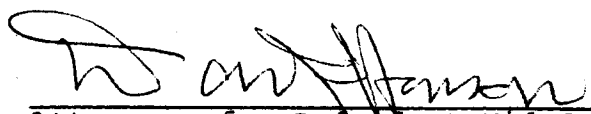
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TO THE ABOVE-NAMED PARTIES AND THEIR RESPECTIVE COUNSEL:

You and each of you will please take notice that the defendant Mid-Century Insurance Company will call up its Motion for a Summary Judgment for hearing before the Honorable Raymond Uno at his Courtroom on Thursday, July 31, 1986, at 8:00 a.m. or as soon thereafter as counsel may be heard.

DATED this 18 day of July, 1986.

BAYLE, HANSON, NELSON & CHIPMAN

  
Attorneys for Defendant Mid-Century  
Insurance Company

CERTIFICATE OF MAILING

Mailed a copy of the foregoing Notice of Hearing this

18 day of July, 1986, to:

H. Ralph Klemm  
Attorney for Plaintiff  
500 Clark Leaming Office Center  
175 South West Temple  
Salt Lake City, Utah 84101

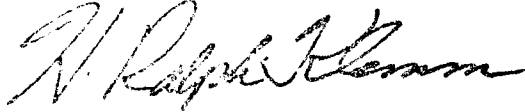
Donald J. Purser  
J. Angus Edwards  
FOWLER & MOXLEY  
Attorneys for Defendant Oregon  
Mutual Insurance Company  
340 East 400 South  
Salt Lake City, Utah 84111

15/  
Secretary





DATED this 21st day of July, 1986.



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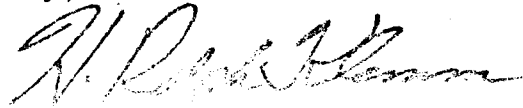
H. RALPH KLEMM  
Attorney for Plaintiff

NOTICE OF HEARING

TO THE DEFENDANTS AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that plaintiff will call his Motion for Summary Judgment on for hearing before the Honorable Raymond S. Uno, District Judge, at his courtroom in the Metropolitan Hall of Justice, 240 East 400 South, Salt Lake City, Utah, on Thursday, July 31, 1986, at the hour of 8:00 A.M., or as soon thereafter as the matter can be heard.

DATED this 21st day of July, 1986.



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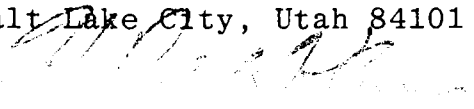
Attorney for Plaintiff

NOTICE OF SERVICE

Served the foregoing Motion and Notice of Hearing this 21st day of July, 1986, by mailing a true copy thereof, by United States Mail, postage prepaid, to attorneys for defendants as follows:

Donald J. Purser  
340 East 4th South  
Salt Lake City, Utah 84111

Don J. Hanson  
1300 Continental Bank Building  
Salt Lake City, Utah 84101

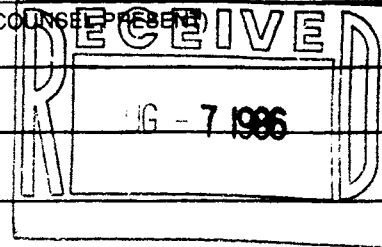


THIRD JUDICIAL DISTRICT  
County of Salt Lake - State of Utah

FILE NO. C 85-6209

(✓) PARTIES PRESENT

COUNSEL: (✓) COUNSEL PRESENT



PAUL, DAVID DESTEFANO,

VS.

OREGON MUTUAL INSURANCE CO.,

MID-CENTURY INSURANCE EXCHANGE,

LAVONNE NADEAU

CLERK

REPORTER

BAILIFF

HON. RAYMOND S. UNO

JUDGE

DATE: AUGUST 5, 1986

RESPECTIVE PARTIES, MOTIONS FOR SUMMARY JUDGMENT, HAVING BEEN TAKEN  
UNDER ADVISEMENT, THE COURT NOW HAVING BEEN FULLY ADVISED IN THE PREMISIS,  
WITH GOOD CAUSE APPEARING, HEREBY ORDERS: 1. OREGON MUTUAL INSURANCE'S MOTION  
FOR SUMMARY JUDGMENT IS DENIED. 2. PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
AGAINST OREGON MUTUAL INSURANCE IS GRANTED. 3. PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT AGAINST MID-CENTURY INSURANCE EXCHANGE IS DENIED. 4. MID-CENTURY  
INSURANCE EXCHANGE'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. PLAINTIFF TO  
REPAIR THE ORDER.

COPIES TO: H. RALPH KLEMM 500 CLARK LEAMING OFFICE CENTER

175 SOUTH WEST TEMPLE 84101

DONALD J. PURSER 340 EAST 4th SOUTH 84111

DON J. HANSON 1300 CONTINENTAL BANK BUILDING 84101