

1999

Trace Minerals International, a Utah Corporation v. Eagle Security Corporatio, a Utah corporation, its successor-in-interest, Alert One, a Utah Corporation, Grant Ashby, and Jane Does, individals, and Action Alarm, Inc., dba Acum U.L. Moitoring Station, and Arizona Corporation : Brief of Appellant

Utah Court of Appeals

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Stacey H. Sullivan; Dennis K. Poole and Associates; Henry E. Heath; Strong and Hanni; Attorneys for Appellee.

Robert C. Keller; Snow, Christensen and Martineua; Attorneys for Appellant.

Recommended Citation

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IN THE UTAH COURT OF APPEALS

**COURT OF APPEALS
BRIEF**

TRACE MINERALS
INTERNATIONAL, a Utah
Corporation,
Plaintiff and Appellant,

**DOCUMENT
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990052

No. 990052 - CA

vs.

EAGLE SECURITY CORPORATION,
a Utah corporation, its successor-in-
interest, ALERT ONE, a Utah
corporation, GRANT ASHBY, and
JANE DOES, individuals, and ACTION
ALARM, INC., dba ACM U.L.
MONITORING STATION, an Arizona
corporation,
Defendants and Appellees.

Priority No. 15

ADDENDUM

Appeal of Decision of the Second Judicial District Court of Weber County,
Judge Roger S. Dutson

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Grant Ashby

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Attorneys for Appellant Trace Minerals
International

FILED

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COURT OF APPEALS

IN THE UTAH COURT OF APPEALS

TRACE MINERALS
INTERNATIONAL, a Utah
Corporation,
Plaintiff and Appellant,

No. 990052 - CA

vs.

EAGLE SECURITY CORPORATION,
a Utah corporation, its successor-in-
interest, ALERT ONE, a Utah
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International

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N:\6205\274\RC\ADDENDUM

Tab 1

CLERK OF DISTRICT COURT

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NOV 17 1998

Henry E. Heath #1441
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Action Alarm, Inc.,
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Telephone: (801) 532-7080

IN THE SECOND JUDICIAL DISTRICT COURT OF WEBER COUNTY

STATE OF UTAH

TRACE MINERALS INTERNATIONAL, a)
Utah Corporation,)
)
Plaintiff,)

PARTIAL SUMMARY JUDGMENT

vs.)

Civil No. 960900386

EAGLE SECURITY CORPORATION, a)
Utah corporation, its successor-in-interest,)
ALERT ONE, a Utah Corporation, GRANT)
ASHBY, and JANE DOES, individuals, and)
ACTION ALARM, INC., dba)
ACM U.L. MONITORING STATION,)
an Arizona corporation,)
)
Defendants.)

Judge Roger S. Dutson

This matter came on for hearing upon the motion of defendant Action Alarm, dba ACM
UL Monitoring Station ("Action Alarm") for summary judgment on the 14th day of October, 1998

before the Honorable Roger S. Dutson, District Judge, with the parties appearing by counsel. The court having received and reviewed the pleadings and having heard oral arguments of the parties and being fully advised in the premises and having considered the evidence in the light most favorable to the plaintiff nevertheless found that reasonable minds could not differ that there was no joint enterprise between and among defendants and Action Alarm is not liable for the fault, if any, of Eagle Security and the court therefore does

ORDER, ADJUDGE AND DECREE that plaintiff's claims of joint enterprise against defendant Action Alarm be and the same hereby are dismissed with prejudice.

FURTHER ORDER that plaintiff's claims against Action Alarm based upon the

allegations of the sole negligence of Action Alarm be and the same hereby are reserved for trial.

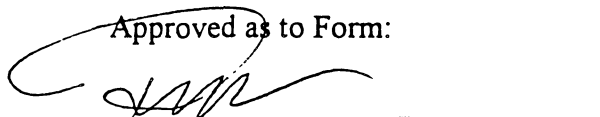
DATED this 4 day of November 1998.

BY THE COURT

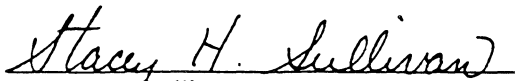


Roger S. Dutson
District Court Judge

Approved as to Form:



Robert C. Keller
Attorney for Plaintiff



Stacey H. Sullivan
Attorney for Defendant Eagle Security Corporation

Tab 2

ROBERT C. KELLER (A4861)
ANDREW M. MORSE (A4498)
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IN THE SECOND JUDICIAL DISTRICT COURT OF WEBER COUNTY
STATE OF UTAH

TRACE MINERALS INTERNATIONAL,
a Utah Corporation,

Plaintiff,

vs.

EAGLE SECURITY CORPORATION, a
Utah corporation, and ACTION ALARM,
INC., dba ACM U.L. MONITORING
STATION, an Arizona corporation,

Defendants.

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Civil No. 960900386PD

Judge Roger S. Dutson

Based upon the stipulation and motion of the parties filed herewith, and for good cause appearing, it is hereby

ORDERED, ADJUDGED, AND DECREED that the above-entitled action is dismissed, without prejudice.

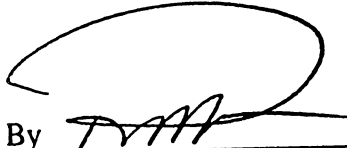
DATED this 23rd day of November, 1998.

BY THE COURT:

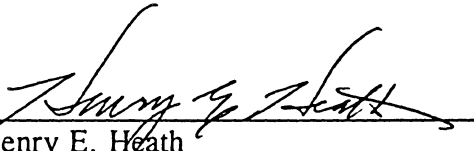
RS ROGER S. DUTSON
Roger S. Dutson
District Court Judge

APPROVED AS TO FORM:

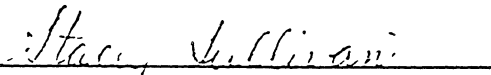
SNOW, CHRISTENSEN & MARTINEAU

By 
Robert C. Keller
Attorneys for Plaintiff

STRONG & HANNI

By 
Henry E. Heath
Attorneys for Defendant Action Alarm

DENNIS K. POOLE & ASSOCIATES

By 
Stacey H. Sullivan
Attorneys for Defendants Eagle Security
and Grant Ashby

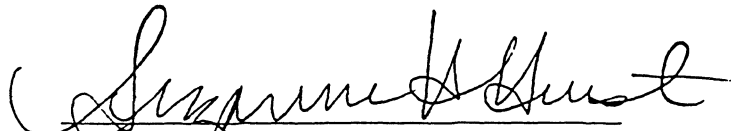
N \6205\274\RCK\DISMISS ORD

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 1998, a true and correct copy of the foregoing ORDER OF DISMISSAL WITHOUT PREJUDICE was served via first class mail to the following:

Henry E. Heath
STRONG & HANNI
Sixth Floor Boston Building
9 Exchange Place
Salt Lake City, Utah 84111

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Suzanne H. Hurst

Tab 3

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IN THE SECOND JUDICIAL DISTRICT COURT OF WEBER COUNTY

STATE OF UTAH

TRACE MINERALS INTERNATIONAL,
a Utah Corporation,

Plaintiff and Appellant,

NOTICE OF APPEAL

vs.

EAGLE SECURITY CORPORATION, a
Utah corporation, its successor-in-interest,
ALERT ONE, a Utah corporation,
GRANT ASHBY, and JANE DOES,
individuals, and ACTION ALARM, INC.,
dba ACM U.L. MONITORING
STATION, an Arizona corporation,

Civil No. 960900386PD

Judge Roger S. Dutson

Defendants and Appellees.

Plaintiff and appellant Trace Minerals International hereby gives notice of appeal of this Court's Order of Partial Summary Judgment entered on November 17, 1998, which became final for purposes of appeal on the Court's Order of Dismissal dated November 23, 1998.

DATED this 2nd day of December, 1998.

SNOW, CHRISTENSEN & MARTINEAU

By

A handwritten signature in black ink, appearing to read "Robert C. Keller", is written over a horizontal line. The signature is stylized and cursive.

Robert C. Keller

Attorneys for Plaintiff and Appellant

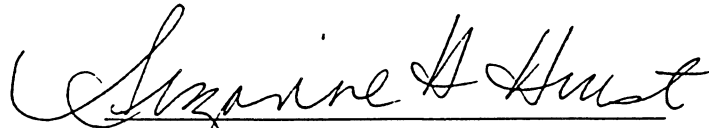
N:\6205\274\RCK\APPEAL.NOT

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 1998, a true and correct copy of the foregoing NOTICE OF APPEAL was served via first class mail to the following:

Henry E. Heath
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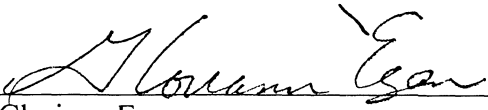

Suzanne H. Hurst

CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of April, 1999, a true and correct copy of the foregoing **ADDENDUM** was served via first class mail to the following:

Henry E. Heath
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Gloriann Egan